

EIGHTH DAY

Monday, January 31, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:31 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Wesley Elmore, Parker United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator Matsuura who was excused.

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

Senator Chun Oakland, in recognizing February 2000 as Drug-Free Hawaii Awareness Month, introduced the following sponsors of the "Express Yourself Drug-Free" Rally: Cliff Cisco, senior vice president of HMSA; Sherry Loo, president of the board of directors of the Coalition for a Drug-Free Hawaii; Kendyll Ko and Lori Murakami, Department of Education, Safe and Drug Free Schools and Communities Program; and Murry Towill, president of the Hawaii Hotel Association.

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

HOUSE COMMUNICATION

Hse. Com. No. 5, informing the Senate that the Speaker on January 28, 2000, deleted Representative P. Oshiro as co-chairman; discharged Representative Hamakawa as a member; and added Representative Hamakawa as co-chairman and Representative Saiki as a member on the part of the House at the conference on S.B. No. 680, S.D. 1, H.D. 2, was read by the Clerk and was placed on file.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Thursday, January 27, 2000:

Senate Bill	Referred to:
No. 3109	Committee on Judiciary
No. 3110	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3111	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary
No. 3112	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3113	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3114	Committee on Education and Technology, then to the Committee on Judiciary
No. 3115	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3116	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3117	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce and Consumer Protection

No. 3118	Committee on Water, Land, and Hawaiian Affairs
No. 3119	Committee on Government Operations and Housing, then to the Committee on Judiciary
No. 3120	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 3121	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Labor and Environment, then to the Committee on Ways and Means
No. 3122	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3123	Jointly to the Committee on Health and Human Services and the Committee on Education and Technology, then to the Committee on Ways and Means
No. 3124	Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3125	Committee on Government Operations and Housing, then to the Committee on Judiciary
No. 3126	Committee on Ways and Means
No. 3127	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 3128	Committee on Ways and Means
No. 3129	Committee on Commerce and Consumer Protection
No. 3130	Committee on Judiciary
No. 3131	Committee on Judiciary
No. 3132	Committee on Education and Technology, then to the Committee on Ways and Means
No. 3133	Committee on Judiciary
No. 3134	Committee on Economic Development, then to the Committee on Ways and Means
No. 3135	Committee on Ways and Means
No. 3136	Committee on Education and Technology, then to the Committee on Ways and Means
No. 3137	Committee on Economic Development, then to the Committee on Ways and Means
No. 3138	Committee on Government Operations and Housing
No. 3139	Committee on Education and Technology, then to the Committee on Ways and Means
No. 3140	Committee on Education and Technology, then to the Committee on Ways and Means
No. 3141	Jointly to the Committee on Education and Technology and the Committee on Labor and Environment, then to the Committee on Ways and Means

- No. 3142 Jointly to the Committee on Education and Technology and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3143 Jointly to the Committee on Education and Technology, the Committee on Commerce and Consumer Protection and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 3144 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3145 Jointly to the Committee on Economic Development and the Committee on Labor and Environment, then to the Committee on Ways and Means
- No. 3146 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3147 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3148 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3149 Committee on Ways and Means
- No. 3150 Committee on Education and Technology, then to the Committee on Ways and Means
- No. 3151 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- No. 3152 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- No. 3153 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- No. 3154 Jointly to the Committee on Judiciary and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3155 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3156 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Education and Technology, then to the Committee on Ways and Means
- No. 3157 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education and Technology, then to the Committee on Ways and Means
- No. 3158 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3159 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3160 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3161 Committee on Ways and Means
- No. 3162 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3163 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education and Technology, then to the Committee on Ways and Means
- No. 3164 Jointly to the Committee on Judiciary and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3165 Committee on Education and Technology, then to the Committee on Ways and Means
- No. 3166 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3167 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3168 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 3169 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- No. 3170 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3171 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3172 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- No. 3173 Committee on Ways and Means
- No. 3174 Committee on Ways and Means
- No. 3175 Jointly to the Committee on Education and Technology and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3176 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3177 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3178 Committee on Labor and Environment, then to the Committee on Ways and Means
- No. 3179 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3180 Committee on Ways and Means
- No. 3181 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3182 Committee on Education and Technology
- No. 3183 Committee on Judiciary
- No. 3184 Committee on Ways and Means
- No. 3185 Committee on Health and Human Services, then to the Committee on Judiciary
- No. 3186 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 3187 Committee on Ways and Means
- No. 3188 Committee on Labor and Environment, then to the Committee on Ways and Means
- No. 3189 Committee on Commerce and Consumer Protection, then to the Committee on Judiciary

