

FIFTY-SIXTH DAY

Tuesday, April 27, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Woodrow Yasuhara, District Superintendent of the Hawaii Assemblies of God, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 349 and 350) were read by the Clerk and were placed on file:

Gov. Msg. No. 349, informing the Senate that on April 23, 1999, he signed the following bills into law:

House Bill No. 50 as Act 30, entitled: "RELATING TO TEMPORARY DISABILITY INSURANCE";

House Bill No. 250 as Act 31, entitled: "RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS FOR THE UNIVERSITY OF HAWAII";

House Bill No. 979 as Act 32, entitled: "RELATING TO AGRICULTURAL LOANS";

House Bill No. 983 as Act 33, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE AGRIBUSINESS DEVELOPMENT CORPORATION";

Senate Bill No. 1051 as Act 34, entitled: "RELATING TO DISCLOSURE OF DEPARTMENT OF HUMAN SERVICES' RECORDS";

Senate Bill No. 1080 as Act 35, entitled: "RELATING TO PLANNING AND COMMUNITY DEVELOPMENT"; and

Senate Bill No. 1460 as Act 36, entitled: "RELATING TO CERTIFIED SUBSTANCE ABUSE STAFF."

Gov. Msg. No. 350, dated April 26, 1999, transmitting his statement of objections to Senate Bill No. 1280 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 23, 1999

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1280

Honorable Members
Twentieth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1280, entitled 'A Bill for an Act Relating to Motor Carriers.'

This bill is identical to House Bill No. 1034, which was passed by the legislature and transmitted to me on April 7, 1999. Since I intend to approve House Bill No. 1034, there is no need to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 1280 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano
BENJAMIN J. CAYETANO
Governor of Hawaii"

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 34, from the State Auditor dated April 26, 1999, transmitting a report, "Study of the Fiscal Impact of Providing Certain Benefits to Reciprocal Beneficiaries," (Report No. 99-17), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 687 to 731) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 687, returning S.C.R. No. 4, S.D. 1, which was adopted by the House of Representatives on April 26, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 4, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 688, returning S.C.R. No. 33, S.D. 1, which was adopted by the House of Representatives on April 26, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 33, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 689, returning S.C.R. No. 64, S.D. 1, which was adopted by the House of Representatives on April 26, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 64, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 690, returning S.C.R. No. 77, which was adopted by the House of Representatives on April 26, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 77 and requested a conference on the subject matter thereof.

Hse. Com. No. 691, returning S.C.R. No. 91, S.D. 1, which was adopted by the House of Representatives on April 26, 1999, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 91, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 692, returning S.C.R. No. 130, which was adopted by the House of Representatives on April 26, 1999, in an amended form, was placed on file.

Hse. Com. No. 721, returning S.C.R. No. 152, S.D. 1, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 722, returning S.C.R. No. 188, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 723, returning S.C.R. No. 195, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 724, returning S.C.R. No. 201, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 725, returning S.C.R. No. 202, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 726, returning S.C.R. No. 210, S.D. 2, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 727, returning S.C.R. No. 219, S.D. 1, which was adopted by the House of Representatives on April 26, 1999, was placed on file.

Hse. Com. No. 728, informing the Senate that the Speaker on April 26, 1999, re-referred the following bills, therefore changing the order of the co-chairman to Representatives Ito, Yoshinaga, Catalani on the following bills:

H.B. No. 522, H.D. 3 (S.D. 2); and
S.B. No. 1475, S.D. 1 (H.D. 2),

was placed on file.

Hse. Com. No. 729, informing the Senate that the Speaker on April 26, 1999, made the following changes in House conferec assignments to the following bills:

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

Representative Luke replaces Representative Herkes as co-chairman;

H.B. No. 1683, H.D. 2 (S.D. 2):

Representative Luke replaces Representative Herkes as co-chairman;

S.B. No. 676, S.D. 1 (H.D. 2):

Representative Menor appointed as an additional co-chairman,

S.B. No. 1583, S.D. 2 (H.D. 2):

Representative Luke replaces Representative Herkes as co-chairman; and

was placed on file.

Hse. Com. No. 730, informing the Senate that the Speaker on April 26, 1999, appointed Representative Menor as an additional co-chairman on the part of the House at the conference on H.B. No. 11, H.D. 1, S.D. 1, was placed on file.

