

FIFTY-FIFTH DAY

Monday, April 22, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 5:04 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Major Douglas R. Wootten, Fort Shafter Community Family Life Chaplain, U.S. Army, after which the Roll was called showing all Senators present.

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

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 31, from the State Auditor dated April 22, 1996, transmitting the "1995 Annual Report" of the Office of the Auditor, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 684 to 687) were read by the Clerk and were placed on file:

Hse. Com. No. 684, returning S.C.R. No. 52, which was adopted by the House of Representatives on April 19, 1996.

Hse. Com. No. 685, returning S.C.R. No. 212, which was adopted by the House of Representatives on April 19, 1996.

Hse. Com. No. 686, informing the Senate that the Speaker on April 19, 1996, appointed Representative Say as the lead co-chairman on the part of the House at the conference on H.B. No. 1716, H.D. 1 (S.D. 1).

Hse. Com. No. 687, informing the Senate that the Speaker on April 19, 1996, appointed Representatives Tom, chairman, Herkes, Swain, White, Yamane, Kawanakoa as managers on the part of the House for the consideration of amendments proposed by the Senate to H.B. No. 3347 (S.D. 1).

CONFERENCE COMMITTEE REPORT

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2897, H.D. 2, presented a report (Conf. Com. Rep. No. 2) recommending that H.B. No. 2897, H.D. 2, S.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 H.B. No. 2897, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 2908) recommending that H.C.R. No. 16 be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE

COORDINATING GROUP ON ALIEN PEST SPECIES AND URGING SUPPORT FOR EXISTING AND NEW PEST ERADICATION AND PREVENTION PROGRAMS," was adopted.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2909) recommending that H.C.R. No. 49, H.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO ACTIVELY ASSIST AND SUPPORT MENTAL HEALTH SELF-HELP AND SUPPORT GROUPS," was adopted.

Senator Matsunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2910) recommending that H.C.R. No. 56 be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE HAWAII SOCIETY OF CORPORATE PLANNERS TO ESTABLISH A STATEWIDE ECONOMIC PARTNERSHIP BETWEEN BUSINESS, GOVERNMENT, ACADEMIC, LABOR, AND FOUNDATION SECTORS OF HAWAII SIMILAR TO THE BAY AREA ECONOMIC FORUM," was adopted.

Senators Kanno and Ikeda, for the Committee on Agriculture, Labor, and Employment and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2911) recommending that H.C.R. No. 63, H.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and H.C.R. No. 63, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AGRIBUSINESS DEVELOPMENT CORPORATION TO CONDUCT A STUDY ON THE ECONOMIC POTENTIAL, PROBLEMS, AND OTHER RELATED MATTERS OF GROWING NONPSYCHOACTIVE INDUSTRIAL CANNABIS HEMP AS AN AGRICULTURAL PRODUCT IN HAWAII," was adopted.

Senators Iwase and Tanaka, for the Committee on Planning, Land and Water Use Management and the Committee on Tourism and Recreation, presented a joint report (Stand. Com. Rep. No. 2912) recommending that H.C.R. No. 197, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and H.C.R. No. 197, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT CATCH AND RELEASE REGULATIONS FOR THE WAHIAWA PUBLIC FISHING AREA," was adopted.

Senators Aki and Ige, for the Committee on Hawaiian Affairs and the Committee on Higher Education, Culture, and Arts, presented a joint report (Stand. Com. Rep. No. 2913) recommending that H.C.R. No. 220, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and H.C.R. No. 220, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING NATIVE SPEAKERS OF THE HAWAIIAN LANGUAGE TO BE UNIQUE AND PRECIOUS CULTURAL RESOURCES OF THE STATE - 'OLELO HO'OHOLE LIKE O KA HALE LUNAMAKA'AINANA E HO'IKE ANA I KE KULANA MAKAMAE O KA PO'E MANALEO 'OLELO HAWAI'I NO KEIA MOKU'AINA," was adopted.

