

FIFTY-FIFTH DAY

Monday, April 26, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Eiko Watanabe, Nichiren Mission of Hawaii, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 346 to 348) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 346, informing the Senate that on April 22, 1999, he signed the following bills into law:

Senate Bill No. 1478 as Act 21, entitled: "RELATING TO PLANTS";

House Bill No. 102 as Act 22, entitled: "RELATING TO WAGE PAYMENTS"; and

House Bill No. 1492 as Act 23, entitled: "RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION,"

was placed on file.

Gov. Msg. No. 347, informing the Senate that on April 23, 1999, he signed the following bills into law:

House Bill No. 1026 as Act 24, entitled: "RELATING TO INSURANCE PREMIUM TAXES";

House Bill No. 1042 as Act 25, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 1044 as Act 26, entitled: "RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES";

House Bill No. 1121 as Act 27, entitled: "RELATING TO THE SUNSET CLAUSE IN ACT 128, SESSION LAWS OF HAWAII 1997";

House Bill No. 1165 as Act 28, entitled: "RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND"; and

House Bill No. 1168 as Act 29, entitled: "RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM,"

was placed on file.

Gov. Msg. No. 348, advising the Senate that a term to expire of the nominations to the Community-Based Economic Development Advisory Council under Gov. Msg. No. 288, dated April 15, 1999, has been amended as follows: 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, ALAN T. MURAKAMI and YOU SOUKASEUM, terms to expire June 30, 2003, was referred to the Committee on Economic Development.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 685 and 686) were read by the Clerk and were placed on file:

Hse. Com. No. 685, informing the Senate that the Speaker on April 22, 1999, discharged Representative Ahu Isa as a co-chairman and appointed Representative Chang as a co-chairman on the part of the House at the conference on H.B. No. 827, H.D. 3, S.D. 1.

Hse. Com. No. 686, informing the Senate that the Speaker on April 22, 1999, made the following changes in House conferee assignments to the following bills:

H.B. No. 122, H.D. 2 (S.D. 1):

Representative Arakaki appointed as an additional co-chairman.

H.B. No. 142, H.D. 1 (S.D. 2):

Representatives Goodenow and Moses appointed as additional managers.

H.B. No. 150, H.D. 2 (S.D. 1):

Representative Takai appointed as an additional manager.

H.B. No. 274, H.D. 3 (S.D. 2):

Representative Hamakawa replaces Representative P. Oshiro as co-chairman.

H.B. No. 310, H.D. 1 (S.D. 1):

Representative Takai appointed as an additional manager.

H.B. No. 318 (S.D. 1):

Representative Takai appointed as an additional manager.

H.B. No. 377, H.D. 2 (S.D. 2):

Representative Chang replaces Representative Ahu Isa as co-chairman.

H.B. No. 1111, H.D. 2 (S.D. 2):

Representative Hamakawa replaces Representative P. Oshiro as co-chairman.

H.B. No. 1454, H.D. 2 (S.D. 2):

Representative Hamakawa replaces Representative P. Oshiro as co-chairman.

S.B. No. 59, S.D. 1 (H.D. 1):

Representative Yoshinaga appointed as an additional manager.

S.B. No. 1046, S.D. 3 (H.D. 2):

Representatives Goodenow and Moses appointed as additional managers.

STANDING COMMITTEE REPORTS

Senator D. Ige, for the majority of the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1747) recommending that the Senate advise and consent to the nominations of BERT A. KOBAYASHI, AH QUON MCEL RATH, CHARLES NAINOA THOMPSON,

ALLAN K. IKAWA and SHARON R. WEINER to the Board of Regents, University of Hawai'i, in accordance with Gov. Msg. No. 241.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1747 and Gov. Msg. No. 241 was deferred until Tuesday, April 27, 1999.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1748) recommending that the Senate advise and consent to the nomination of CHRISTOPHER T. KOBAYASHI to the Board of Directors, Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 245.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1748 and Gov. Msg. No. 245 was deferred until Tuesday, April 27, 1999.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1749) recommending that the Senate advise and consent to the nomination of CHARLES M. FREDMAN to the State Foundation on Culture and the Arts, in accordance with Gov. Msg. No. 182.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1749 and Gov. Msg. No. 182 was deferred until Tuesday, April 27, 1999.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1750) recommending that the Senate advise and consent to the nomination of MARILYN A. MATSUNAGA as State Administrator, State Health Planning and Development Agency, in accordance with Gov. Msg. No. 263.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1750 and Gov. Msg. No. 263 was deferred until Tuesday, April 27, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1751) recommending that the Senate advise and consent to the nominations of LANCE K. GILLILAND, PAULINE SATO, PHILIP K. OTA, STEVEN S.C. LIM, CHARLES A. PRENTISS, Ph.D., and MICHAEL A. FAYE to the Environmental Council, in accordance with Gov. Msg. No. 276.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1751 and Gov. Msg. No. 276 was deferred until Tuesday, April 27, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1752) recommending that the Senate advise and consent to the nomination of RICHARD H. COX to the Board of Certification of Operating Personnel in Water Treatment Plants, in accordance with Gov. Msg. No. 322.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1752 and Gov. Msg. No. 322 was deferred until Tuesday, April 27, 1999.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

Senator Inouye, jointly with Senator Kawamoto, for the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1753) recommending that H.C.R. No. 201, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 201, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROMOTE, ENCOURAGE, AND STIMULATE PRIVATE TRANSPORTATION BUSINESSES ENGAGED IN THE TOURISM INDUSTRY," was referred to the Committee on Ways and Means.