Hse. Com. No. 731, informing the Senate that the Speaker on April 26, 1999, discharged Representatives Ito, Menor, P. Oshiro and Takamine as co-chairmen and Representative McDermott as a manager; and appointed Representatives Yoshinaga and Yamane as co-chairmen and Representatives Arakaki, Kanoho, Nakasone, Leong and Marumoto as managers

on the part of the House at the conference on H.B. No. 1663, H.D. 2, S.D. 2, was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 560, S.D. 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 560, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 560, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1321, S.D. 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 1321, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 1321, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, jointly with Senator D. Ige, for the Committee on Health and Human Services and the Committee on Education and Technology, presented a joint report (Stand. Com. Rep. No. 1798) recommending that H.C.R. No. 14, H.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. 14, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING EFFECTIVE PAIN MANAGEMENT PROGRAMS BE REQUIRED IN ALL HEALTHCARE INSTITUTIONS," was adopted.

Senator Chun Oakland, jointly with Senator D. Ige, for the Committee on Health and Human Services and the Committee on Education and Technology, presented a joint report (Stand. Com. Rep. No. 1799) recommending that H.C.R. No. 79 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. 79, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON CHILD AND ADOLESCENT MENTAL HEALTH," was adopted.

Senator D. Ige, jointly with Senator Chun Oakland, for the Committee on Education and Technology and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1800) recommending that H.C.R. No. 76, H.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. 76, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COLLABORATIVE PARTNERSHIP TO INCREASE THE NUMBER OF CHILDREN WHO HAVE AN OPPORTUNITY TO EAT A NUTRITIOUS BREAKFAST IN THE PUBLIC AND PRIVATE SCHOOLS, PRE-SCHOOLS, AND GROUP CARE," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1801) recommending that H.C.R. No. 7, 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. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO RESTRUCTURE THE DEPARTMENT OF EDUCATION TO ENSURE ACCOUNTABILITY AT ALL LEVELS," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1802) recommending that H.C.R. No. 18, 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. 18, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO EXPAND FAMILY AND PARENTING CLASSES TRAINING AND GUIDANCE FOR HIGH SCHOOL STUDENTS," was adopted.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 1803) recommending that H.C.R. No. 208, 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. 208, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE FOR THE MILLENNIUM PROJECT," was adopted.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 1804) recommending that S.R. No. 78 be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 78, entitled: "SENATE RESOLUTION REQUESTING STATE AGENCIES TO SUBMIT AN ELECTRONIC COPY OF DOCUMENTS PRODUCED PURSUANT TO LEGISLATIVE REQUEST," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1805) recommending that the Senate advise and consent to the nomination of MARGERY S. BRONSTER as Attorney General, in accordance with Gov. Msg. No. 145.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1805 and Gov. Msg. No. 145 was deferred until Wednesday, April 28, 1999.

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

The Senate reconvened at 11:52 o'clock a.m.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1747 (Gov. Msg. No. 241):

Senator D. Ige moved that Stand. Com. Rep. No. 1747 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator D. Ige then moved that the Senate advise and consent to the nomination of BERT A. KOBAYASHI to the Board of Regents, University of Hawai'i, term to expire June 30, 2003, seconded by Senator Sakamoto.

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

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Bunda, Fukunaga, Levin).

Senator D. Ige then moved that the Senate advise and consent to the nominations of AH QUON MCEL RATH, CHARLES NAINOA THOMPSON, ALLAN K. IKAWA and SHARON R. WEINER to the Board of Regents, University of Hawai'i, terms to expire June 30, 2003, seconded by Senator Sakamoto.

Senator Tam rose to speak with reservations as follows:

"Mr. President, I wish to register my vote 'with reservations' on Sharon Weiner. 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 (Bunda, Fukunaga, Levin).

Stand. Com. Rep. No. 1748 (Gov. Msg. No. 245):

Senator D. Ige moved that Stand. Com. Rep. No. 1748 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator D. Ige then moved 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, term to expire June 30, 2003, seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 1749 (Gov. Msg. No. 182):

Senator D. Ige moved that Stand. Com. Rep. No. 1749 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator D. Ige then moved that the Senate advise and consent to the nomination of CHARLES M. FREEDMAN to the State Foundation on Culture and the Arts, term to expire June 30, 2002, seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 1750 (Gov. Msg. No. 263):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1750 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 MARILYN A. MATSUNAGA as State Administrator, State Health Planning and Development Agency, term to expire June 30, 2003, seconded by Senator Iwase.

