

FIFTY-SIXTH DAY

Tuesday, April 23, 1996

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Miss Romina Takemoto and Miss Kristin Sawai, St. Andrew's Priory, after which the Roll was called showing all Senators present with the exception of Senator Ikeda who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 688 to 704) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 688, returning S.C.R. No. 45, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 689, returning S.C.R. No. 66, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 690, returning S.C.R. No. 86, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 691, returning S.C.R. No. 100, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 692, returning S.C.R. No. 137, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 693, returning S.C.R. No. 164, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 694, returning S.C.R. No. 168, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 695, returning S.C.R. No. 188, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 696, returning S.C.R. No. 208, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 697, returning S.C.R. No. 253, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 698, returning S.C.R. No. 261, which was adopted by the House of Representatives on April 22, 1996, was placed on file.

Hse. Com. No. 699, returning S.C.R. No. 43, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 43, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND

TOURISM TO USE ITS EXPERTISE TO PLAN A SUSTAINABLE ECONOMIC BASE FOR HAWAII COUNTY," was deferred until Wednesday, April 24, 1996.

Hse. Com. No. 700, returning S.C.R. No. 169 which was adopted by the House of Representatives on April 22, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 169, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY THE 2.0 GRADE POINT AVERAGE RULE FOR STUDENTS TO PARTICIPATE IN CO-CURRICULAR ACTIVITIES," was deferred until Wednesday, April 24, 1996.

Hse. Com. No. 701, returning S.C.R. No. 175, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 175, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW AND REVISE THE SCHOOL CODE AND DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES TO REFLECT RECENT SYSTEMIC REFORMS," was deferred until Wednesday, April 24, 1996.

Hse. Com. No. 702, returning S.C.R. No. 176, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 176, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION TO MOOR THE U.S.S. MISSOURI (BB-63) IN BATTLESHIP ROW," was deferred until Wednesday, April 24, 1996.

Hse. Com. No. 703, returning S.C.R. No. 186, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 186, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COORDINATION OF EFFORTS OF THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND THE DEPARTMENT OF AGRICULTURE TO DEVELOP A PLAN FOR THE SHIPMENT OF HAWAII CATTLE TO THE UNITED STATES WEST COAST THAT IS CONSISTENT WITH SECTION 27 OF THE MERCHANT MARINE ACT, 1920," was deferred until Wednesday, April 24, 1996.

Hse. Com. No. 704, returning S.C.R. No. 282, S.D. 1, which was adopted by the House of Representatives on April 22, 1996, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 282, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ECONOMIC IMPACTS OF SHIPBOARD CASINOS AND PARI-MUTUEL HORSE RACING IN HAWAII," was deferred until Wednesday, April 24, 1996.

CONFERENCE COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2433, H.D. 2, presented a report (Conf. Com. Rep. No. 3) recommending that H.B. No. 2433, 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. 3 and H.B. No. 2433, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred for a period of 48 hours.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTERS DEFERRED FROM MONDAY, APRIL 22, 1996

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

Senator Solomon moved that Stand. Com. Rep. No. 2888 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:

GEORGINA KAWAMURA to the Kaho'olawe Island Reserve Commission, term to expire June 30, 1999 (Gov. Msg. No. 194);

NALANI KANAKAOLE and COLETTE Y. MACHADO to the Kaho'olawe Island Reserve Commission, terms to expire June 30, 2000 (Gov. Msg. No. 194);

LAWRENCE N.C. ING to the Land Use Commission, term to expire June 30, 2000 (Gov. Msg. No. 195); and

ROBERT A. KINZIE III, Ph.D. and DONALD W. REESER to the Natural Area Reserves System Commission, terms to expire June 30, 2000 (Gov. Msg. No. 196),

seconded by Senator Holt.

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

"Upon review, Mr. President, of the statements submitted by the nominees, your Committee on Executive and Judicial Appointments finds that the nominees are volunteers, except for Gov. Msg. No. 224, Standing Committee Report 2919, the Hawaii Paroling Authority, willing to serve without compensation and will work with compassion and commitment to assist in administering various government functions. Your committee further finds that the nominees have been appointed based upon their professional credentials, integrity, and a desire to make Hawaii a better place through their participation on the boards or commissions to which they have been nominated.

"Your committee diligently questioned the nominees who appeared before the committee about their role on the specific board or commission to which they have been nominated and believes that the nominees adequately responded to the committee's inquiries.

"Your committee, Mr. President, after full consideration of the background, character, experience, and qualification of the nominees, has found the nominees

to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the following nominations.

"Thank you, Mr. President."

Senator Baker then rose and stated:

"Mr. President, I rise in support of Gov. Msg. No. 195, Mr. Lawrence Ing, nominee to the Land Use Commission and ask that my remarks in support of this nominee be inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in favor of Mr. Lawrence Ing's nomination to the Land Use Commission.

"Mr. Ing is a life-long Maui resident and practicing attorney for over twenty years. He is a man of intelligence, fairness and compassion.