Senator Kawamoto, jointly with Senator Inouye, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 1754) recommending that H.C.R. No. 4, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 4, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO EXPAND AND MAKE PERMANENT THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1755) recommending that H.C.R. No. 47, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 47, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO ADOPT RESOLUTION NO. 98-226, PROPOSING AMENDMENTS TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, RELATING TO ZONING OF ADULT ESTABLISHMENTS," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1756) recommending that H.C.R. No. 64, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 64, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION'S SUPPORT FOR THE DESIGNATION AND ESTABLISHMENT OF A NATIONAL GUARD RAPID ASSESSMENT AND INITIAL DETECTION TEAM IN HAWAII TO ASSIST THE STATE IN RESPONDING TO NUCLEAR, BIOLOGICAL, OR CHEMICAL THREATS," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1757) recommending that H.C.R. No. 6, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 6, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALTERNATIVE ACCESS ROUTES TO MAJOR COMMUNITIES CURRENTLY SERVED BY A SINGLE ACCESS ROADWAY," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1758) recommending that H.C.R. No. 94, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 94, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALL SCHOOLS IN

HAWAII TO INCLUDE MUSIC AS A REGULAR AND INTEGRAL PART OF THEIR CORE CURRICULUM," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1759) recommending that H.C.R. No. 218 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO DEVELOP A STATEWIDE PROGRAM FOR HAWAII'S SCHOOLS THAT FOCUSES ON STRONG ACADEMIC STANDARDS, ASSESSMENT TESTING, AND ACCOUNTABILITY," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1760) recommending that H.C.R. No. 236, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 236, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO INCREASE EFFORTS TO RECRUIT NON-RESIDENT STUDENTS TO STUDY MEDICINE AT THE JOHN A. BURNS SCHOOL OF MEDICINE AND TO SECURE RESEARCH FUNDS FOR THE JOHN A. BURNS SCHOOL OF MEDICINE," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1761) recommending that H.C.R. No. 237, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 237, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A TEMPORARY ADVISORY COMMISSION TO RECOMMEND A NEW FINANCIAL STRUCTURE FOR LOWER EDUCATION THAT IS COORDINATED WITH EDUCATION GOALS," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1762) recommending that H.C.R. No. 220, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 220, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE AIRPORT DIVISION OF THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF BUDGET AND FINANCE TO WORK CLOSELY WITH AIR CARRIERS SERVING HAWAII TO DEVELOP STRATEGIES TO EFFECTIVELY REDUCE AIRPORT SYSTEM COSTS TO ACHIEVE LOW AND STABLE AIRPORT LANDING FEES, RATES, AND CHARGES," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1763) recommending that H.C.R. No. 56, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 56, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF GENERAL ERIC SHINSEKI AS THE 34TH CHIEF OF STAFF OF THE UNITED STATES ARMY," was adopted.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1764) recommending that S.R. No. 52, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 52, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF GENERAL ERIC SHINSEKI AS THE 34TH CHIEF OF STAFF OF THE UNITED STATES ARMY," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1765) recommending that H.C.R. No. 15, H.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 15, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1766) recommending that H.C.R. No. 35, H.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY, THE HAWAII PAROLING AUTHORITY, AND THE JUDICIARY TO EXPLORE AND FUND ALTERNATIVES TO INCARCERATION FOR NONVIOLENT FEMALE OFFENDERS," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1767) recommending that H.C.R. No. 60 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO USE ALL AVAILABLE INFORMATION TO PROCEED WITH THE SYSTEMATIC IDENTIFICATION OF INMATES CURRENTLY INCARCERATED WHO HAVE DUAL OCCURRING DIAGNOSES OF MENTAL DISORDERS AND ALCOHOL OR SUBSTANCE ABUSE," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1768) recommending that H.C.R. No. 65, H.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 65, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A WORKING GROUP TO LOOK AT DOMESTIC VIOLENCE POLICIES AND PROCEDURES OF THE CRIMINAL JUSTICE SYSTEM ON OAHU AND IDENTIFY GAPS," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1769) recommending that H.C.R. No. 196 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF INFORMATION PRACTICES TO COORDINATE A COMPREHENSIVE ANALYSIS OF CURRENT PROTECTIONS OF THE

PRIVACY OF PERSONAL INFORMATION AND TO SUBMIT PROPOSED LEGISLATION TO THE 2000 LEGISLATIVE SESSION," was adopted.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1770) recommending that H.C.R. No. 232, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 232, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT INFANT AND CHILD CARDIOPULMONARY RESUSCITATION, RESPIRATORY RESUSCITATION, AND FIRST AID TRAINING IN THEIR ADMINISTRATIVE RULES GOVERNING LICENSURE AND REGISTRATION OF CHILD CARE PROVIDERS," was adopted.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1771) recommending that H.C.R. No. 12, H.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 12, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE EXECUTIVE OFFICE ON AGING, IN PARTNERSHIP WITH HOSPICE HAWAII, TO EDUCATE HEALTHCARE PROVIDERS AND THE GENERAL PUBLIC ON THE BENEFITS OF HOSPICE," was adopted.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1772) recommending that H.C.R. No. 169 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE USE OF INDIVIDUAL DEVELOPMENT ACCOUNTS," was adopted.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1773) recommending that H.C.R. No. 190, H.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 190, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO EXTEND ITS SERVICES OF THE NEUROPSYCHOLOGY DEPARTMENT UNTIL APPROPRIATE AND ADEQUATE ALTERNATIVES ARE FOUND," was adopted.

Senator Chun Oakland, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1774) recommending that H.C.R. No. 63, H.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 63, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES TO REVISE ITS STRATEGIC PLAN," was adopted.