Senator Matsunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2914) recommending that H.C.R. No. 259, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 259, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO CONTINUE THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM," was adopted.

Senators Kanno and Ikeda, for the Committee on Agriculture, Labor, and Employment and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2915) recommending that H.C.R. No. 284, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and H.C.R. No. 284, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE ADMINISTRATION AND FUNCTIONING OF THE SPECIAL COMPENSATION FUND OF THE WORKERS' COMPENSATION SYSTEM," was adopted.

Senators Aki and Grauly, for the Committee on Hawaiian Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2916) recommending that H.C.R. No. 289, H.D. 2, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and H.C.R. No. 289, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO RECOGNIZE AND INCORPORATE THE NONCONFRONTATIONAL ASPECTS OF TRADITIONAL HAWAIIAN CULTURE WITH RESPECT TO ITS DEALINGS WITH THE PAI OHANA'S CULTURAL AND RELIGIOUS ACTIVITIES AT AI'OPIO," was adopted.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2917) recommending that H.C.R. No. 300 be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 300, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A PUBLIC SCHOOL ON THE WAIANAE COAST BE NAMED IN HONOR OF HERBERT K. PILILAAU, A RESIDENT OF WAIANAE AND THE FIRST HAWAII SERVICEMAN TO RECEIVE THE CONGRESSIONAL MEDAL OF HONOR," was adopted.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2918) recommending that H.C.R. No. 324, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and

H.C.R. No. 324, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING YOUTH ATHLETIC LEAGUES IN HAWAII TO ADOPT POLICIES DISCOURAGING TOBACCO AND ALCOHOL USE BY COACHES, PARENTS, AND FAMILY MEMBERS WHEN YOUTH ARE PRESENT," was adopted.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2919) recommending that the Senate advise and consent to the nomination of ALFRED K. BEAVER, SR., to the Hawaii Paroling Authority, in accordance with Gov. Msg. No. 224.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2919 and Gov. Msg. No. 224 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2920) recommending that the Senate advise and consent to the nominations of the following:

MIMI R. BROWN, STEPHEN A. KULA, JAMES P. WALSH, SANDRA J. WELLS and MARGARET NIELSEN to the Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 248;

DAVID HILL, C. MIKE KIDO, JACOB Y.W. NG, ADELA G. SANIDAD and WENDY A. ABE to the Central Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 249;

THOMAS J.K. WOLFE, R.N., MARJORIE A. SHEPHERD and NORMA J. JENSEN to the Waianae Coast Subarea Health Planning Council, in accordance with Gov. Msg. No. 250;

MARY JANE GRETZ, R.N., LESLIE S. CHINEN and NOELLA J. KONG to the Windward Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 251;

WAYNE C. SHIROTA, KAREN A. M. NORRIS, ANH NGUYET LAMBETH, IDA H. OTAKE, R.N., JOHN R. LIPSCOMB, CLIFFORD K. MOTTA, BEVERLY JEAN WITHINGTON and CRAIG KADOOKA, M.D., to the Hawaii County Subarea Health Planning Council, in accordance with Gov. Msg. No. 252;

NORMAN J.N. HOLT SR., PAUL SIALANA, DANIEL H. YOTSUDA, RICHARD W. CARMICHAEL and DALE SHIMOMURA to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 253; and

LAWRENCE HART, M.D., to the Maui County Subarea Health Planning Council, in accordance with Gov. Msg. No. 254.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2920 and Gov. Msg. Nos. 248, 249, 250, 251, 252, 253 and 254 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2921) recommending that the Senate advise and consent to the nominations of the following:

BARBARA E. DART and CAROL ANN KALAAU to the County Public Health Facility Management Advisory Committee, County of Hawaii, in accordance with Gov. Msg. No. 265;

MARY JO SWEENEY and MALCOLM Y. DOI to the County Public Health Facility Management Advisory Committee, County of Kauai, in accordance with Gov. Msg. No. 266; and