"I have had many opportunities to work with Mr. Ing on a variety of community projects and issues, and have found him to be a very hard-working individual with a dedication to public service. He has served the Maui community through his active participation in such organizations as the Maui Cultural Society, Maui Economic Opportunity, Inc., Hawai'i Housing Authority and the Affordable Housing Corporation of Maui County.

"I am confident that Mr. Ing will continue to make a positive contribution to our State through his new role on the Land Use Commission.

"Thank you, Mr. President."

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

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

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

Senator Solomon moved that Stand. Com. Rep. No. 2889 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:

JUDY D. BISGARD, DIANE N. DODS and ETHEL ALIKPALA WARD to the State Foundation on Culture and the Arts, terms to expire June 30, 2000 (Gov. Msg. No. 244);

ELIZABETH M. ADAMS, M.D., and MATTHEW A. IKEDA, M.D., to the Drug Product Selection Board, terms to expire June 30, 2000 (Gov. Msg. No. 245);

RAYMOND S. TABATA, BARBARA M. ROBESON, ARNOLD L. LUM, HARLAN H. HASHIMOTO, Ph.D., and PATRICIA TUMMONS to the Environmental Council, terms to expire June 30, 2000 (Gov. Msg. No. 246); and

MARGARET NIELSEN, LAURA G. MANIS, CRAIG KADOOKA, M.D., and SARAJEAN A. TOKUNAGA to the Statewide Health Coordinating Council, terms to expire June 30, 2000 (Gov. Msg. No. 247),

seconded by Senator Holt.

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

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

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

Senator Solomon moved that Stand. Com. Rep. No. 2890 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:

WONDA MAE AGPALSA and KAREN M. HOLT to the Hawaiian Homes Commission, terms to expire June 30, 2000 (Gov. Msg. No. 225); and

EDWARD K. HAMADA, ROSS K. KAGAWA and MICHAEL JAY GREEN to the Stadium Authority, terms to expire June 30, 2000 (Gov. Msg. No. 234),

seconded by Senator Holt.

Senator Baker then rose and stated:

"Mr. President, I rise in support of Gov. Msg. No. 225, Ms. Karen Holt, nominee to the Hawaiian Homes Commission and ask that my remarks in support of this nominee be inserted into the Journal."

The having Chair so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in favor of Ms. Karen Holt's nomination to the Hawaiian Homes Commission.

"Karen Holt, of Kaunakakai, Moloka'i, is a respected member of the community with a reputation for fairness, justice and integrity. As an esteemed attorney, she is well known for her efforts in advocating for Hawaiian issues through her work with the Legal Aid Society of Hawai'i, and her active participation in such organizations as the Native Hawaiian Bar Association, Hale Ho'omalua Shelter and Moloka'i Health Foundation.

"I am confident that Karen will bring her vast skills and expertise to her position with the Commission and will effectively advocate for the betterment of the Hawaiian community.

"Thank you, Mr. President."

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

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

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

Senator Solomon moved that Stand. Com. Rep. No. 2891 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:

MILES M. JACKSON, Ph.D., and OLGA RUTH SNIFFEN to the Oahu Library Advisory Commission, terms to expire June 30, 2000 (Gov. Msg. No. 257);

KALOA R.N. ROBINSON, CHARLES E. OLIVER, ANNETTE FELIX and MARGARET A. DON to the

Hawaii Library Advisory Commission, terms to expire June 30, 2000 (Gov. Msg. No. 258);

JESUS S. GUIRAO, FAY H. SADAMITSU and JEAN M. DOBASHI to the Kauai Library Advisory Commission, terms to expire June 30, 2000 (Gov. Msg. No. 259);

MARVIN SHREWSBURY to the Maui County Library Advisory Commission, term to expire June 30, 1998 (Gov. Msg. No. 260);

THELMA MASUSAKO to the Maui County Library Advisory Commission, term to expire June 30, 1999 (Gov. Msg. No. 260); and

HARVEY STEWART JANIS, MARK GRAVEN, MORRIS H. HAOLE JR. and DONNA MARIE LEE to the Maui County Library Advisory Commission, terms to expire June 30, 2000 (Gov. Msg. No. 260),

seconded by Senator Holt.

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

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

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

Senator Solomon moved that Stand. Com. Rep. No. 2892 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:

ALTON T. KUIOKA to the Convention Center Authority, term to expire June 30, 1999 (Gov. Msg. No. 285); and

GUY K. FUJIMURA, JENAI SULLIVAN WALL, and MARK FUKUNAGA to the Convention Center Authority, terms to expire June 30, 2000 (Gov. Msg. No. 285),

seconded by Senator Holt.