Senator Chun Oakland, jointly with Senator Kawamoto, for the Committee on Health and Human Services and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1775) recommending that H.C.R. No. 219 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 219, entitled: "HOUSE CONCURRENT

RESOLUTION URGING THE UNITED STATES CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was adopted.

Senator Chun Oakland, jointly with Senator Kawamoto, for the Committee on Health and Human Services and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1776) recommending that H.C.R. No. 203 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUPPORT HAWAII'S CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT," was adopted.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1777) recommending that H.C.R. No. 22, H.D. 2, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 22, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO SUBMIT A STATUS REPORT ON DOCKET NO. 96-0493, INSTITUTING A PROCEEDING ON ELECTRIC COMPETITION, INCLUDING AN INVESTIGATION OF THE ELECTRIC UTILITY INFRASTRUCTURE IN THE STATE," was adopted.

Senators Kanno and Taniguchi, jointly with Senators Chumbley and Matsunaga, for the Committee on Commerce and Consumer Protection and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1778) recommending that H.C.R. No. 9, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 9, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO VIGOROUSLY PURSUE CIVIL LITIGATION OF THE GASOLINE CASE, AND TO EXPRESS THE LEGISLATURE'S SUPPORT FOR THIS EFFORT," was adopted.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1779) recommending that the Senate advise and consent to the nomination of ALLAN LOS BANOS, JR., to the Board of Directors, Housing and Community Development Corporation of Hawai'i, in accordance with Gov. Msg. No. 191.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1779 and Gov. Msg. No. 191 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1780) recommending that the Senate advise and consent to the nominations of ROBERT M. GRANGER and ROGERENE K.M. ARCE to the Molokai Irrigation System Water Users Advisory Board, in accordance with Gov. Msg. No. 310.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1780 and Gov. Msg. No. 310 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1781) recommending that the Senate advise and consent to the nominations of ISABELLA A. ABBOTT, Ph.D., GEORGINA K. KAWAMURA and BURT H. SAKATA to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 259.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1781 and Gov. Msg. No. 259 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1782) recommending that the Senate advise and consent to the nominations of BRIAN C. NISHIDA and HERBERT M. RICHARDS, JR., to the Commission on Water Resource Management, in accordance with Gov. Msg. No. 321.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1782 and Gov. Msg. No. 321 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1783) recommending that the Senate advise and consent to the nominations of JOHN GOODY, FRANCIS I. SHIMANUKI, KELVIN K.F. CHING, DAVID HIGGINS, KIM NICHOLAS HOLLAND, Ph.D., LYNN J. LEE and KURT K. MENCH, to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1783 and Gov. Msg. No. 239 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1784) recommending that the Senate advise and consent to the nominations of LYNETTE P. TIFFANY and DUNCAN K. SETO to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 307.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1784 and Gov. Msg. No. 307 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1785) recommending that the Senate advise and consent to the nominations of DANA NAONE HALL and MEI LEE WONG to the Island Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 306.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1785 and Gov. Msg. No. 306 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1786) recommending that the Senate advise and consent to the nominations of CHARLES K.H. YOUNG and KEIKIALOHA KEKIPI to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 305.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1786 and Gov. Msg. No. 305 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1787) recommending that the Senate advise and consent to the

nomination of RAYNARD C. SOON as Chairperson, Hawaiian Homes Commission, in accordance with Gov. Msg. No. 150.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1787 and Gov. Msg. No. 150 was deferred until Tuesday, April 27, 1999.

Senator Hanabusa, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1788) recommending that the Senate advise and consent to the nomination of TIMOTHY E. JOHNS as Chairperson, Board of Land and Natural Resources, in accordance with Gov. Msg. No. 155.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1788 and Gov. Msg. No. 155 was deferred until Tuesday, April 27, 1999.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1789) recommending that the Senate advise and consent to the nomination of RAYMOND H. SATO as Comptroller, in accordance with Gov. Msg. No. 143.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1789 and Gov. Msg. No. 143 was deferred until Tuesday, April 27, 1999.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1790) recommending that the Senate advise and consent to the nomination of PATRICK S. YAMADA to the Rental Housing Trust Fund Advisory Commission, in accordance with Gov. Msg. No. 194.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1790 and Gov. Msg. No. 194 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1791) recommending that the Senate advise and consent to the nominations of JACQUELINE K. MURAI and GERONIMO VALDRIZ to the Defender Council, in accordance with Gov. Msg. No. 235.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1791 and Gov. Msg. No. 235 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1792) recommending that the Senate advise and consent to the nomination of HERMAN T. ANDAYA, JR., to the Board of Registration, Island of Oahu, in accordance with Gov. Msg. No. 242.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1792 and Gov. Msg. No. 242 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1793) recommending that the Senate advise and consent to the nomination of CATHY AKEMI SHIM to the Board of Registration, Kauai and Niihau, in accordance with Gov. Msg. No. 243.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1793 and Gov. Msg. No. 243 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1794) recommending that the Senate advise and consent to the

nomination of ALFRED B. CASTILLO, JR., to the Defender Council, in accordance with Gov. Msg. No. 289.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1794 and Gov. Msg. No. 289 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1795) recommending that the Senate advise and consent to the nomination of MARY JUANITA TIWANAK to the Hawai'i Paroling Authority, in accordance with Gov. Msg. No. 295.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1795 and Gov. Msg. No. 295 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1796) recommending that the Senate advise and consent to the nomination of THEODORE I. SAKAI as Director of Public Safety, in accordance with Gov. Msg. No. 156.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1796 and Gov. Msg. No. 156 was deferred until Tuesday, April 27, 1999.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1797) recommending that the Senate consent to the nomination of JOHN S.W. LIM to the office of Associate Judge, Intermediate Appellate Court, 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. 265.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1797 and Gov. Msg. No. 265 was deferred until Tuesday, April 27, 1999.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1745 (Gov. Msg. No. 151):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1745 be received and placed on file, seconded by Senator Iwase and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of BRUCE S. ANDERSON, Ph.D., as Director of Health, term to expire December 2, 2002, seconded by Senator Iwase.