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

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

Stand. Com. Rep. No. 1751 (Gov. Msg. No. 276):

Senator Nakata moved that Stand. Com. Rep. No. 1751 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 to the Environmental Council of the following:

LANCE K. GILLILAND and PAULINE SATO, terms to expire June 30, 1999 and June 30, 2003; and

PHILIP K. OTA, STEVEN S.C. LIM, CHARLES A. PRENTISS, Ph.D., and MICHAEL A. FAYE, 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, 22. Noes, none. Excused, 3 (Bunda, Fukunaga, Levin).

Stand. Com. Rep. No. 1752 (Gov. Msg. No. 322):

Senator Nakata moved that Stand. Com. Rep. No. 1752 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 nomination of RICHARD H. COX to the Board of Certification of Operating Personnel in Water Treatment Plants, term 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, 22. Noes, none. Excused, 3 (Bunda, Fukunaga, Levin).

Stand. Com. Rep. No. 1779 (Gov. Msg. No. 191):

Senator Tam moved that Stand. Com. Rep. No. 1779 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Tam then moved 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, term to expire June 30, 2002, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1780 (Gov. Msg. No. 310):

Senator Hanabusa moved that Stand. Com. Rep. No. 1780 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Molokai Irrigation System Water Users Advisory Board of the following:

ROBERT M. GRANGER, terms to expire June 30, 1999 and June 30, 2003; and

ROGERENE K.M. ARCE, term to expire June 30, 2003,

seconded by Senator Tanaka.

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

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

Stand. Com. Rep. No. 1781 (Gov. Msg. No. 259):

Senator Hanabusa moved that Stand. Com. Rep. No. 1781 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Kaho'olawe Island Reserve Commission of the following:

ISABELLA A. ABBOTT, Ph.D., term to expire June 30, 2000; and

GEORGINA K. KAWAMURA and BURT H. SAKATA, terms to expire June 30, 2003,

seconded by Senator Tanaka.

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

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

Stand. Com. Rep. No. 1782 (Gov. Msg. No. 321):

Senator Hanabusa moved that Stand. Com. Rep. No. 1782 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved 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, terms to expire June 30, 2003, seconded by Senator Tanaka.

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

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

Stand. Com. Rep. No. 1783 (Gov. Msg. No. 239):

Senator Hanabusa moved that Stand. Com. Rep. No. 1783 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Kaneohe Bay Regional Council of the following:

JOHN GOODY and FRANCIS I. SHIMANUKI, terms to expire June 30, 2000;

KELVIN K.F. CHING and DAVID HIGGINS, terms to expire June 30, 2001; and

KIM NICHOLAS HOLLAND, Ph.D., LYNN J. LEE and KURT K. MENCH, terms to expire June 30, 2002,

seconded by Senator Tanaka.

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

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

Stand. Com. Rep. No. 1784 (Gov. Msg. No. 307):

Senator Hanabusa moved that Stand. Com. Rep. No. 1784 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved 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, terms to expire June 30, 2003, seconded by Senator Tanaka.

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

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

Stand. Com. Rep. No. 1785 (Gov. Msg. No. 306):

By unanimous consent, action on Stand. Com. Rep. No. 1785 and Gov. Msg. No. 306 was deferred until Wednesday, April 28, 1999.

Stand. Com. Rep. No. 1786 (Gov. Msg. No. 305):

Senator Hanabusa moved that Stand. Com. Rep. No. 1786 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved 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, terms to expire June 30, 2003, seconded by Senator Tanaka.

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

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

Stand. Com. Rep. No. 1787 (Gov. Msg. No. 150):

Senator Hanabusa moved that Stand. Com. Rep. No. 1787 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of RAYNARD C. SOON as Chairperson, Hawaiian Homes Commission, term to expire December 31, 2002, seconded by Senator Tanaka.

Senator Hanabusa rose in support of the nominee and said:

"Mr. President, I rise to speak in support of Mr. Soon's appointment.

"Mr. President and colleagues, I believe we are very fortunate to have someone of Mr. Soon's caliber, character and experience to stand before us as the Chairman for the Hawaii Homes Commission. Mr. Soon has had a myriad of experience with the Commission itself. From 1991 to the current time, he has served in the Commission. He is what we all want to see -- someone who actually knows how the institution, how the department operates, and basically works his way, not necessarily from the bottom, but through all of its different aspects so he can lead it as a leader that it does need.