- No. 3190 Committee on Commerce and Consumer Protection
- No. 3191 Committee on Ways and Means
- No. 3192 Committee on Commerce and Consumer Protection
- No. 3193 Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3194 Committee on Economic Development, then to the Committee on Judiciary
- No. 3195 Committee on Judiciary
- No. 3196 Committee on Labor and Environment, then to the Committee on Ways and Means
- No. 3197 Committee on Economic Development
- No. 3198 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3199 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3200 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3201 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3202 Jointly to the Committee on Judiciary and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

- Senate Bill Referred to:
- No. 2448 Jointly to the Committee on Health and Human Services and the Committee on Education and Technology, then to the Committee on Ways and Means

Senator Taniguchi, for the Committee on Commerce and Consumer Protection, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 2023, 2062, 2292, 2319 and 2976 and the Chair granted the waiver.

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

"Mr. President, I wish to speak on a matter of personal privilege.

"Mr. President and fellow colleagues, in our form of government in the State of Hawaii called 'Democracy' we embrace the freedom of speech and ideas through the legislative process.

"In the past few days, I have more than ever come to realize that 'Democracy' is a process that we as legislators must embrace through the introduction of people's ideas and through the public hearing process which affords our citizens the right to speak for or against those ideas. We, as elected representatives of the people, must guarantee them their rights to propose legislation and to speak for or against that legislation.

"While the news media and individuals may choose to ridicule or disparage ideas, our role should be to encourage citizen participation and allow those citizens' ideas to proceed through our legislative process.

"This legislative session, I received two requests from citizens to introduce legislation on their behalf, which they sincerely felt would help to increase our state workers' productivity and also help to raise the morale of those state workers so badly damaged by public comments made by our Governor and our Mayor of the City and County of Honolulu. The two ideas were: (1) Allowing state employees to rest their eyes during one of their two allowable 10 minute breaks; and (2) Appropriating funds for an employee refreshment fund at 10 cents per day, per employee, for 22 days out of each month. I wish to publicly thank the two citizens for thinking about Hawaii's employees as responsible public servants.

"I wish to further add that the citizens who asked me to introduce the legislative proposals informed me that they felt embarrassed by the media and would no longer participate in our legislative process and would no longer vote in upcoming elections. This was very upsetting and sad to me, because as elected representatives, we try very hard to get our citizens involved in their legislative process.

"In closing, due to the news media and individuals' attempt to discourage Hawaii's citizens to participate in the legislative process, I am more determined to encourage people to get involved in their legislative process. As for those who criticize others for their ideas, I feel sorry for those critics. As a child and public school student years ago, I was taught by my parents and teachers that unconstructive criticism is a sign of immaturity and being narrow-minded. Remember in history when people ridiculed the Wright brothers for their desire to fly in an airplane, well today we all fly.

"Let us all encourage Hawaii's residents to actively participate in the legislative process with their legislative ideas.

"Thank you."

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

Senator M. Ige then rose and said:

"Mr. President, I have an announcement and a question.

"The announcement is that I think tomorrow morning the Ways and Means Committee will be considering the legislative appropriations bill.

"I was very fortunate to sit in on a hearing on Friday when it was mentioned that 25 percent of all of the coconut trees on Maui are being infested by this phytophthora fungus and it's been known to be going on for quite some time now. And the department's response basically is that it's not an agricultural issue; it's a resort issue. So we've asked the hotels to put up the money. Well anyway, I have some words to this effect, or a speech on this when the bill comes before us for second reading. And we're talking about a bill for \$10,000.

"So Mr. President, the question that I have for the Ways and Means chair is basically, Is it possible to cut the Senate budget by 25 percent during these times and possibly use some of this money for an issue as crucial as coconut trees to this state? Some may giggle like the Department of Agriculture, but it's a part of our culture. I take the points that were raised by the gentleman to be very serious ones.