Senator Chun Oakland rose to support the nominee as follows:

"Mr. President, I would like to speak in support of Gov. Msg. No. 151.

"Dr. Bruce Anderson, I believe is an excellent candidate to serve as Director of the Department of Health. He received a Bachelor of Arts degree from Colorado College, a Master of Public Health degree from Yale University, and a Doctor of Philosophy degree in biomedical sciences from the University of Hawaii.

"For the past 11 years, Dr. Anderson has served as Deputy Director for Environmental Health in the Health Department, during which time he worked diligently to create public/private community partnerships to help the Department focus its limited resources on the most pressing environmental problems of this State. As a steward of the State's environmental health issues, Dr. Anderson has shown much creativity and determination in crafting state programs to meet the unique needs of Hawaii. Efforts such as the formation of the

Environmental Management Advisory Group, an advisory committee of community stakeholders and the Ala Wai Canal Watershed Improvement Project, a federally funded effort, demonstrate some of the ways in which Dr. Anderson advanced the Department of Health's mandate of protecting public health in this State.

"Testimony in support of this nominee was submitted by the Community Health Nursing Division of the Department of Health, Commission on Water Resource Management of the Department of Land and Natural Resources, United States Environmental Protection Agency Region 9 Office, Hawaii Health Systems Corporation, Waikiki Health Center, Puna Geothermal Venture, American Academy of Pediatrics, Chamber of Commerce of Hawaii, Hawaii State Primary Care Association, Hawaii Neuropsychology Community Research Bureau, Kona-Kohala Chamber of Commerce, Hawaii Public Health Association, NAMI Oahu, Hawaii Association of Environmental and Recycling Companies, Hawaii Nurses' Association, Hawaii Agricultural Research Center, Hawaii Dietetic Association, Kauai Paramedics Association, Kaiser Permanente, Hawaii Leeward Planning Conference, Hawaii Island Geothermal Alliance, Hawaii Hotel Association, and many others . . . Hawaii Medical Association. The list is quite extensive.

"Dr. Anderson articulated to your committee that he aims to establish his department as a national trendsetter when it comes to policies, programs and services by creating new partnerships with or expanding existing ones in the community and maximizing all financial resources within the department, as well as to streamline and reassess efforts started either by himself or his predecessors.

"Although he recognizes that the fate of the department depends heavily on the state's economy, he does say he is extremely dedicated to meeting the needs of the public with the level of resources allocated. Dr. Anderson reiterated that within the constraints of budgetary appropriations, the department should do all it can to address the problem of smoking and drug abuse in the teen-age population, focus on providing early intervention services for those families at risk for incidences of child abuse and domestic violence, develop more options for long-term care, preserve our state's environmental resources, promote the fitness sports recreation, good nutrition and other healthy activities in our state and around the world, create opportunities for the development of new health technologies and processes in Hawaii, and address some of the under-served populations in our state, such as children needing mental health services and those individuals with developmental disabilities who desire to live in their home or in the community.

"I really, truly believe that Dr. Anderson will be an asset to the administration and with his dedication over these many years to public service, I strongly urge my colleagues to vote in favor of this nominee.

"Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, D. Ige, Levin).

Stand. Com. Rep. No. 1746 (Gov. Msg. No. 153):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1746 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of SUSAN MEYERS CHANDLER, Ph.D., as Director of Human Services, term to expire December 2, 2002, seconded by Senator Fukunaga.

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

"Mr. President, I also speak in favor of this nominee on Gov. Msg. No. 153.

"I believe Dr. Susan Chandler is eminently qualified to lead the Department of Human Services in meeting its legal mandates as well as its stated missions in the years to come. I am confident, based on her tireless work these past four years, that we will continue to see improvements in the area of human services.

"Dr. Chandler has extensive expertise and a highly regarded reputation in her field and has demonstrated immense dedication to public service. She received a Bachelor of Science degree from Cornell University, a Master of Social Work degree from the University of Hawaii, and a Doctor of Philosophy degree in social welfare from the University of California at Berkeley.

"For the past four years, Dr. Chandler has served in arguably one of the toughest positions in this State, that of Director of Human Services. During her tenure as director she constantly looked for creative and innovative approaches that allow the Department of Human Services to accomplish its mission of protecting and helping those least able to care for themselves in a climate of declining state revenues and government right-sizing. In her efforts to develop a more efficient department that serves the public more effectively, she involved all levels of staff, private non-profit organizations, the public, and other governmental agencies.

"Testimony in support of this nominee included a number of different employees and managers of the Department of Human Services, the Office of Youth Services, Housing Community Development Corporation of Hawaii, Children's Advocacy Centers of Hawaii, Healthcare Association of Hawaii, Aloha State Association of the Deaf, State Rehabilitation Advisory Council for the Deaf and Hard-of-Hearing, Good Beginnings Alliance, Mental Health Association in Hawaii, Salvation Army Family Treatment Services, Waikiki Health Center, Hawaii Center for Independent Living, Kamaaina Kids, NAMI Oahu, Adoption Connection, Communities in Schools - Hawaii, National Association of Social Workers, Hawaii State Primary Care Association, American Academy of Pediatrics, Hawaii Medical Association, Comprehensive Evaluation of Hawaii's Healthy Start Program, American Friends Service Committee, Goodwill Industries, Family Support Services of West Hawaii, Domestic Violence Clearinghouse and Legal Hotline, Hawaii Long Term Care Association, Child and Family Service, Hawaii Nurses' Association, and many individuals.

