

FORTY-THIRD DAY

Tuesday, April 2, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Jerald Ogg, Kailua Assembly of God, after which the Roll was called showing all Senators present with the exception of Senators Ikeda, Kanno, Matsuura, McCartney and Tanaka who were excused.

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

The following introductions were made to the members of the Senate:

Senator Solomon introduced several women who were selected by the YWCA of Oahu as 1996 Leader Luncheon Honorees. All of the women were presented Senate certificates and leis by various Senators.

Senators Kawamoto and Bunda then introduced six gentlemen representing the 5th Regimental Combat Team of the United States Army and honored them for their heroism in the Korean War. Amongst the honorees was Mr. Santiago Bunda, father of Senator Robert Bunda. All of the gentlemen were presented Senate certificates and leis by various Senators.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 283 to 322) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 283, submitting for consideration and confirmation to the Board of Directors, Aloha Tower Development Corporation, the nominations of: IRIS R. OKAWA, term to expire June 30, 1997; and TOBIAS (TOBY) M.L. MARTYN, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Contractors License Board, the nominations of: R.P. BUCK SCHIPA, term to expire June 30, 1997; and NICK W. TEVES, JR., MELVYN T. KANAI, and BERNARD T. MIURA, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Convention Center Authority, the nominations of: ALTON T. KUIJOKA, term to expire June 30, 1999; and GUY K. FUJIMURA, JENAI SULLIVAN WALL, and MARK FUKUNAGA, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 286, submitting for consideration and confirmation to the Correctional Industries Advisory Committee, the nominations of: HARLOW URABE, term to expire June 30, 1997; and CARL ANDERSON, LYNETTE CRUZ and BERTHA S.J. NAHOOPII, terms to expire June 30, 1998, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 287, submitting for consideration and confirmation to the Board of Trustees, Deferred Compensation Plan, the nominations of: GEORGE M. YASUMOTO, term to expire June 30, 1997; RONALD N. HIRANO, term to expire June 30, 1998; and LLOYD Y. KIMURA, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 288, submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nominations of: WILLIAM CHRISTOFFEL, terms to expire June 30, 1996 and June 30, 2000; GLORIA KISHI, Ph.D., and JOHN H. APO, terms to expire June 30, 1998; and GEORGE Y. OMURA, NAOMI S. GROSSMAN, LAURA ROBERTSON, SHERYL NELSON, MICHAEL GRIFFIN, WILLOW S. MORTON and HEATHER PROUD, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nominations of: COLETTE BROWNE, Dr.P.H., FAITH C. AI LAI, BRUCE W. McCULLOUGH, ABE KAAHUI, KIMIE LANE, BETTY T. MATSUMURA, JAMES T. OTA and FREDERICK K. LEE, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nominations of: JAY I. ISHIBASHI, term to expire June 30, 1999; and LESTER H. INOUE, ARNALDO E. PREPOSE, TED GARDUQUE and WAYNE T. WADA, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nominations of: LINDA NISHIGAYA, Ph.D., terms to expire June 30, 1996 and June 30, 2000; ROY K. ALAMEIDA, term to expire June 30, 1998; and AGNES E. GRIFFIN, AGNES C. CONRAD and GAYLORD C. KUBOTA, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Hawaii Housing Authority, the nominations of WESLEY R. SEGAWA and KURT H. MITCHELL, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Board of Trustees, Hawaii Public Employees Health Fund, the nominations of JOAN C. ISHIBASHI, GREGORY M. SATO and KEITH W. AHUE, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Board of Directors, Hawaii Strategic Development Corporation, the nominations of ROBERT F. MOUGEOT and ROBERT M. FUJII, terms to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Board of Health, the nominations of LANCE LEWIS, JANE Y. PANG and HENRY K. NALAIELUA, terms to expire June 30, 2000, was

referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nomination of ELIZABETH J. HOLMES, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nomination of GLENN S. IZAWA, term to expire June 30, 1998, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 298, submitting for consideration and confirmation to the Board of Directors, Housing Finance and Development Corporation, the nomination of ALVIN RHO, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 299, submitting for consideration and confirmation to the Island Burial Council, Island of Hawaii, the nominations of J. KEOLALANI HANOA, ELDON NALEI TATE-KAHAKALAU and HEATHER M. COLE, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 300, submitting for consideration and confirmation to the Island Burial Council, Islands of Kauai and Niihau, the nominations of CARYLIN LOUISE AKA and CHERYL U. LOVELL-OBATAKE, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nomination of MERCER K. VICENS, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 302, submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, the nominations of LAWRENCE K. AKI, NOELANI MEYER KELIKIPI, EDWINA HOLT CACOULIDIS, LUANA E. HAMAKUA and ALAPAI HANAPI, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 303, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nomination of LINDA S. FUJIHARA, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 304, submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, the nomination of VICENTE F. AQUINO, term to expire June 30, 2006, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 305, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of LYNN P. McCRORY, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Maui County Library Advisory Commission, the nomination of MARY-HELEN IVEY, term to expire June 30, 1998, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 307, submitting for consideration and confirmation to the Board of Massage Therapy, the nominations of: THOMAS JAMES LANGENSTEIN, term