"So my question is, Is it possible to cut the budget, the Senate budget, by 50 percent or 20 percent? But even before doing that, I need to see the budget. So the question I have for

the WAM chair is, Is it possible to see the budget by this evening so I can make some kind of rational judgment, come tomorrow morning?"

Senator Levin responded:

"Mr. President, I thank the Senator from Kaneohe for the question.

"We, of course, have our hearing tomorrow and the good Senator is a member of the Committee and I hope he will bring any questions he has. We will also try to provide any information we can today. If you can, let's talk about it after session and let's see what we can put together today, plus the hearing tomorrow."

Senator M. Ige rose again and said:

"Mr. President, as a follow-up. I'm not looking for this information just for me. I was hoping that it could be available to all members. I'd like to have it on my desk. Is there a time certain where you can tell me, yes, in fact it will be on my desk, maybe the budgets for the Senate for the past couple of years.

"I guess, Mr. Chairman, the concern I'm having is that there's been some rumors about the 'Shadow' system and the monies wasted and certain legislators travelling all over the place at the expense of others. And I want to see if those things are true. I'm hoping that, like I said, is there a time certain date or time when that information could be provided to me rather than 'we'll work on it' or 'we're thinking about it.' Because I think, Mr. President, that's been said to us last year -- we're going to do this and do that, and nothing happened. And I think this is a new millennium. We want a change for the better. We want openness.

"So the question I have is, Mr. Chairman, will that be available to us this afternoon?"

Senator Levin replied:

"Mr. President, since the good Senator has chosen to raise this on the floor where I have no information, I really can't give you a time certain. I would think that the Senate Clerk may have some information; our staff may have some information. I'll be happy to work with you."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

Senator M. Ige continued:

"Mr. President, just as a follow-up, it's my understanding for the record that the information will be available to all the Senators at four o'clock this afternoon." (Chair: Five o'clock.) "Okay, five o'clock? Okay, I appreciate that.

"Probably so far there will be a zero increase for all of the agencies. Is that also accurate?" (Chair: That is correct.) "Okay, so basically what I'm looking for is to go back and see if we can reduce the present budget by X amount to find monies -- not just for agriculture, but for other programs as well. So, I'll be looking forward to that information at five o'clock. Will it be on the Clerk's desk? Will it be on this desk? Will it be in my office? I'm sorry for being so picky, Mr. President, but I don't want any misinterpretations."

The Chair responded:

"It will be delivered to all the Senators' offices."

Senator M. Ige then said:

"Thank you, Mr. President. I appreciate that."

Senator Chun then stated:

"Mr. President, just to be specific, I believe the Clerk's Office is going to deliver the past two years' information just to make sure that there is an understanding as to how many years."

Senator M. Ige interjected:

"May I respond, Mr. President? I'm sorry for not making myself clear, but yes, that is true. That's the only way we can look at how we can cut where all the expenses went out. So thank you for that clarification."

At 11:58 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives in accordance with S.C.R. No. 9 to appoint the Auditor of the State of Hawaii.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives, Twentieth Legislature of the State of Hawaii, Regular Session of 2000, was called to order at 12:33 o'clock p.m. by the Honorable Norman Mizuguchi, President of the Senate.

Senator Ihara moved that Paul Kawaguchi be appointed Clerk of the Joint Session, seconded by Representative Case and carried unanimously.

At this time, House of Representatives Speaker Calvin Say assumed the rostrum.

Speaker Say then announced that the purpose of the Joint Session is to appoint the Auditor for the State of Hawaii, pursuant to Article VII, Section 10, of the Hawaii State Constitution.

Representative Case then nominated Marion Higa for the Office of Auditor of the State of Hawaii, for a term of eight years, commencing July 1, 2000.

Senator Ihara moved that the nominations for the Office of Auditor of the State of Hawaii be closed, seconded by Representative Marumoto and carried.

Representative Case moved that the House of Representatives of the Twentieth Legislature of the State of Hawaii confirm the appointment of Marion Higa as Auditor for the State of Hawaii for a term of eight years commencing on July 1, 2000, seconded by Representative Marumoto.

Representative Case rose to speak in support and said:

"Mr. Speaker, I rise in support of the motion.