"Dr. Chandler has been able, within the four year period, to accomplish much with the assistance of the community as well as the Legislature. I wanted to reiterate some of these accomplishments.

"The Department of Human Services implemented the electronic benefit transfer system statewide on August 1, 1998, which replaced the old food stamp distribution system. Hawaii completed this ahead of federal mandate and plans to use this system for all cash payments. Hawaii ranks second in the nation for food stamp accuracy and received a \$1.8 million bonus from the federal government last year and many years prior to that, as well.

"The Department of Human Services also received approval of its welfare reform program from the federal government and put it into place via pursuit of new opportunities program in December 1996. Our data shows that more people are employed, earned income and the number of hours worked have increased substantially among people on welfare.

"The Department of Human Services has instituted two new programs to assist welfare recipients to find work. One is the

Transitional Opportunity Program and the Work-Plus Program, which has assisted hundreds of welfare recipients. The Grant-Plus Program is scheduled to begin July 1, 1999 as an incentive for non-profit organizations to hire welfare recipients.

"In fiscal year 1998, this is the fourth year of MedQuest as a demonstration project. The per capita cost, per member, per month is now \$148.08. The per capita cost without QUEST, if we hadn't implemented it and without the support of the administration, would have been \$198, average, for a fee for service program. Thirty-six percent more coverage has been provided in the first four years of QUEST than would have been provided by the temporary assistance to needy families, the state health insurance program and general assistance program combined.

"All of the home and community base waiver programs have significantly expanded their services to serve more people. These waivers include the nursing homes without walls, the residential alternatives community care, developmentally disabled and mentally retarded home and community based services, the program for all-inclusive care and HIV/AIDS community care programs. Institutionalization as a result of her efforts and those of the community and her staff basically provided the prevention or the delay of 1,435 frail elders and disabled adults through chore services, adult day care programs, adult foster care programs, as well as the 1,607 people with the waiver program.

"The Department has also adopted seven outcome statements that are being used to assess the effectiveness of child welfare programs, and I know this particular area has been in the media and has been of great concern to all of us. The child welfare services program has continued to make significant progress in its efforts to protect children from harm and neglect. New state and federal legislation, which we have been involved in these past few years, has made child protection paramount in every decision. Various new initiatives have been implemented, statewide.

"The vocational rehabilitation and services for the Blind Division served 5,627 citizens with disabilities in this state and this is also part of the Department -- 82 percent were competitively employed at the closure of their case; 95 percent of those who were working increased their earnings at the case closure, basically allowing more people to be empowered to be able to live independently.

"Dr. Chandler articulated to your committee that she also aims to establish her department as a national leader and trendsetter when it comes to policies relating to human services. Although she recognizes that the fate of her department depends heavily on the State of Hawaii's economy, she says that she is extremely dedicated to meeting the needs of the public with the level of resources allocated.

"Specifically, in regards to the child protective services area, as chair of the Human Services both in the House as well as now in the Senate, it has been a pleasure to be working with the Department, in general, with regards to the area of child protective services. In the four years that Dr. Chandler has served, she has been personally involved in many of our child protective service roundtable discussions and has actually created opportunities that we had talked about prior to her becoming a director and making it a reality in order that we have better trained personnel within the Department of Human Services, have better opportunities to support the social workers who are doing a tremendous job in this area, also to create more funding opportunities using federal dollars that have become available to various states, including Hawaii, in the recent years. They have actually developed a risk assessment matrix which I think will be more systematic in assessing the child abuse cases that are brought to the attention of the Department. And I believe, overall, her accessibility in many of these issues has been a welcome by this chair.

"I believe that there are a number of concerns that, together, the Legislature, the Department, the Judiciary, the Department of Health, the Police Departments, and many others -- parents, the children involved, advocates, nonprofit organizations -- need to work on. I look forward to this body also providing unanimous support to this nominee.

"Thank you."

Senator Iwase rose to oppose the nomination as follows:

"Mr. President, I'm rising to speak in opposition to the nomination.

"Mr. President, I do so with great reluctance, having met Dr. Chandler. She's a very fine lady with a good heart.

"In his Federalist Papers, James Madison wrote: 'The appointment of public officials, under the doctrine of separation of powers, is an Executive function.' And because of that, I believe that a chief executive should have broad discretion when he or she appoints a public official, a cabinet member, and that nominee should be rejected only for compelling reasons. And I believe those compelling reasons exist today.

"Mr. President, the Department of Human Services is the lead agency for establishing, extending and strengthening services for the protection and care of neglected children. Under the Child Protective Act, Chapter 587, DHS is responsible for investigating reported cases of abuse and neglect, assuming temporary foster custody of children, and petitioning the Family Court for child protective cases. The Department has 230 social workers (I'm reading from the Auditor's Report), 110 social service assistants and family service assistants, with a median case load of 18 -- far less than several years ago when there was an overwhelming amount of cases for the worker -- 18.

"In January 1999, the Legislative Auditor issued her report, 99-5, on the Child Protective Services System. The audit documents the disappointing failure -- failure -- of the system's management in protecting Hawaii's children, and I'd like to read some brief excerpts from the report:

'We found that DHS has not ensured that all child abuse and neglect reports are investigated when appropriate. Supervisory review at key decision-making points has been insufficient and staff have failed to follow established procedures to assess the risk of harm when receiving and investigating reports of suspected abuse and neglect.