APRIL S. APANA and DOLORES M. FABRAO to the County Public Health Facility Management Advisory Committee, County of Maui, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2921 and Gov. Msg. Nos. 265, 266 and 267 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2922) recommending that the Senate advise and consent to the nominations of the following:

EUCLID LEE to the Board of Registration, Island of Oahu, in accordance with Gov. Msg. No. 269;

JOHN W. CLARK to the Board of Registration, Island of Hawaii, in accordance with Gov. Msg. No. 270;

DALE N.Y. TAKIGUCHI to the Board of Registration, Kauai and Niihau, in accordance with Gov. Msg. No. 271; and

BENJAMIN P. KEAU, JR., to the Board of Registration, Maui, Molokai, Lanai, and Kahoolawe, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2922 and Gov. Msg. Nos. 269, 270, 271 and 272 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2923) recommending that the Senate advise and consent to the nominations of the following:

MARY ANN K. DEVORE, MARK FRATZKE, WAYNE H. KISHIDA, BETTY J. SESTAK and LAURA ROBERTSON to the State Advisory Council on Rehabilitation, in accordance with Gov. Msg. No. 273;

EMIKO I. KUDO and RAMONA K. MULLAHEY to the Rental Housing Trust Fund Commission, in accordance with Gov. Msg. No. 274; and

DALE T. MATSUMOTO-OI, WILSON MURAKAMI, M.D., and JANICE S. SHINTANI to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 275.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2923 and Gov. Msg. Nos. 273, 274 and 275 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2924) recommending that the Senate advise and consent to the nominations of the following:

JAMES W. MASTERS to the Board of Taxation Review, First Taxation District (Oahu), in accordance with Gov. Msg. No. 276;

ANDREW J. BONFIELD and KATHLEEN M. HAAKE to the Board of Taxation Review, Second Taxation District (Maui County), in accordance with Gov. Msg. No. 277;

RICHARD GEORGE WITHINGTON and GORDON Y. INABA to the Board of Taxation Review, Third

Taxation District (Hawaii), in accordance with Gov. Msg. No. 278; and

CAROLINE K. UOHARA and STEVEN J. NISHIMURA to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2924 and Gov. Msg. Nos. 276, 277, 278 and 279 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2925) recommending that the Senate advise and consent to the nomination of HERBERT M. RICHARDS, JR., to the Commission on Water Resource Management, in accordance with Gov. Msg. No. 280.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2925 and Gov. Msg. No. 280 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2926) recommending that the Senate advise and consent to the nominations of IRIS R. OKAWA and TOBIAS (TOBY) M.L. MARTYN to the Board of Directors, Aloha Tower Development Corporation, in accordance with Gov. Msg. No. 283.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2926 and Gov. Msg. No. 283 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2927) recommending that the Senate advise and consent to the nominations of the following:

SARAH E. POTTER, MICHAEL S. FLORES, LARRY HITCHCOCK, ROY G. THOMAS, CARRICK WONG, DOROTHY (NANI) FIFE, LESLIE E. KELLY and MARK T. OBATAKE to the Statewide Independent Living Council, in accordance with Gov. Msg. No. 255; and

LYNN LEE to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 256.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2927 and Gov. Msg. Nos. 255 and 256 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2928) recommending that the Senate advise and consent to the nominations of the following:

PATRICIA O'NEAL, IVANA MIKA CHANG, LA VERNNE K. NAKAMURA, LESLIE E. KELLY, GARY L. BLAICH, M.D., TOM PERRY, CAROL JEAN GILLILAND, R.N., DUANE IKEDA, GWENSON YUEN, ALBERT LEWIS and HOWARD LESSER to the State Council on Mental Health, in accordance with Gov. Msg. No. 261;

GREGORY G. HELM, SR., PAUL ELIA and GEORGE W. MAIOHO to the Molokai Irrigation System Water Users Advisory Board, in accordance with Gov. Msg. No. 262;

ELAINE S. ARAKAKI to the Board of Dispensing Opticians, in accordance with Gov. Msg. No. 263; and