"Mr. Speaker, in 1959, the Auditor's Office was created in order to assist the legislature in the discharge of its checks and balances responsibilities. Under our constitution, the duty of the auditor is to 'conduct post-audits of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting offices, and to report the auditor's findings and recommendations to the governor and to the legislature.'

"In 1971, Marion Higa joined the auditor's staff. Born in Honolulu, educated at McKinley, UH/Manoa and the University of Illinois-Champaign, she has just celebrated her twenty-ninth anniversary with that office.

"Marion became Acting Auditor in 1991, and was appointed State Auditor for an eight year term in 1992. For reasons which

my colleagues will express more fully, there is no doubt that she has fulfilled her duties in a truly exemplary fashion, earning, through focus, perseverance and sheer force of will, the respect and admiration of this legislature, Hawaii state government, and the people of Hawaii.

"Moreover, she has brought national credit to our state. From 1995 through 1998 for example, she was selected as one of only twenty legislative staff representatives from around the country to the Executive Committee of the National Conference of State Legislatures. She serves with the National State Auditors Association and the Legislative Fiscal Officers Association. Her counsel is sought out by her colleagues and others nationally.

"But perhaps more important than these accolades is how she does her job. I'm sure we've all seen her sit dispassionately and unemotionally in legislative hearings as someone tries to explain why one of her audits is off-base, and then equally dispassionately and unemotionally get up and explain the facts. I'm sure she would be the first to credit and back up her staff of 33, whose loyalty to her and to their office is well known. In short, she is what all public servants should be.

"Mr. Speaker, there are few actions we could take that would be more widely supported by the public, and would accrue such benefits to our state, as to reappoint Marion Higa to another eight year term as our auditor. I urge my colleagues' favorable consideration.

"Thank you."

Representative Marumoto also rose in support of the nominee as follows:

"Mr. Speaker, I also speak in favor of the motion.

"In speaking in favor of the nomination of Marion Higa as Legislative Auditor, I would like to read a *Star-Bulletin* article of April 20, 1998, which is laudatory of the fine job she is doing as auditor. It is by Charles Memminger and is entitled, 'Let Awesome Auditor Rule the Roost.'

'Considering the shabby state of economic affairs in Hawaii, I think we should just cut to the chase and put Marion Higa in charge of everything.

'Higa is awesome. She's the Michael Jordan of government employees. I believe she can fly. Technically, she's only the state auditor, but in reality, she seems to be the only person in government who understands how things are supposed to be run, why they aren't running that way and what should be done to get them running the way they should.

'She comes out with these amazingly astute reports on various departments, showing how millions of dollars are being wasted here and there. And she does it in such a pleasant, non-confrontational way that most of those on the receiving end of her scathing manifestos don't even realize that they are being taken to the public woodshed and soundly thrashed.

'I don't know Marion. But I'd like to. Hell, I'd like for her to handle my personal finances. This may be a bit overstated, but she appears to be the most competent human being in the entire state.

'And that's why I say we should just quit fooling around just hand the reigns of government, the whole shebang, to Higa.

'We can let Ben Cayetano keep his title of governor and Jeremy Harris the title of mayor. And we can let the Legislature and the City Council keep meeting. We'd just have to come up with a title to make it clear that Marion

would be higher than all of them on the decision-making totem pole. I think something like Super Duper Economic Czar or Ultimate Master of the Hawaii Economic Universe would be appropriate.

'Higa already has figured out what's wrong with half the departments in state government. Nothing is too complicated or too mundane for her probing eyeball.

'She drove the Department of Transportation to distraction with the report that it blew several million dollars in interest by not investing its reserves for two months. She fired a shot over the bow of the state harbors department when she discovered that small boat harbors and docks weren't exactly shipshape. Some University of Hawaii astronomers saw stars after she slapped them with a report showing sloppy management of the Mauna Kea Summit.

'And that was with just working with a small staff.

'Just think what she could accomplish if we made her the Grand Poobah of All Things Government? With a couple of more staff people she would be able to whip the state into shape and set us on the road to financial prosperity.

'It wouldn't even cost anything to hand the reigns of power to her. We could put her on a commission, like the Bishop Estate trustees.' This was written in 1998. (Laughter.) 'Let her keep 2 percent of any waste she cuts from government. That way, the government would be 98 percent leaner and she'd be a multi-millionaire practically overnight.