"From 1991 to 1993, Mr. Soon served as the administrator of the Land Development Division. From 1993 to 1995, he served as the administrator for the Land Management Division. From

1996 to current, he has been the administrator for the Temporary Development Assistance Group.

"Mr. Soon is a local boy, being a 1967 graduate of Kalani High School. He received his Bachelor's of Fine Arts at the University of Hawaii, Manoa and in 1976 he received his Masters in City Planning at Harvard University. Mr. Soon served in both the public and private sectors prior to coming here, and now he is willing to take on the responsibility of the Department of Hawaiian Home Lands.

"As a personal note, one of the things that confirmed my support of Mr. Soon is when we heard the controversial elected Hawaiian Homes Commission bill. There was, of course, the institutional position on the topic, but Mr. Soon came before the committee, in a personal capacity, saying that, 'it was time.' He shed his cloak, or whatever you want to call it, as the acting administrator and took on the role as a Hawaiian and spoke for what he believed to be the betterment of the beneficial group. I think that takes a lot of courage, and as I stated earlier, I have gained a lot of respect for this gentleman.

"I ask that you vote in concurrence of his confirmation.

"Thank you very much."

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

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

Stand. Com. Rep. No. 1788 (Gov. Msg. No. 155):

Senator Hanabusa moved that Stand. Com. Rep. No. 1788 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of TIMOTHY E. JOHNS as Chairperson, Board of Land and Natural Resources, term to expire December 31, 2002, seconded by Senator Tanaka.

Senator Hanabusa rose to speak in support of the nominee and said:

"Mr. President, I rise in support of Mr. Johns.

"Mr. President and members, Mr. Johns comes with such a diverse background. I first met him when he was the General Counsel for AmFac/JMB. At that time I was not aware that Mr. Johns had actually developed a reputation as an environmentalist, as the Director of Protection for the Nature Conservancy of Hawaii. Mr. Johns was a practicing attorney and had received his law degree from the University of Southern California.

"As we all know, Mr. Johns also served on the Water Commission. He's very familiar with water related issues. Think about what a unique bundle of talent plus experience that he brings -- an environmentalist, a real estate developer with AmFac/JMB, and water, as some people believe to be probably the most precious of our resources. And in Mr. Johns we have someone who understands all of this.

"What I'd like to share with you is a statement that Mr. Johns submitted to the Committee on Water, Land, and Hawaiian Affairs. When asked about what he wants to see for the Department, his responded as follows:

'I hope to inject a new entrepreneurial spirit into the Department's inner workings, empowering the staff and community while at the same time making them more accountable to the clients we serve and the natural resources we protect. I am confident that with the proper support and

with a fresh analysis of our functions, we can reinvent the way we operate and learn together how to do it better.'

"As a personal note, in watching the confirmation, Mr. Johns and his staff people who we have, of course, taken testimony from throughout this session, and we are at a point where you can tell when someone is testifying sincerely or just testifying. And I can honestly say that from watching them, they were all in very sincere support of Mr. Johns as their leader. And on a similar note, we had asked, as the Committee, for an audit. Mr. Johns with great concern asked that when we do this audit, it not be a witch hunt of his staff personnel because his staff personnel were doing an excellent job.

"And you know, it is that combination -- both the support of his rank and file and a leader such as him -- which I believe will take this Department to achieve those goals that Mr. Johns has set forth. So my colleagues, I ask that you join me in confirming Mr. Timothy Johns.

"Thank you very much."

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

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

"Your Committee on Economic Development also had the opportunity to work with Tim Johns on bills that dealt with commercial fisheries and aquaculture, aquatic resources, ocean based recreation, forest recreation, recreational fisheries, park development and operation, and parks administration. He was always helpful and available in providing valuable information and was willing and able to work with the committee on issues that arose during our hearings.

"I am very impressed that he has demonstrated a willingness to work with various constituencies to ensure their concerns are addressed by the department's policies. And my staff and I also think he has a cute smile. (Laughter.) I can think of no one better suited to lead the Department of Land and Natural Resources and I urge all of my colleagues to vote on his nomination.

"Thank you."

Senator Kawamoto rose to speak in favor of the nominee and said:

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

"Mr. President, I worked with this nominee as AmFac/JMB's counsel. He, working with me for the community of Waipahu, was involved with the Waipahu Business Association, Waipahu 2000, Hans L'Orange Park. We may not have agreed all the time, but the bottom line was his interest of the Waipahu community and the goodness AmFac/JMB can provide. So I'd like to speak on behalf of Tim Johns and urge all my colleagues to vote 'aye' on this nominee.