MILES T. NAKATSU to the Board of Pharmacy, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2928 and Gov. Msg. Nos. 261, 262, 263 and 264 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2929) recommending that the Senate advise and consent to the nominations of the following:

WILLIAM CHRISTOFFEL, GLORIA KISHI, Ph.D., JOHN H. APO, GEORGE Y. OMURA, NAOMI S. GROSSMAN, LAURA ROBERTSON, SHERYL NELSON, MICHAEL GRIFFIN, WILLOW S. MORTON and HEATHER PROUD to the State Planning Council on Developmental Disabilities, in accordance with Gov. Msg. No. 288; and

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 to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 289.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2929 and Gov. Msg. Nos. 288 and 289 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2930) recommending that the Senate advise and consent to the nominations of the following:

JAY I. ISHIBASHI, LESTER H. INOUE, ARNALDO E. PREPOSE, TED GARDUQUE and WAYNE T. WADA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, in accordance with Gov. Msg. No. 290; and

LINDA NISHIGAYA, Ph.D., ROY K. ALAMEIDA, AGNES E. GRIFFIN, AGNES C. CONRAD and GAYLORD C. KUBOTA to the Hawaii Historic Places Review Board, in accordance with Gov. Msg. No. 291.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2930 and Gov. Msg. Nos. 290 and 291 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2931) recommending that the Senate advise and consent to the nominations WESLEY R. SEGAWA and KURT H. MITCHELL to the Hawaii Housing Authority, in accordance with Gov. Msg. No. 292.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2931 and Gov. Msg. No. 292 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2932) recommending that the Senate advise and consent to the nominations of the following:

JOAN C. ISHIBASHI, GREGORY M. SATO and KEITH W. AHUE to the Board of Trustees, Hawaii Public Employees Health Fund, in accordance with Gov. Msg. No. 293;

ROBERT F. MOUGEOT and ROBERT M. FUJII to the Board of Directors, Hawaii Strategic Development Corporation, in accordance with Gov. Msg. No. 294; and

LANCE LEWIS, JANE Y. PANG and HENRY K. NALAIELUA to the Board of Health, in accordance with Gov. Msg. No. 295.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2932 and Gov. Msg. Nos. 293, 294 and 295 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2933) recommending that the Senate advise and consent to the nominations of the following:

ELIZABETH J. HOLMES to the Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 296;

GLENN S. IZAWA to the Maui County Subarea Health Planning Council, in accordance with Gov. Msg. No. 297; and

ALVIN RHO to the Board of Directors, Housing Finance and Development Corporation, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2933 and Gov. Msg. Nos. 296, 297 and 298 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2934) recommending that the Senate advise and consent to the nominations of the following:

J. KEOLALANI HANOA, ELDON NALEI TATE-KAHAKALAU and HEATHER M. COLE to the Island Burial Council, Island of Hawaii, in accordance with Gov. Msg. No. 299;

CARYLIN LOUISE AKA and CHERYL U. LOVELL-OBATAKE to the Island Burial Council, Islands of Kauai and Niihau, in accordance with Gov. Msg. No. 300;

MERCER K. VICENS to the Island Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 301;

LAWRENCE K. AKI, NOELANI MEYER KELIKIPI, EDWINA HOLT CACOULIDIS, LUANA E. HAMAKUA and ALAPAI HANAPE to the Island Burial Council, Island of Molokai, in accordance with Gov. Msg. No. 302; and

LINDA S. FUJIHARA to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2934 and Gov. Msg. Nos. 299, 300, 301, 302 and 303 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2935) recommending that the Senate advise and consent to the nomination of VICENTE F. AQUINO to the Labor and Industrial Relations Appeals Board, in accordance with Gov. Msg. No. 304.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2935 and Gov. Msg. No. 304 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com.