'The question is whether she'd want the new post. I doubt it. She seems to enjoy the quiet life as Hawaii's stealth auditor. You don't see hide nor hair of her for months on end and suddenly she emerges into the sunlight with some devastating screed about government mismanagement. She must drive department managers nuts. You know it's going to be a bad day when you see Higa standing in your waiting room with a smile and a briefcase.

'Because she has been so successful for the state, the City Council now wants the city to create a county-level auditor. That's not a bad idea, but I doubt that there are any other Marion Higas hiding in the weeds. She seems to be one of a kind.

'So the answer is just to put her in charge of everything and everyone else take a break.' Maybe a nap break. (Laughter.) The column ends, 'Hail, Higa!'

"Thank you, Mr. Speaker."

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

Ayes, 48. Noes, none. Excused, 3 (Kahikina, Okamura, Whalen).

At this time, President Mizuguchi returned to the rostrum.

Senator Chun moved that the Senate of the Twentieth Legislature of the State of Hawaii confirm the appointment of Marion Higa as Auditor for the State of Hawaii for a term of eight years commencing on July 1, 2000, seconded by Senator Slom.

Senator Ihara rose in support of the appointment and said:

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

"Mr. President, I rise today to support the appointment of Marion Higa as State Auditor for a second term of eight years.

"In her first term as Auditor, Ms. Higa has produced 209 audits. These audit reports have helped to improve government service, save millions of dollars, and increase public confidence. Marion Higa's audits are well researched, focused, reader-friendly, and always present useful recommendations.

"Near the beginning of her first term, Marion was recognized with a Good Government Award from Common Cause Hawaii. At that time, newspaper columnist Bud Smyser said that citizens wanted to proclaim Marion Higa 'Public Servant of the Year,' and observed that her audit recommendations were like rifle shots to government effectiveness, and that charmed the public immensely.

"Midway in her term, a man considered by many as the feistiest watchdog of Hawaii government, the late Desmond Byrne, himself, called Marion Higa the feistiest of all state auditors. Marion, knowing Desmond, I think you can consider this a compliment of the highest order. And now at the end of her current term, things have not changed. Her audits still contain piercing insights and recommendations to improve the management of public funds and programs.

"A Honolulu Advertiser editorial last November called Marion a real treasure of Hawaii because her reports save the public's money and get better services for the community.

"Mr. President, I wanted to note that early in Marion's term, she got the Legislature's support to allow her to conduct follow-up audits. This has made quite a difference, because agencies know that after the Office of the Auditor has done an audit, she'll be back asking the question, What have you done to implement the auditor's recommendations?

"Representative Marumoto had quoted the Charles Memminger 1998 column and I will just point out and repeat that in it he says that 'we should put Marion Higa in charge of everything,' and that 'she's the Michael Jordan of government employees.' And in response to that, Marion wrote back and said, 'Please, I am perfectly content being State Auditor, nothing else. Thanks.'

"Well, Mr. President, I ask my colleagues to confirm Marion Higa to her singular interest and allow her to ask for another eight years, What have you done to implement the Auditor's recommendations?

"Thank you."

Senator Anderson then rose to speak in favor and said:

"Mr. President and colleagues, I'm not only pleased and proud, but very honored to speak today in strong support of Marion Higa.

"The only thing that really took me back a little bit is when Representative Case said she had 29 years of service. I thought she was only 36. (Laughter.) She's a wonderful lady.

"The position of auditor is not an easy one. Audits, as you well know, highlight problems, make recommendations, and provide solutions. No matter what the subject of the audit, someone, somewhere, doesn't like it.

"It takes a special person, a strong person, an intelligent person, someone both responsible and reliable to be the State Auditor. This person is Marion Higa. She has brought a new standard of professionalism and integrity to the Office of the Auditor. She has earned great respect throughout Hawaii in her professional standards, both for herself and for her staff, that are well beyond compare.

"The complex audits generated from her office are constructive in nature. They are always delivered in a comprehensible, precise and timely manner. In addition, they clearly and consistently show the value of accountability. Mr.

