

FIFTY-THIRD DAY

Thursday, April 20, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:32 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lieutenant Colonel Karen T. Chrisley, Chaplain, Hickam Air Force Base, after which the Roll was called showing all Senators present with the exception of Senator McCartney.

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

Senator Baker, on behalf of President Mizuguchi and with the assistance of Senators Levin, Matsuura and Anderson, introduced Samuel B.K. Chang, Director of the Legislative Reference Bureau, and extended best wishes for a well-deserved retirement. Mr. Chang was accompanied by his wife Dorothy. A Senate certificate was presented to Mr. Chang and leis were presented to both guests.

Senator Aki, with the assistance of Senators Solomon and Matsuura, introduced several members of the Kawaiahao Church in commemoration of the 175th anniversary of its existence in Hawaii. A Senate certificate and leis were presented by various Senators.

Senator Kawamoto introduced Carlota Ader, Michael Sabate, and Donna Gerard who represented her late husband, Major John Gerard, all recipients of the Pride in Waipahu Awards. All of the honorees were presented Senate certificates and leis.

Senator Liu introduced and congratulated Monalisa Siofele, a top recipient of the Samoa I Hawaii Congress Scholarship Awards. Accompanying Miss Siofele were the prime developers of the scholarship program, H.C. Sagote Tevaga, chairman, and Kerena Esera-Vegas, secretary of the Samoa I Hawaii Congress. Senate certificates and leis were presented to each of the guests.

Senator Levin, in recognition of May as Mental Health Month in Hawaii, introduced two representatives of the Mental Health Association. A Senate certificate was presented and leis were presented to both guests.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 368 to 370) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 368, informing the Senate of the withdrawal of the nomination of GREGORY G. Y. PAI, Ph.D., from the Tax Review Commission, under Gov. Msg. No. 337, dated April 11, 1995, was placed on file.

In compliance with Gov. Msg. No. 368, the nomination listed under Gov. Msg. No. 337 was returned.

Gov. Msg. No. 369, informing the Senate of the withdrawal of the nomination of HOWARD LESSER from the State Council on Mental Health and Substance Abuse, under Gov. Msg. No. 316, dated April 11, 1995, was placed on file.

In compliance with Gov. Msg. No. 369, the nomination listed under Gov. Msg. No. 316 was returned.

Gov. Msg. No. 370, submitting for consideration and confirmation to the Board of Directors, High Technology Development Corporation, the nominations of: BOBBY JEAN LEITHEAD-TODD, term to expire June 30, 1999; and GARY BALDWIN, term to expire June 30, 1998, was referred to the Committee on Executive and Judicial Appointments.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 43, from the State Auditor dated April 18, 1995, transmitting reports, "Follow-Up Report on a Study of Curriculum, Budgeting, and Repair and Maintenance for Hawaii's Public Schools" (Report No. 95-14), "Follow-Up Report on a Management Audit of the Honolulu Traffic Violations Bureau" (Report No. 95-15), and "Follow-Up Report on a Management and Financial Audit of the Department of Hawaiian Home Lands" (Report No. 95-16), was read by the Clerk and was placed on file.

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, returning S.C.R. No. 309, which was adopted by the House of Representatives on April 19, 1995.

Hse. Com. No. 686, informing the Senate that the Speaker on April 18, 1995, appointed Representatives Kawakami and White as additional managers on the part of the House at the conference on H.B. No. 821 (S.D. 2).

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1488 (Gov. Msg. Nos. 177, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244 and 245):

Senator Solomon moved that Stand. Com. Rep. No. 1488 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

COLBERT M. MATSUMOTO to the Board of Land and Natural Resources, term to expire June 30, 1998 (Gov. Msg. No. 177);

BRIAN L. SEN to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 1999 (Gov. Msg. No. 226);

GABRIELLE BEMIS BATZER, M.D., AMY I. ESAKI, THOMAS H. KAAIAI, JR., and GEORGE W. READ, PH.D., to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, terms to expire June 30, 1999 (Gov. Msg. No. 227);

THEODORE I. SAKAI to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, term to expire June 30, 1996 (Gov. Msg. No. 227);

GARY M. TAKAHASHI and THEODORE J. YAP to the Elevator Mechanics Licensing Board, terms to expire June 30, 1999 (Gov. Msg. No. 228);

KOREN K. KUBOTA to the Board of Trustees, Employees' Retirement System, term to expire January 1, 2001 (Gov. Msg. No. 229);

JOAN C. ISHIBASHI to the Board of Trustees, Hawaii Public Employees Health Fund, term to expire June 30, 1996 (Gov. Msg. No. 230);

RITVA SINIKKA HAYASAKA, GEORGE BUTTERFIELD and JOHN J. WITECK to the Board of Trustees, Hawaii Public Employees Health Fund, terms to expire June 30, 1999 (Gov. Msg. No. 230);

SANDRA K.M. ALBANO, WAYNE K. KATAYAMA, DONN J. TAKAHASHI, CHA THOMPSON and GAE BERGQUIST TROMMALD to the Hawaii Tourism Marketing Council, terms to expire June 30, 1999 (Gov. Msg. No. 231);

LIBBY PULELEHUA OSHIYAMA, ALAN T. SUYAMA, M.D., and LILY H. YAMASHIRO to the Board of Health, terms to expire June 30, 1999 (Gov. Msg. No. 232);

ROY R. KAMISATO to the Board of Hearing Aid Dealers and Fitters, term to expire June 30, 1998 (Gov. Msg. No. 233);