Rep. No. 2936) recommending that the Senate advise and consent to the nomination of LYNN P. McCRORY to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 305.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2936 and Gov. Msg. No. 305 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2937) recommending that the Senate advise and consent to the nominations of the following:

MARY-HELEN IVEY to the Maui County Library Advisory Commission, in accordance with Gov. Msg. No. 306;

THOMAS JAMES LANGENSTEIN and SHEILA L. MILES to the Board of Massage Therapy, in accordance with Gov. Msg. No. 307;

WALLACE K.C. CHUN, M.D., to the State Council on Mental Health, in accordance with Gov. Msg. No. 308; and

VICTOR T. NAKAMURA to the Board of Directors, Natural Energy Laboratory of Hawaii Authority, in accordance with Gov. Msg. No. 309.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2937 and Gov. Msg. Nos. 306, 307, 308 and 309 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2938) recommending that the Senate advise and consent to the nominations of the following:

RODNEY CHUN, N.D., and STEVEN G. DUBEY, N.D. to the Board of Examiners in Naturopathy, in accordance with Gov. Msg. No. 310;

BARBARA K. IDETA, R.N., SANDRA MARIE MYERS, L.P.N., KENDALL DEBORAH SHARPLESS, R.N., and JERRY A. WALKER JR., to the State Board of Nursing, in accordance with Gov. Msg. No. 311;

CALVIN M. ICHINOSE and ROSANNA EVERS to the Board of Examiners of Nursing Home Administrators, in accordance with Gov. Msg. No. 312; and

TERESA ANN DENNEY, D.O., to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 313.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2938 and Gov. Msg. Nos. 310, 311, 312 and 313 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2939) recommending that the Senate advise and consent to the nominations of the following:

MALCOLM T. KOGA, GORDON M. MACHADO and MICHAEL E. KRUPNICK to the Pest Control Board, in accordance with Gov. Msg. No. 314;

TIMOTHY F. OLDERR, M.D., CYNTHIA LOUISE CLIVIO and CRAIG B. NAGATA, P.T., to the Board of Physical Therapy, in accordance with Gov. Msg. No. 315;

GEORGE FREITAS, STEVE GOODENOW and FREDERICK W. HACKBARTH to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 316;

BILL GRAY and ROBERT OYAMA to the Procurement Policy Office Board, in accordance with Gov. Msg. No. 317; and

SCOTT SHIRAI, MAGDALENA P. DOMINGO and CANDICE E. LUSK to the Board of Public Broadcasting, in accordance with Gov. Msg. No. 318.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2939 and Gov. Msg. Nos. 314, 315, 316, 317 and 318 was deferred until Tuesday, April 23, 1996.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 2940) recommending that the Senate advise and consent to the nominations of the following:

CALVIN T. MASAKI and KUULEI R. REYES to the County Public Health Facility Management Advisory Committee, City and County of Honolulu, in accordance with Gov. Msg. No. 319;

ALFREDO G. EVANGELISTA, NORA A. NOMURA and ALVIN M. IMAMURA to the Real Estate Commission, in accordance with Gov. Msg. No. 320;

GAILYNN WILLIAMSON, Ph.D., and JENNIFER SCHEMBER-LANG to the Reproductive Rights Protection Committee, in accordance with Gov. Msg. No. 321; and