'We reviewed 112 cases statewide that were not referred to investigation and were unable to confirm DHS' supervisory review for 88 percent of these cases. Statewide, supervisory review was documented in only 5 percent of the investigated dispositions we reviewed. In a sample of written reports made by individuals who are legally mandated to report suspected abuse and neglect, we found that 13 percent of these reports were not identified' -- not identified -- 'on the DHS intake logs and in the Child Protective Services System. . . .

'Nearly half of the child abuse and neglect cases reported statewide during June 1998 were not registered in the CPSS. . . . In a one-month period that we reviewed, DHS failed to refer' -- failed to refer -- 'to the county police about 40 percent of the reports of child sexual assault that it received. . . .

'DHS has also been remiss in its obligation to seek Family Court jurisdiction when required.'

"Mr. President, the audit was performed from June 1998 to January 1999, and since the audit, DHS has taken steps to implement changes. And I thank Dr. Chandler for meeting with me and I am pleased that she is pursuing these much needed

reforms. However, these serious, grievous, and documented deficiencies in management should have been addressed and eliminated earlier. It should not have been prompted, nor accelerated, by an audit.

"Over the past year-and-a-half, we have witnessed horrific cases of child abuse that break your heart -- Peter Boy Kema, Reubyn Buentipo, the Pada case are but a few. And while no system is perfect and no perfect system will ever prevent all cases of child abuse, it is DHS's responsibility to provide the best system possible. The Auditor's report establishes that we fell far short of that duty and obligation. And when the State fails in that duty, the children of this State -- who most need our protection -- are harmed and suffer.

"As adults, when children are involved, we must expect and we must demand more of ourselves in our performance, and this did not happen with Child Protective Services -- management failed. And for this reason, Mr. President, I will be -- for the first time in my political career -- casting a 'no' vote on a nominee to the cabinet.

"Thank you."

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

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

"Mr. President, I have some of the same concerns as the Honorable Senator from Mililani. And also, Mr. President, I've had many phone calls asking me to vote against the nominee. But Mr. President, I feel that it was my duty also, like the Senator from Mililani, to go down and look into more details, because while it is important that we get public input and public sentiment in terms of the nomination for the department head, we need to go beyond that and to find out how good of a job the person is doing as a manager. And despite what public sentiment is going to be, we owe that not only to the public, but also to the person, to go down and to find out more details and not make nominations a point of public popularity or unpopularity.

"Mr. President, I had the opportunity to sit down with Ms. Chandler and discuss some of my concerns and the concerns of the people who called me, specifically in regard to child welfare. I specifically asked her a question: What steps have been taken to assure that as a manager, the employees under her believe and will follow through on some of the important policies and procedures that are in place to protect the children? I asked her what kind of consequences she has implemented, both positive and negative, to ensure that the employees of her department and those divisions working with children know how severe and important it is to follow those procedures, and most of all, to be concerned not with procedures, but with the welfare of the children.

"I sat down and talked with her heart to heart in terms of what efforts she has taken, and what some of her frustrations have been about working within the system. And I've come away from that conversation with the feeling that she genuinely believes that she can do a good job. I've come away with a feeling that she genuinely believes and wants to help the children and she will not stand to have people and procedures stand in the way of a child's welfare. I've come away from that conversation that she will and can be a good director for the State.

"So Mr. President, based upon my conversation with her, based upon my looking at not only the Auditor's report but some of the progress that has been made since then, I believe that Ms. Chandler will go forward and follow through with some of the commitments that she has made for the benefit of the children. So I ask all my colleagues to support the nomination."

Senator Slom rose to speak against the nominee and said:

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

"I, too, had an opportunity to meet with and discuss issues with Dr. Chandler and I appreciate that. But I also had an opportunity to talk to employees, confidentially, within the Department, and many of those employees give a very different perspective as to what has happened, what is happening, and what they believe will happen in the future. And many of them were extremely concerned and they are very disheartened about the things that have happened and fallen through the cracks.

"The Senator from Mililani mentioned the Auditor's report, but actually there were three Auditor's reports, starting with December 1997, the Management Audit of the Department of Human Services; in April of last year, the Audit of the Implementation of the Child Support Enforcement Agency's Information System; and then finally, the Audit of the Child Protective Services System. In each and every one of these reports there were glaring inefficiencies and management problems, and they have not been corrected.

"While it is true that steps are now being taken, the question is, How long must we wait? And how many more people are going to have to suffer? The committee report that reviewed the nomination said, quote 'there have been small signs of improvement in the Child Protective Services system (CPS) over the last two years, and notes that improvements are ongoing.' But it 'still requires serious attention.' The committee report went on to say, 'Your Committee does not believe that Dr. Chandler should be faulted for any individual tragedy.' And I would subscribe to that, Mr. President, except for the fact that we're not talking about fault as much as we are talking about accountability and responsibility.

"Throughout my lifetime in my career I've held a number of different positions -- first, as an employee. And as an employee, I had responsibilities, particularly if I had supervisory or managerial responsibilities. And if I didn't get the job done, the job that was expected of me, if there were mistakes everybody said, 'Well, he's really trying; he's got a good heart; he's a good soul; but he didn't do it -- see you.' Because the objective is to get the job done and protect the people that you're supposed to protect.

"As an employer with employees, I strive for the best and encourage my employees, but they have to take responsibility. And if the don't do the job, as painful as it is, they must be replaced in order that your objectives are fulfilled and that the trust people place in you is well placed.

"In a previous life I was a professor and a teacher, called upon to grade students of all ages and all backgrounds, and it's tough grading people. However, if you're going to be a good professor or good teacher you don't grade them on what they could do, what their potential is, what they might do, what they feel, what they say or how concerned they are. You must grade them on what they have done -- either their accomplishments or lack thereof.