President, her objectivity, her fairness, and her attention to detail all contribute to well-balanced audits that are result oriented. Her strength of character and her remarkable ability to grasp the complexities of problems are the foundation of these audits, which we all rely on so often.

"In summary, Mr. President, Marion Higa is a role model -- an excellent public servant whom we can all respect. And normally, Marion, I don't read my floor remarks, but I didn't want to leave anything out. I am truly honored, and you, Marion, are definitely one of the best people that we could have ever chosen.

"Mahalo, Mr. President."

Senator Slom added his comments of support as follows:

"Mr. President, I rise in support of the motion and the nomination.

"I have had the honor and the privilege of knowing Marion Higa for a number of years. We entered the University of Hawaii together as freshmen, a couple of years ago. She's aged far better than I have and I would ask my colleagues to please don't hold that against her that she's known me that long, (laughter) because she's still able to put up with me. And that's the thing, she's able to put up with everyone and everything. She was a leader then, an excellent debater, an excellent student, and she always did her homework and always went for the facts.

"We are very, very fortunate as a community and as a state to have Marion Higa who is one of the brightest, most creative, most hard-working individuals anywhere around, and she's been recognized nationally as you've heard. And the same terms, the same words keep coming back -- respect, integrity, honesty. There's not too many occasions when all of us in this body, the two houses together, feel the same way and express ourselves about the same individual. So it's got to be true.

"I think that we can honor Marion today by putting her back to work for another eight years. But for those people who are always asking the question, How can we down-size government? How can we save money? How can we re-prioritize? All you've got to do is take any eight of Marion's reports, any eight of them, and just implement them. And that would be the best honor of all, to fully implement all of the things that she said to save us some money, to make everything more efficient, and to hold people accountable and responsible.

"I'm proud to know you, Marion. We love you for everything you've done and you're going to do.

"Thank you, Mr. President."

Senator M. Ige then rose to support the nominee and stated:

"Mr. President, I, too, rise in support of Ms. Higa.

"Mr. President, Senator Bunda and I were very fortunate to be co-chairs of Government Operations for the Senate and one of the reports that stick out is her report on the Baker and Taylor contract and, as you know, the results. The other report that sticks out is the Department of Defense. When Senator Bunda and I went in, we asked the questions that she asked. And we, in fact, saved the State some money there after some very long and deliberate negotiations. But it was through her efforts that we were able to do that.

"And you know, Marion, as I stand here and I see you, I want to think of things like what kind of gift I can get you, but allow me to just read one of my favorites from Tennyson. It's out of the poem 'Ulysses' and in my opinion it reflects who you are:

'That which we are, we are,
One equal temper of heroic hearts,

Made weak by time and fate, but strong in will,
To strive, to seek, to find, and not to yield.'

"On behalf of the people that I represent, Marion, I want to thank you for your service to this community. Thank you."

Senator Tam rose to support Ms. Higa and said:

"Mr. President and fellow colleagues, I wish to speak in favor of Marion Higa as the State Auditor.

"I am very pleased to have known her for a number of years. As the chairman for Government Operations and Housing, I must attest that she's a very fine leader and also very productive and efficient in government. One of the most outstanding characteristics I see about her is that she goes into the community and she searches for information. She searches through everyone, not just a certain few, but everyone in the community. A fine job well done.

"Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Matsuura).

The ballots having been so cast by the members of the Twentieth Legislature of the State of Hawaii, Marion Higa was declared unanimously elected as Auditor for the State of Hawaii.

The President, on behalf of the Joint Session, introduced newly elected officer Marion Higa, State Auditor, who was extended congratulations and a round of applause.

At this time, Senator Ihara introduced Ms. Higa's son, Jason; daughter, Allison; and mother, Sakae Murakami who were seated with her.

At 12:55 o'clock p.m., the President declared the Joint Session of the Senate and the House of Representatives adjourned.

HOUSE COMMUNICATION

On motion by Senator Chun, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive a House communication transmitting H.B. No. 2150, H.D. 1, relating to the authorization of funds for the expenses of the Legislature. In consequence thereof, the Senate took the following action:

Hse. Com. No. 6, transmitting H.B. No. 2150, H.D. 1, which passed Third Reading in the House of Representatives on January 31, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2150, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

ADJOURNMENT

At 2:45 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 1, 2000.