PAMELA FERGUSON-BREY, HA'AHEO MANSFIELD, CLAIRE MORRIS DOBIE, GWEYN ECKART, KALOWENA C. KOMEIJI, NAOMI C. FUJIMOTO and LESLIE WILKINS to the State Commission on the Status of Women, in accordance with Gov. Msg. No. 322.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 2940 and Gov. Msg. Nos. 319, 320, 321 and 322 was deferred until Tuesday, April 23, 1996.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2941) recommending that H.C.R. No. 5, H.D. 1, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 5, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU AND THE KAIMUKI NEIGHBORHOOD BOARD NO. 4 TO ASSIST IN IDENTIFYING AND SECURING A SITE TO ESTABLISH A COMMUNITY/SENIOR CITIZEN CENTER FOR THE KAIMUKI COMMUNITY," was adopted.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2942) recommending that H.C.R. No. 84, H.D. 1, S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 84, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF AN INTERAGENCY TASK FORCE ON FOOD AND NUTRITION ASSISTANCE," was adopted.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2943) recommending that H.C.R. No. 150, H.D. 1, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 150, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO REAFFIRM THE TRUST RESPONSIBILITY OF THE STATE FOR IMPROVING THE HEALTH STATUS OF HAWAIIANS TO THE HIGHEST POSSIBLE LEVEL," was adopted.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2944) recommending that H.C.R. No. 159, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 159, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF CIVIL SERVICE COMPENSATION PLANS, AND THE COSTS THEREOF," was adopted.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2945) recommending that H.C.R. No. 276, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 276, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF AN OPTIONAL RETIREMENT PLAN FOR UNIVERSITY OF HAWAII EMPLOYEES," was adopted.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 2946) recommending that H.C.R. No. 27 be adopted.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXPAND AND GRANT PERMANENT STATUS TO THE TEMPORARY VISA WAIVER PROGRAM ESTABLISHED UNDER THE IMMIGRATION CONTROL AND REFORM ACT OF 1986," was adopted.

Senator Tanaka, for the Committee on Tourism and Recreation, presented a report (Stand. Com. Rep. No. 2947) recommending that H.C.R. No. 265 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN TO RESTORE THE KANEANA (MAKUA) CAVE SITE ON OAHU," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTERS DEFERRED FROM FRIDAY, APRIL 19, 1996

Stand. Com. Rep. No. 2888 (Gov. Msg. Nos. 194, 195 and 196):

By unanimous consent, action on Stand. Com. Rep. No. 2888 and Gov. Msg. Nos. 194, 195 and 196 was deferred until Tuesday, April 23, 1996.

Stand. Com. Rep. No. 2889 (Gov. Msg. Nos. 244, 245, 246 and 247):

By unanimous consent, action on Stand. Com. Rep. No. 2889 and Gov. Msg. Nos. 244, 245, 246 and 247 was deferred until Tuesday, April 23, 1996.

ADVISE AND CONSENT

Stand. Com. Rep. No. 2890 (Gov. Msg. Nos. 225 and 234):

By unanimous consent, action on Stand. Com. Rep. No. 2890 and Gov. Msg. Nos. 225 and 234 was deferred until Tuesday, April 23, 1996.

Stand. Com. Rep. No. 2891 (Gov. Msg. Nos. 257, 258, 259 and 260):

By unanimous consent, action on Stand. Com. Rep. No. 2891 and Gov. Msg. Nos. 257, 258, 259 and 260 was deferred until Tuesday, April 23, 1996.

Stand. Com. Rep. No. 2892 (Gov. Msg. No. 285):

By unanimous consent, action on Stand. Com. Rep. No. 2892 and Gov. Msg. No. 285 was deferred until Tuesday, April 23, 1996.

Stand. Com. Rep. No. 2893 (Gov. Msg. Nos. 284, 286 and 287):

By unanimous consent, action on Stand. Com. Rep. No. 2893 and Gov. Msg. Nos. 284, 286 and 287 was deferred until Tuesday, April 23, 1996.

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

The President re-referred the following House concurrent resolution that was offered:

House
Concurrent
Resolution

Referred to:

No. 42, H.D. 1 Committee on Agriculture, Labor, and Employment

Senator Kanno, chairman of the Committee on Agriculture, Labor, and Employment, requested a waiver of the required hours of Notice of a Public Hearing on H.C.R. No. 42, and the Chair granted the waiver.

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

"Mr. President, I rise on a point of personal privilege.

"Mr. President, yesterday we had a bill that everybody is saying, 'I wish this thing would go away and never come back. We have to move on.' But it was a bill pertaining to licensing or statutory rules, and in this morning's paper it said that that particular same-sex is still alive.