"Thank you."

Senator Chun also rose to support the nominee and said:

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

"Mr. President, I rise in favor of the nominee not because he has a cute smile, but because unlike some of my other colleagues I have had an opportunity to work with Mr. Johns in an adversarial nature. Oftentimes when Mr. Johns was working for AmFac, his position or his company's position, did not always jive with the position of the County of Kauai who I represented. But through those times, Mr. President, I have always respected him because we were able to talk about our differences, and we were able to go beyond that in a method of cooperation and mutual trust. And I think that's what he brings to the Department. I look forward to working with him because

even though we might not agree on everything, we know that through Mr. Johns, and the department, we can work with him through our differences because there is a willingness to do that. There is a sense of cooperation and there is a sense of trust which he has clearly shown even though he has just been recently appointed to the Department. The Department has seen that in him a new energy, a new sense of going forward. And I look forward to working with him in our Committee on Water, Land, and Hawaiian Affairs.

"So for those reasons, Mr. President, I ask all my colleagues to support the nomination of Tim Johns."

Senator Matsuura requested a conflict ruling as follows:

"Mr. President, I would like to request a conflict ruling from the Chair. I am an employee and corporate officer of a company that has a contractual relationship with the Department of Land and Natural Resources."

The Chair ruled that Senator Matsuura was not in conflict.

Senator Matsuura then continued:

"Thank you very much. I also would like the Journal to reflect my strong support of Tim Johns for the new directorship of the DLNR."

Senator Buen then rose to support the nominee and said:

"Mr. President, I, too, wish to support Tim Johns in his nomination. Mr. Johns provides a fairness. He provides a balance and is able to handle tough issues.

"I asked Mr. Johns to fly over to Maui on a weekend to listen to the fishermen on Maui when they expressed their concerns over waters of Kahoolawe, and they were very concerned because the waters were closed off to them. Mr. Johns moved his schedule around and flew over to Maui to listen to these fishermen. And I think by listening to them he was aware of all the concerns that these fishermen had. He took the time out, moving his schedule around, and I know his boys were having a soccer game and he asked his wife to handle that arrangement in providing the transportation for them. Being the kind of person he is and by taking the time out and flying over and just by doing that, Mr. President, I feel that this person will do a good job and will be open to any kind of tough issues.

"Thank you, Mr. President. I will vote in favor and I ask my colleagues to do the same."

Senator Anderson rose in support and said:

"I might as well make it unanimous for the committee. I'm in favor but I had some notes and I think the chairman of Water, Land, and Hawaiian Affairs found them, so could her remarks be put in the Journal as though they were my own. Thank you very much. I'm in favor."

The Chair so ordered.

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

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1789 (Gov. Msg. No. 143):

Senator Tam moved that Stand. Com. Rep. No. 1789 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Tam then moved that the Senate advise and consent to the nomination of RAYMOND H. SATO as Comptroller, term to expire December 2, 2002, seconded by Senator Matsuura.

Senator Tam rose in support of the nominee and said:

"Mr. President, fellow colleagues, I rise to speak in favor of Raymond H. Sato.

"As the chairman of the Senate Committee on Government Operations and Housing, our committee has reviewed the qualifications of Raymond Sato, his education, experience, and his commitment to public service and the people of Hawaii. We fully support the nomination of Mr. Raymond Sato as Comptroller of the Department of Accounting and General Services.

"Most important, as Senator of the Thirteenth District, Ray Sato represents the excellence of McKinley High School and the Thirteenth Senatorial District.

"Mr. Sato has the following qualifications:

- (1) He is detailed and technically oriented by education and profession with a Bachelor's of Science and Master's of Science in Civil Engineering degrees;
- (2) He is dedicated to public service, starting his career with the State of California, Department of Transportation, then coming home to serve his true love -- the 'people of Hawaii' and the County of Kauai, Department of Water;
- (3) He was groomed for his calling as comptroller in management as Chief of Operations, Deputy Manager, Manager and Chief Engineer with the Board of Water on Kauai. Eager for greater challenges and the politics of Honolulu, he then became Deputy Manager and Chief Engineer of the Board of Water Supply for the City and County of Honolulu, then its Manager;
- (4) He is ready and able and still a youngster to take on the responsibilities of leading the many functions of the Department of Accounting and General Services in providing quality government services;
- (5) He is personable and caring in his management style, guiding and supporting staff to utilize their skills. This is evident by the numerous testimonies received before our committee. Ray's integrity, professionalism, ethical responsibility and commitment makes him a highly valued steward of Hawaii's public resources.
- (6) He is a leader whose mission is to deliver improved quality government services, greater customer satisfaction within government and public sectors. Ray Sato's goals and objectives will bring a responsible focus to the Department of Accounting and General Services.