"And finally, Mr. President, as a Legislator, I, among my colleagues, must look at the people and the issues, the bills that we vote for. And we must be content in our own minds that we have done the very best job not only in researching and talking to people and listening to all points of view, but taking the responsibility and accountability for ourselves, because that, after all, is the bottom line. It is our responsibility.

"In our State, next to our State motto seems to be our assistant motto: It's not my fault; it's not me; it's the Legislature; it's the system; it's the budget; it's this; it's that. Somebody has to stand up and say, 'Yeah, it is me.' In small business we have to do that all the time because it's my name up there on the marquee. I can't blame it on lack of staff or inconsideration or lack of budget or anything else. And I think

that we have to hold people just as accountable, particularly when we approve them, because when we approve them, we are saying we approve what they do or what they have not done.

"Far too often we grow attachments to individuals. And the people that we are giving the taxpayers' money to, and the taxpayers' trust, we kind of forget a little about the taxpayers and about the people outside and the attachment is for the political appointee. I saw the tears, and the sensitivity and the hugging for the political appointee. But where are the tears and the hugging and the sensitivity for Reubyne and Peter Boy and Cedra and the others? We have to get our priorities straight. We have to know who we're responsible for. When we're talking about child protection, we must protect the children! And we're not doing it! It's pure and simple.

"And when the department is called the Department of Human Services, it may be good to talk about how many food stamps we've processed, how much money we've saved, how many opportunities we've created. But if it's human services, then we have to provide that, first and foremost, and not think that we can do a better job; we have to do the better job. And that is what we should grade, and that is what we should vote upon, and I call upon my colleagues to search their consciences and to reject this nomination today.

"Thank you, Mr. President."

Senator Tam rose to speak with reservations on the nominee and said:

"Mr. President, I stand before you to vote with reservations on the appointee.

"This is not an easy task to do so, but I look upon it in terms of my confirmation vote as one of looking at management capabilities. As many of you know, now that I have the responsibility as the chairman for Government Operations and Housing, I have outlined in terms of what we expect out of our managers of the administration, and it's basically to establish goals and objectives and an action plan. For you see, out there in the real world, if one does not have that, one is not a manager.

"But I also realize that the nominee, Susan Chandler, is a very nice person and also I'm impressed with her academic background. And she has done some things which I appreciate, very much so, and she's taken care of our social problems. But what comes to my mind now is basically the frustrations of the public. One in particular that comes to mind at this time is that she refuses to monitor the group living facilities throughout the whole State of Hawaii. I have group living facilities within my community. I'm concerned about the safety and health of these people or residents, who essentially are adults. When I found out that Dr. Chandler refused to monitor these facilities for the sake of the residents living there and the rest of the community, I was quite concerned.

"I remember when I was in the House of Representatives in the days when the issue was child abuse. And what did we have to do in the Legislature? We reacted. We created laws. But the question is, Why do we have to do that? Why doesn't the administration, whatever administration it is, take hold of preventive measurements? Do we always have to be reactionary? It seems like that's what we doing constantly, year after year.

"A good manager takes care of the day-to-day operations and alleviates the burden out there in society. So I'm very concerned in this case of our group-living facilities.

"I wish to have much clearer directions for the Department of Human Services, but I'm willing to work with the Director in resolving these issues this year. We have before us some legislation and I hope that she will change her mind and agree

to work together, rather than objecting to the legislation before us.

"Again, it's quite frustrating when administrators refuse to address the problem before the problem occurs. We are all prone to reactions and I don't want to be emotional about this reaction whereby out there in the community, after incidents occur then we have to react. We should be preventive. Preventive in nature is good for all society.

"Thank you."

Senator Hanabusa requested her vote be cast "aye, with reservations," and the Chair so ordered.

Senator Levin rose to support the nominee as follows:

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

"Mr. President, it's been noted by my worthy colleague that these child abuse cases, which seem to be the focus of much of this discussion, break hearts. There's no doubt about it, they break all our hearts. And there is also no doubt that they break the heart of Dr. Chandler every time a case like this comes up.

"A vote against Dr. Chandler would be a vote that denies the State the services of a dedicated, effective public servant. And for that reason, I think such a vote would be a mistake. I urge all my colleagues to vote 'aye.'"

Senator Anderson rose to oppose the nomination and said:

"Mr. President, I'll be speaking against the nominee.

"I agree she's a very nice person. However, I listened to my colleague that read the reports from the Auditor. When the Majority Floor Leader says that we are not supposed to listen to all of the people, I don't think that's quite true. This is one of the few times that my fax machines have gone crazy, telling me why people are opposed to having the person nominated or renominated. The people have all kinds of concerns.

"I personally, from one of my constituents, had a letter on fraud -- absolutely bona fide, documented -- and the only thing that the Department of Human Services told me at first was the caseload person who handled it said there was no problem; then he or she said they were short of staff. It took over a year to take care and remedy that problem. That's not fair to what we're trying to do here.

"I have no animosity against the person and I didn't even plan on speaking. But it bothers me when people have reservations or say, 'I talked to them and they're going to be good administrators from here on in.' I'm not sure what happens when you have an administrator who says, can you handle this. I don't really know if there's follow-up. I don't know if they really do ask people to handle a lot of these things that go on in the different departments. We're not privileged with this kind of information. The Auditor says that it doesn't happen; I rely on the Auditor's in depth analysis.

"And for these reasons and on behalf of all of the different people that have told me, mostly from the neighboring islands, their concerns on what is not happening, I will be voting 'no,' Mr. President.