"What bothers me is that I had once said on this floor that because of the news media, I could probably call somebody an SOB and it would never be written up. And that's factual because I had a fax like everybody else and I called this person but they had a recorder on so I left a message and she called me back. She said, 'I'd like to

know exactly where you stand, Senator Anderson, because I understand that you're for this particular bill.' And I said, 'No, I'm not.' And she said, 'We were just down at the ball park for Senator Norman Mizuguchi and Senator Grauly and said the constitutional amendment bill is dead and that's where you want it to be.' And I said, 'That's not factual. It's not true. This is where the bill lies and this is what's happening.'

"And I think what happens is the news media plays up whatever they want to, so everybody thinks that the constitutional amendment is dead. Everybody thinks that same-sex marriage is going through. And we're losing sight of economic benefits. We're losing sight of how the administration and others are raising ... raising, every dollar that they can through administration rules and other means. This is one of the worst, I would say, times that the news media is playing games and we're all being blamed. And I sure as hell don't like it.

"People out there are saying in a four-letter word, but they could use worse, that we're full of it. That's why we have brown eyes and I said I want you to know that some of us have blue. And they said you guys are about a quart shy. And I think that's the worst thing that could ever happen to us -- that the community, in general, has lost faith in their Legislators. And they've lost faith in government. They have lost faith in the judicial system. And for that reason, I wanted to stand on this floor today to let everybody know that everything that we have is still alive -- alive, kicking, and it can move, let me tell you. So anybody up in the gallery, any one of you from the news media, do your job; make sure that if you're going to quote, quote us properly. If you're going to draw cartoons, I would hope that you draw them for the right reason, not for anybody being out there for themselves because they are doing it for a reason, but for the good of the people.

"And I want everybody to also know that my chairman from Judiciary ... I have never once said that that gentleman has not been open and has not given us, any of us, a chance to say what we want in committee. I think he has been one of the most open chairmen.

"I have fought in conference committees for what I believe is there. It doesn't mean it's going to pass. As a minority, as I once told the majority leader, I understand we have two votes, but there's other votes out there -- important votes. And we're going to have to execute those votes because the process and this institution have been circumvented, the worst that I have ever seen. I've been here a few years. I'm not that old, but I've been here a few years.

"Thank you very much for listening."

Senator Grauly also rose on a point of personal privilege and said:

"Mr. President, may I rise on a point of personal privilege?"

"Mr. President, I just wanted to thank the previous speaker for his kind words. I've tried to be as open as I could possibly be to all the members of the committee whether they be majority or minority members. And I think our deliberations have been fair and open, and I just wanted to thank the Senator for his kind words."

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

"Mr. President, I just want to stand on a point of personal privilege.

"We have a tendency to focus primarily on this same-sex marriage issue, but today, there was an amendment that we tried to put in a bill which was killed. We, as legislators, will have to use our common sense. I'm going to give the background of this specific amendment that we tried to insert in conference.

"All of you know the drug commonly known as ice is totally out of control. And in one of the Judiciary hearings a few weeks ago, the subject of controlling ice and the effect that it has on the public was brought out. And one of the questions that I asked was, why is it that ... who's bringing them in? And the comment that the person made was that ice is made in Hawaii. They bring in the ingredients to Hawaii. He mentioned that there were three basic ingredients: ephedrine, acetone, and iodine. Iodine and acetone -- one can pick them up over the counter -- you can't control it, but the ephedrine you can. The way to do it is to put it into the category of controlled substance. Today, they're bringing ephedrine in through mail order. With these ingredients, one can make ice in a kitchen.

"It is common sense, logical, that we stop the importation of ephedrine. We would all be in favor of that. However, that was not so. The House argument was that the House didn't have a hearing on it.

"We can't wait till next year as the House says we should. How many people are going to get hurt within that one year that we're going to wait. I say let's stop the importation now! I also mentioned about DUI in terms of people on drugs driving. There is a simple urine test that should be incorporate in our laws now. There's a lot of people who are on drugs driving. We should have passed the implied consent law for drug testing this session. It has been held up in the Senate Transportation Committee for two years now. It is wrong!