"Let's get on with the show and confirm Ray Sato.

"Thank you."

Senator Chun also rose to support the nominee and said:

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

"Mr. Sato is well known in the County of Kauai and also in the City and County of Honolulu as their Board of Water Supply director. I believe that Mr. Sato brings a unique perspective to state government and that is the understanding of the problems and concerns of local government and how the state can work cooperatively with both the state and the counties. I feel that with this knowledge and with his working experience we can go forward to work together to make a better future for all of us.

"So I strongly support the nomination of Mr. Sato and urge all my colleagues to do so also."

Senator Kawamoto rose to speak in support of the nominee and stated:

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

"Mr. President, as we ventured out to look at military construction and our desire to retain profit and wages in Hawaii, addressing the 15 percent preference, PLAs, and how we can work some of the bills that we have before this body, Mr. Sato got himself involved with us during the symposium and helped us put together some bills that we put forth to the Legislature to consider.

"So therefore, I'd like to thank Ray Sato for his efforts and urge my colleagues to vote 'aye' on this nominee.

"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 (Bunda).

At this time, Senator Tam introduced Comptroller Raymond Sato and his wife who were seated in the gallery.

Stand. Com. Rep. No. 1790 (Gov. Msg. No. 194):

Senator Tam moved that Stand. Com. Rep. No. 1790 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Tam then moved that the Senate advise and consent to the nomination of PATRICK S. YAMADA to the Rental Housing Trust Fund Advisory Commission, term to expire June 30, 2001, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1791 (Gov. Msg. No. 235):

Senator Chumbley moved that Stand. Com. Rep. No. 1791 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nominations of JACQUELINE K. MURAI and GERONIMO VALDRIZ to the Defender Council, terms to expire June 30, 2003, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 1792 (Gov. Msg. No. 242):

Senator Chumbley moved that Stand. Com. Rep. No. 1792 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of HERMAN T. ANDAYA, JR., to the Board of Registration, Island of Oahu, term to expire June 30, 2003, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 1793 (Gov. Msg. No. 243):

Senator Chumbley moved that Stand. Com. Rep. No. 1793 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of CATHY AKEMI SHIM to the Board of Registration, Kauai and Niihau, term to expire June 30, 2003, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 1794 (Gov. Msg. No. 289):

Senator Chumbley moved that Stand. Com. Rep. No. 1794 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of ALFRED B. CASTILLO, JR., to the Defender Council, term to expire June 30, 2003, seconded by Senator Matsunaga.

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

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

Stand. Com. Rep. No. 1795 (Gov. Msg. No. 295):

Senator Chumbley moved that Stand. Com. Rep. No. 1795 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of MARY JUANITA TIWANAK to the Hawai'i Paroling Authority, term to expire June 30, 2003, seconded by Senator Matsunaga.

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

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

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

Stand. Com. Rep. No. 1796 (Gov. Msg. No. 156):

Senator Chumbley moved that Stand. Com. Rep. No. 1796 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of THEODORE I. SAKAI as Director of Public Safety, term to expire December 2, 2002, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the nominee and said:

"Mr. President, I rise to speak in support of Gov. Msg. No. 156.

"Ted Sakai holds a Bachelor's degree in Political Science and a Master's degree in Business Administration from the University of Hawaii and has held a variety of positions during his 19-year tenure with the Department of Public Safety. Mr. Sakai has dedicated his professional career to working within the correctional system and is recognized as the State's leading authority on corrections. Mr. Sakai has participated as a member of the following American Correctional Association committees: the Delegate Assembly, the Substance Abuse Committee, the Offender Services Committee, and the Correctional Issues Committee.