to expire June 30, 1999; and SHEILA L. MILES, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 308, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of WALLACE K.C. CHUN, M.D., term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 309, submitting for consideration and confirmation to the Board of Directors, Natural Energy Laboratory of Hawaii Authority, the nomination of VICTOR T. NAKAMURA, term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 310, submitting for consideration and confirmation to the Board of Examiners in Naturopathy, the nominations of RODNEY CHUN, N.D., and STEVEN G. DUBEY, N.D., terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 311, submitting for consideration and confirmation to the State Board of Nursing, the nominations of BARBARA K. IDETA, R.N., SANDRA MARIE MYERS, L.P.N., KENDALL DEBORAH SHARPLESS, R.N., and JERRY A. WALKER JR., terms to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 312, submitting for consideration and confirmation to the Board of Examiners of Nursing Home Administrators, the nominations of CALVIN M. ICHINOSE and ROSANNA EVERS, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 313, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of TERESA ANN DENNEY, D.O., term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 314, submitting for consideration and confirmation to the Pest Control Board, the nominations of MALCOLM T. KOGA, GORDON M. MACHADO and MICHAEL E. KRUPNICK, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 315, submitting for consideration and confirmation to the Board of Physical Therapy, the nominations of: TIMOTHY F. OLDERR, M.D., term to expire June 30, 1998; CYNTHIA LOUISE CLIVIO, term to expire June 30, 1999; and CRAIG B. NAGATA, P.T., term to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 316, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nominations of: GEORGE FREITAS, term to expire June 30, 1998; and STEVE GOODENOW and FREDERICK W. HACKBARTH, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Procurement Policy Office Board, the nominations of BILL GRAY and ROBERT OYAMA, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Board of Public Broadcasting, the

nominations of: SCOTT SHIRAI, term to expire June 30, 1999; and MAGDALENA P. DOMINGO, MARLENE SAI and CANDICE E. LUSK, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 319, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, City and County of Honolulu, the nominations of CALVIN T. MASAKI and KUULEI R. REYES, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 320, submitting for consideration and confirmation to the Real Estate Commission, the nominations of: ALFREDO G. EVANGELISTA, term to expire June 30, 1998; and NORA A. NOMURA and ALVIN M. IMAMURA, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 321, submitting for consideration and confirmation to the Reproductive Rights Protection Committee, the nominations of GAILYNN WILLIAMSON, Ph.D., and JENNIFER SCHEMBER-LANG, terms to expire June 30, 2000, was referred to the Committee on Executive and Judicial Appointments.

Gov. Msg. No. 322, submitting for consideration and confirmation to the State Commission on the Status of Women, the nominations of: PAMELA FERGUSON-BREY and HA'AHEO MANSFIELD, terms to expire June 30, 1997; CLAIRE MORRIS DOBIE, GWEYN ECKART and KALOWENA C. KOMEIJI, terms to expire June 30, 1998; and NAOMI C. FUJIMOTO and LESLIE WILKINS, terms to expire June 30, 1999, was referred to the Committee on Executive and Judicial Appointments.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 435 to 446) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 435, returning S.B. No. 2128, which passed Third Reading in the House of Representatives on April 1, 1996, was placed on file.

Hse. Com. No. 436, returning S.B. No. 2521, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, was placed on file.

Hse. Com. No. 437, returning S.B. No. 2186, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2186, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED CONTROL OF PROPELLED VEHICLES," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 438, returning S.B. No. 2247, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2247, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANSLAUGHTER," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 439, returning S.B. No. 2326, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2326, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 440, returning S.B. No. 2381, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2381, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILDREN," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 441, returning S.B. No. 2518, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2518, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 442, returning S.B. No. 2729, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2729, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATIONS," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 443, returning S.B. No. 2732, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2732, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 444, returning S.B. No. 2746, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2746, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ADVERTISING," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 445, returning S.B. No. 2888, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2888, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELEASE OF PRETRIAL INMATES," was deferred until Tuesday, April 9, 1996.

Hse. Com. No. 446, returning S.B. No. 2929, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2929, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF CRIMINAL PROVISIONS UNDER TITLE 14 ADMINISTERED BY THE DEPARTMENT OF TAXATION," was deferred until Tuesday, April 9, 1996.

STANDING COMMITTEE REPORTS

Senators Tam and Gaulty, for the Committee on Ecology and Environmental Protection and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand Com. Rep. No. 2561) recommending that S.R. No. 141, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Tam, seconded by Senator Gaulty and carried, the joint report of the majority of the Committees was adopted and S.R. No. 141, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIARY TO ALLOCATE A PORTION OF ENVIRONMENTAL LITIGATION AWARDS TO THE STATE ENVIRONMENTAL RESPONSE REVOLVING FUND," was referred to the Committee on Ways and Means.

Senators Tam and Gaulty, for the Committee on Ecology and Environmental Protection and the Committee on Judiciary, presented a joint report of the majority of the Committees (Stand Com. Rep. No. 2562) recommending that S.C.R. No. 180, as amended in S.D. 1, be referred to the Committee on Ways and Means.

By unanimous consent, Stand Com. Rep. No. 2562 and S.C.R. No. 180, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ALLOCATE A PORTION OF ENVIRONMENTAL LITIGATION AWARDS TO THE STATE ENVIRONMENTAL RESPONSE REVOLVING FUND," were recommitted jointly to the Committee on Ecology and Environmental Protection and the Committee on Judiciary.

ORDER OF THE DAY**MATTER DEFERRED FROM
MONDAY, APRIL 1, 1996****THIRD READING**

H.B. No. 3331:

By unanimous consent, action on H.B. No. 3331, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Wednesday, April 3, 1996.

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

The Senate reconvened at 12:18 o'clock p.m.

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 3300	Committee on Ways and Means

ADJOURNMENT

At 12:20 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., Wednesday, April 3, 1996.