"Thank you very much."

Senator Nakata rose to support the nominee as follows:

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

"The task that she has been performing and is performing and I hope will continue to perform is a very difficult one. It involves working with some of the most delicate human relations problems that we encounter. I have no reason to doubt

her heart and her caring for those who are in her charge. And in working with fragile human beings, judgment calls have to be made by her and by her staff.

"From what I know of her, I have no doubt that she wishes the best for all who are in her charge. Certainly, mistakes get made, but I think with this person, we need to give her the benefit of the doubt. I shouldn't even be saying that. I fully support this nominee. There have been times when we have differed. She did, I think, a good job on welfare reform. I didn't agree with everything that came out.

"I'm personally acquainted with a family situation where I did not agree with her actions, but I still fully support this nominee.

"Thank you."

Senator Inouye then added her remarks in support as follows:

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

"As reflected by the words of my colleague, the Senator of Puna and South Kona, I would like the Journal to reflect those comments as if they were my own, please, Mr. President."

Senator Matsuura then rose with reservations and said:

"Mr. President, I rise with reservations.

"I commend her on what she has done on the welfare service over the past years, but I plead with her to use the same vigor that she has done with the welfare system to pursue helping the Child Protective Service.

"I will be voting with reservations. Thank you."

Senator Kawamoto also rose to speak with reservations on the nominee and said:

"Mr. President, I rise with reservations.

"Mr. President, five years ago when we went into MedQuest, the concept was low cost, more coverage. Ever since we had MedQuest, every year we have an emergency between \$31 million to \$42 million this year. And every year, I think we have increased or not touched the Human Services budget and I don't know how our co-chairs of Ways and Means can manage the budget with continuous requests for emergency funds. In this case, I hope this reservation would have her look at the budget and ensure that we've seen the last of emergency funds for this department.

"Thank you."

Senator Bunda requested his vote be cast "aye, with reservations," and the Chair so ordered.

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

Ayes, 19. Noes, 6 (Anderson, Buen, M. Ige, Iwase, Slom, Tanaka). Excused, none.

At this time, Senator Chun Oakland introduced Dr. Anderson and Dr. Chandler who were seated in the gallery with their supporters.

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 14, from the Hawaii Health Systems Corporation dated April 21, 1999, transmitting a report pursuant to Act 338, SLH 1997, relating to the Program of All Inclusive Care for the Elderly (PACE), was read by the Clerk and was placed on file.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 737, S.D. 2 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 737, S.D. 2, seconded by Senator M. Ige and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 737, S.D. 2, seconded by Senator M. Ige.

Senator Nakata explained:

"Senate Bill No. 737, S.D. 2, H.D. 1, creates a notification process for noise on small projects to replace the permit process that is now in place. The House version makes it clear that the Department of Health can charge a fee for the notification and excludes Sundays and holidays from the exemption."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 737, S.D. 2, and S.B. No. 737, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," was placed on the calendar for Final Reading on Tuesday, April 27, 1999.

S.B. No. 738, S.D. 1 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 15, 1999, in disagreeing to the amendments proposed by the House to S.B. No. 738, S.D. 1, seconded by Senator M. Ige and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 738, S.D. 1, seconded by Senator M. Ige.

Senator Nakata noted:

"Senate Bill No. 738, S.D. 1, H.D. 1, also relating to noise, shortens the permitting process from 180 days to 30 days. The House has made technical and nonsubstantive amendments. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 738, S.D. 1, and S.B. No. 738, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION," was placed on the calendar for Final Reading on Tuesday, April 27, 1999.

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

Senator Fukunaga, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for Gov. Msg. Nos. 146, 157, 316, 317, 319 and 344, and the Chair granted the waiver.

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

"May I be permitted to rise on a point of personal privilege?"

"I wanted to state publicly my regret that I was unable to be here to vote 'aye' on Dr. Bruce Anderson's nomination as Director of Health. I very much enjoyed working with him in my years as chair of the Health Committee in the Senate when he was a deputy director, and I have since enjoyed working with him in his capacity as Director of Health since his appointment.

"I think he's doing a fine job, and I certainly would have supported his nomination had I been on the floor. Thank you."

Senator M. Ige rose on a point of information as follows:

"Mr. President, I rise on a point of information. I guess it's a point of information for the co-chair of Ways and Means.

"On that governor's message, who is on that message and what time is the meeting? Thank you."

Senator Fukunaga replied:

"The governor's messages that were part of the confirmation hearing held on Friday included two nominees for cabinet positions as well as a number of nominees for the Board of Taxation. We will be distributing the hearing notice later on this afternoon."

Senator M. Ige inquired:

"Mr. President, the answer is Mr. Anzai and Mr. Kamikawa. Is that correct?"

Senator Fukunaga responded:

"As well as all other candidates for the Board of Taxation."

Senator M. Ige further inquired:

"Okay. My second question would be, What time?"

Senator Fukunaga stated:

"We are tentatively planning on a regular 9:00 a.m. time. However, we will be submitting the hearing notice to the Clerk's Office shortly."

At 12:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:37 o'clock p.m.

APPOINTMENT AND DISCHARGE OF CONFEREES

H.B. No. 1663, H.D. 2 (S.D. 2):

The President discharged Senator D. Ige as a co-chairman and Senators Kanno, Taniguchi and Slom as managers, and appointed Senator Fukunaga as a co-chairman and Senators Chumbley, Chun, D. Ige, Nakata and Anderson as managers on the part of the Senate at the conference to be held for the consideration of the amendments proposed by the Senate to H.B. No. 1663, H.D. 2.

ADJOURNMENT

At 12:38 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 27, 1999.