"During the Senate Judiciary Committee hearing, the Committee heard his views on his administrative qualifications, his visions and his priorities for the Department of Public Safety. Mr. Sakai submitted a plan of action to this Committee which set forth goals, objectives and deadlines to address critical issues in prison management such as inmate abuse and prevention, delivery of mental health services, suicide prevention, and other personnel matters such as employee training, discipline and grievance procedures. The Committee also heard several members of the legal community as well as organizations and private citizens who came forward to voice their overwhelming support for Mr. Sakai. Testimony indicated that Mr. Sakai is known as an individual with a strong sense of self-discipline and commitment to excellence in fulfilling his responsibilities. He has demonstrated his ability to be an effective administrator. Further testimony indicated that Mr. Sakai has performed his positions with compassion, with integrity, and with the courage to make the right decisions in spite of harsh criticism.

"Mr. President and colleagues, as you can see, this appointment comes with great community support and is well deserved. I am confident that Mr. Sakai'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.

"Thank you."

Senator Matsuura requested a conflict ruling from the Chair as follows:

"Mr. President, again I would like to request a conflict ruling from the Chair."

The Chair stated: "Please state your potential conflict."

Senator Matsuura replied:

"Once again, one of the companies I am an employee of has a business contractual relationship with the Department of Public Safety."

The Chair responded:

"The Chair rules no conflict. You may vote."

Senator Matsuura continued:

"Thank you. I also would like to register my support for the nominee."

Senator Levin also rose in support and said:

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

"In Mr. Sakai's short tenure with the Department of Public Safety, I've been extremely impressed with his willingness to work with the community. Although we clearly differ on the need and the location of the new prison, I feel confident that we will continue to work together and if a prison is constructed,

and certainly it is likely that it will be, that it will be done as compatibly as possible with the needs of the community. I thank him for his willingness and support his nomination."

Senator Inouye then rose so speak in favor of the nominee and said:

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

"I concur with all that's been said of Ted Sakai by my colleagues, and as a Hilo native, as well, I urge all of my colleagues to vote on behalf of this nominee."

At this time, Senators Buen and M. Ige requested their votes 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1797 (Gov. Msg. No. 265):

Senator Chumbley moved that Stand. Com. Rep. No. 1797 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of JOHN S.W. LIM as Associate Judge of the Intermediate Appellate Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsunaga.

Senator Matsunaga rose to support the nominee as follows:

"Mr. President, John Lim is certainly not degree-challenged. He holds a Bachelor's degree from Harvard and a J.D. degree from Stanford Law School.

"Mr. Lim has 16 years of law experience and was appointed to the Circuit Court in 1995. He's also served as a District Court Family Judge, president of Hawaii Lawyers Care and has provided legal counsel to the Waikiki Convention Center Authority and the Hawaii Economic Development Corporation.

"Mr. President, during the Senate Judiciary Committee hearing, we heard his views on Drug Court, the standards for issuing temporary restraining orders, and his philosophy on protecting individual civil rights. The Committee also heard several members of the legal community as well as organizations and private citizens come forward to voice their overwhelming support to Mr. Lim.

"To quote some of the testimony that was reiterated several times -- 'John Lim is an intellectual, approachable, fair, compassionate, hard working individual and is highly respected amongst his peers.' 'Mr. Lim possesses the legal knowledge and ability, professional experience, judicial temperament and impartiality needed to be highly qualified as a judge in the Intermediate Appellate Court.'

"Mr. Lim's commitment to the community and the judicial system is very clear. His appointment comes with great support and is well deserved, and I am confident, Mr. President, that Mr. Lim will do the best job possible as an Intermediate Appellate Court Judge. I urge all my colleagues to consent to his nomination.

"Thank you, Mr. President."

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

Ayes, 24. Noes, none. Excused, 1 (Bunda).

FINAL READING

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

On motion by Senator Nakata, seconded by Senator M. Ige 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

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

On motion by Senator Nakata, seconded by Senator M. Ige 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

STANDING COMMITTEE REPORTS

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1806) recommending that the Senate advise and consent to the nomination of EARL I. ANZAI as Director of Finance, in accordance with Gov. Msg. No. 146.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1806 and Gov. Msg. No. 146 was deferred until Wednesday, April 28, 1999.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1807) recommending that the Senate advise and consent to the nomination of RAY K. KAMIKAWA as Director of Taxation, in accordance with Gov. Msg. No. 157.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1807 and Gov. Msg. No. 157 was deferred until Wednesday, April 28, 1999.

ADJOURNMENT

At 12:27 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., Wednesday, April 28, 1999.