MARY NORMA ALLISON, EDWIN S. MATSUI and JACQUELINE KOMO MURAI to the Board of Hearing Aid Dealers and Fitters, terms to expire June 30, 1999 (Gov. Msg. No. 233);

THOMAS I. FUJIKAWA and RICHARD A. MOODY to the Board of Directors, High Technology Development Corporation, terms to expire June 30, 1999 (Gov. Msg. No. 234);

ALIKI W. WINCHESTER to the Board of Human Services, term to expire June 30, 1997 (Gov. Msg. No. 235);

ANGEL RAMOS to the Board of Human Services, term to expire June 30, 1999 (Gov. Msg. No. 235);

CRAIG AARON NEFF and BRIAN MISKAE to the Kaho'olawe Island Reserve Commission, terms to expire June 30, 1999 (Gov. Msg. No. 236);

HAROLD H. MEHEULA, SR., to the Kaneohe Bay Regional Council, term to expire June 30, 1998 (Gov. Msg. No. 237);

IVAN I. NAKANO to the Motor Vehicle Industry Licensing Board, term to expire June 30, 1997 (Gov. Msg. No. 238);

MARK S. OSHIO and LEILA C. TANAKA to the Motor Vehicle Industry Licensing Board, terms to expire June 30, 1999 (Gov. Msg. No. 238);

TAREN TAGUCHI and SUSUMU MAEDA to the Motor Vehicle Repair Industry Board, terms to expire June 30, 1999 (Gov. Msg. No. 239);

ROBERT A. KINZIE III, Ph.D. to the Natural Area Reserves System Commission, term to expire June 30, 1996 (Gov. Msg. No. 240);

LINDA W. PRATT to the Natural Area Reserves System Commission, term to expire June 30, 1998 (Gov. Msg. No. 240);

FAITH Y. LEBB to the Board of Examiners in Naturopathy, term to expire June 30, 1999 (Gov. Msg. No. 241);

MILTON N. HIGA to the Board of Examiners in Optometry, term to expire June 30, 1998 (Gov. Msg. No. 242);

MARK S. TERUYA, O.D., NELSON O. YOSHIOKA, JR., O.D. and BARBARA J. DIRKS, O.D. to the Board of Examiners in Optometry, terms to expire June 30, 1999 (Gov. Msg. No. 242);

RONALD Y. FUJIMOTO, D.O. to the Board of Osteopathic Examiners, term to expire June 30, 1999 (Gov. Msg. No. 243);

JASON MOON and KENT KOIKE to the Board of Pharmacy, terms to expire June 30, 1999 (Gov. Msg. No. 244); and

WAYNE G. CARVALHO to the Board of Private Detectives and Guards, term to expire June 30, 1997 (Gov. Msg. No. 245);

seconded by Senator Holt.

Senator Solomon rose in support of all of the nominees as follows:

"Mr. President, I rise to speak in support of all the various Governor's Messages.

"Mr. President, your committee questioned each nominee diligently and concluded that all of the nominees will serve in their individual capacities with integrity and honesty. Your committee wants to put on the record a note of thanks to all of the nominees for their willingness to volunteer and to serve Hawaii to make this state a better place for all of us.

"With that, Mr. President, I urge my colleagues to vote affirmatively. 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 (McCartney).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1650 (H.D. 2):

Senator Iwase moved that the Senate reconsider its action taken on April 13, 1995, in disagreeing to the amendments proposed by the House to S.B. No. 1650, seconded by Senator Ige and carried.

Senator Iwase then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1650, seconded by Senator Ige.

Senator Iwase then noted:

"Mr. President, it is really just a slight difference on how to approach an extension of an act and the House version seems to be appropriate."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1650 and S.B. No. 1650, H.D. 2, entitled: "A BILL FOR AN ACT RELATING LAND EXCHANGE," was placed on the calendar for Final Reading on Friday, April 21, 1995.

At this time, Senator Ikeda, for the Committee on Ways and Means, requested a waiver of the required hours of notice for a public hearing on H.C.R. No. 14, H.C.R. No. 240 and H.C.R. No. 23, and the Chair granted the waivers.

Senator Holt, for the Committee on Consumer Protection, also requested a waiver of the required hours of notice for a public hearing on H.C.R. No. 204 and H.C.R. No. 115, and the Chair granted the waivers.

APPOINTMENT OF CONFEREES

S.B. No. 92, S.D. 1 (H.D. 1):

The President appointed Senators Matsunaga and Anderson as additional managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 92, S.D. 1.

S.B. No. 385 (H.D. 2):

The President appointed Senator Matsuura as a co-chairman and appointed Senator Tam as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 385.

S.B. No. 424, S.D. 1 (H.D. 1):

The President appointed Senator Chumbley as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 424, S.D. 1.

S.B. No. 647, S.D. 2 (H.D. 2):

The President appointed Senator Chumbley as a co-chairman and appointed Senator Tam as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 647, S.D. 2.

S.B. No. 1642, S.D. 1 (H.D. 1):

The President appointed Senator Matsuura as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1642, S.D. 1.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

At this time, Senator Holt, for the Committee on Consumer Protection, again requested a waiver of the required hours of notice for a public hearing on H.C.R. No. 4, H.C.R. No. 116, H.C.R. No. 146 and H.C.R. No. 199, and the Chair granted the waiver.

ADJOURNMENT

At 12:12 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 21, 1995.