"These are what I consider as common sense bills. It makes common sense to pass these kinds of legislation. I'm venting my frustration because some day I'm going to write this common sense law. Until then we have to try to pass some of these bills that really make common sense.

"Thank you."

Senator Liu rose on a point of inquiry as follows:

"Will the chairman of the Judiciary Committee be willing to yield to three questions?"

The Chair posed the question and Senator Grauly having answered in the affirmative, Senator Liu continued:

"I would like to ask the chairman whether or not in submitting the Senate's position on H.B. No. 3347 yesterday, whether or not he included the exact language which was contained in H.B. No. 2524, S.D. 1."

Senator Grauly answered: "The answer is no, Mr. President."

Senator Liu continued to inquire:

"Thank you. I'd also like to ask whether or not he believes the House proposed C.D. 1 to H.B. 3347 is worth meeting over again in his jurisdiction."

Senator Grauly then said:

"Would you repeat the question, I didn't get it."

Senator Liu continued:

"Whether or not in reviewing now the House proposed C.D. 1 to H.B. 3347, whether or not you can inform us as to your sense as to your desire to meet again on that bill."

Senator Gaulty answered:

"The House has taken the position as reported in this morning's paper that they will not return to the table unless the Senate is willing to seriously discuss the proposed constitutional amendment. As also indicated in the papers, I am seeking the assistance of the Senate Majority Attorney on the constitutionality of the proposal that the House has given us. And after I get the reading from the Majority Attorney, I hope to share it with the members of my Conference Committee and formulate a position to go back into conference with, if that be the desire of the Conference Committee members."

Senator Liu further inquired:

"Thank you. And my last question, Mr. Chairman, is whether or not you intend, at this point in time, to hold any kind of decision-making on H.B. 2366, H.D. 1, in time for final reading?"

Senator Gaulty responded:

"The position of the Judiciary Committee has been, H.B. 2366 does not have the necessary support from the committee to pass on to the floor of the Senate. That is the position that we took on decking deadline and our position remains the same."

Senator Liu then rose on a point of personal privilege as follows:

"Mr. President, I rise to speak on a point of personal privilege.

"Mr. President, I would like to relay to you that I'm now being contacted by various news media across the country, radio stations mainly, on this issue regarding same-sex marriage and what is happening here in the Hawaii State Senate. I've declined most of those invitations. The last one I did accept was in the State of Alaska, mainly because the invitation came by way of a personal friend who really urged me to take part.

"I'd rather not be on the airwaves in other states or even this state on this issue because I would wish that we have the chance this summer, this fall, to have whatever stories that are written on Hawaii talk about how we are improving as a place to invest money in, how we are a wonderful place to take a vacation to, how a change in our business climate is occurring. But I can guarantee you, Mr. President, that with the information provided here today on this floor regarding this issue, and with the uncertainty and the time clock running as to what will happen, that we are guaranteeing ourselves that the result will be that Hawaii will, yes, be in the headlines this summer across the country but we will be associated with the issue of same-sex marriage. I can guarantee you that if we proceed along the course upon which it appears that we are, on this issue, and that there could be no action, then this will be a cutting edge issue for the campaigns, not only in Hawaii, but for Congress and the Presidency.

"So I would ask you, Mr. President, that as we wind down, that as you have on other issues this session, for instance workers' comp, that you exercise leadership that will provide us with a chance to come with a clean decision on this issue.

"Thank you, Mr. President."

APPOINTMENT OF CONFEREES

S.B. No. 1557, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1557, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Gaulty, Fernandes Salling, co-chairmen, Matsunaga, Matsuura, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2124 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2124 and the request for a conference on the subject matter thereof, the President appointed Senators Gaulty, chairman, Chumbley, Matsuura, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1559 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1559 and the request for a conference on the subject matter thereof, the President appointed Senators Ikeda, chairman, Levin, vice-chairman, Fernandes Salling, Kawamoto, Solomon, Tanaka, Liu as managers on the part of the Senate at such conference.

ADJOURNMENT

At 5:28 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., Tuesday, April 23, 1996.