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

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

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

Senator Solomon moved that Stand. Com. Rep. No. 2893 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:

R.P. BUCK SCHIPA to the Contractors License Board, terms to expire June 30, 1997 (Gov. Msg. No. 284);

NICK W. TEVES, JR., MELVYN T. KANAI, and BERNARD T. MIURA to the Contractors License Board, terms to expire June 30, 2000 (Gov. Msg. No. 284);

HARLOW URABE to the Correctional Industries Advisory Committee, term to expire June 30, 1997 (Gov. Msg. No. 286);

CARL ANDERSON, LYNETTE CRUZ, and BERTHA S.J. NAHOPII to the Correctional Industries Advisory Committee, terms to expire June 30, 1998 (Gov. Msg. No. 286);

GEORGE M. YASUMOTO to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 1997 (Gov. Msg. No. 287);

RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 1998 (Gov. Msg. No. 287); and

LLOYD Y. KIMURA to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 2000 (Gov. Msg. No. 287),

seconded by Senator Holt.

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

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

ADVISE AND CONSENT

Stand. Com. Rep. No. 2919 (Gov. Msg. No. 224):

Senator Solomon moved that Stand. Com. Rep. No. 2919 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of ALFRED K. BEAVER, SR., to the Hawaii Paroling Authority, term to expire June 30, 2000, seconded by senator Holt.

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

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

Stand. Com. Rep. No. 2920 (Gov. Msg. Nos. 248, 249, 250, 251, 252, 253 and 254):

Senator Solomon moved that Stand. Com. Rep. No. 2920 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:

MIMI R. BROWN to the Honolulu Subarea Health Planning Council, term to expire June 30, 1998 (Gov. Msg. No. 248);

STEPHEN A. KULA, JAMES P. WALSH, SANDRA J. WELLS and MARGARET NIELSEN to the Honolulu Subarea Health Planning Council, terms to expire June 30, 2000 (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, terms to expire June 30, 2000 (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, terms to expire June 30, 2000 (Gov. Msg. No. 250);

MARY JANE GRETZ, R.N., LESLIE S. CHINEN and NOELLA J. KONG to the Windward Oahu Subarea Health Planning Council, terms to expire June 30, 2000 (Gov. Msg. No. 251);

WAYNE C. SHIROTA to the Hawaii County Subarea Health Planning Council, term to expire June 30, 1997 (Gov. Msg. No. 252);

KAREN A. M. NORRIS to the Hawaii County Subarea Health Planning Council, term to expire June 30, 1999 (Gov. Msg. No. 252);

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, terms to expire June 30, 2000 (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, terms to expire June 30, 2000 (Gov. Msg. No. 253); and

LAWRENCE HART, M.D., to the Maui County Subarea Health Planning Council, terms to expire June 30, 2000 (Gov. Msg. No. 254),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2921 (Gov. Msg. Nos. 265, 266 and 267):

Senator Solomon moved that Stand. Com. Rep. No. 2921 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:

BARBARA E. DART and CAROL ANN KALAAU to the County Public Health Facility Management Advisory Committee, County of Hawaii, terms to expire June 30, 2000 (Gov. Msg. No. 265);

MARY JO SWEENEY and MALCOLM Y. DOI to the County Public Health Facility Management Advisory Committee, County of Kauai, terms to expire June 30, 2000 (Gov. Msg. No. 266); and

APRIL S. APANA and DOLORES M. FABRAO to the County Public Health Facility Management Advisory Committee, County of Maui, terms to expire June 30, 2000 (Gov. Msg. No. 267),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2922 (Gov. Msg. Nos. 269, 270, 271 and 272):

Senator Solomon moved that Stand. Com. Rep. No. 2922 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:

EUCLID LEE to the Board of Registration, Island of Oahu, terms to expire June 30, 2000 (Gov. Msg. No. 269);

JOHN W. CLARK to the Board of Registration, Island of Hawaii, terms to expire June 30, 2000 (Gov. Msg. No. 270);

DALE N.Y. TAKIGUCHI to the Board of Registration, Kauai and Niihau, terms to expire June 30, 2000 (Gov. Msg. No. 271); and

BENJAMIN P. KEAU, JR., to the Board of Registration, Maui, Molokai, Lanai, and Kahoolawe, terms to expire June 30, 2000 (Gov. Msg. No. 272),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2923 (Gov. Msg. Nos. 273, 274 and 275):

Senator Solomon moved that Stand. Com. Rep. No. 2923 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:

MARY ANN K. DEVORE to the State Advisory Council on Rehabilitation, term to expire June 30, 1997 (Gov. Msg. No. 273);

MARK FRATZKE, WAYNE H. KISHIDA, BETTY J. SESTAK and LAURA ROBERTSON to the State Advisory Council on Rehabilitation, terms to expire June 30, 1999 (Gov. Msg. No. 273);

EMIKO I. KUDO and RAMONA K. MULLAHEY to the Rental Housing Trust Fund Commission, terms to expire June 30, 2000 (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, terms to expire June 30, 1999 (Gov. Msg. No. 275),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2924 (Gov. Msg. Nos. 276, 277, 278 and 279):

Senator Solomon moved that Stand. Com. Rep. No. 2924 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:

JAMES W. MASTERS to the Board of Taxation Review, First Taxation District (Oahu), terms to expire June 30, 2000 (Gov. Msg. No. 276);

ANDREW J. BONFIELD and KATHLEEN M. HAAKE to the Board of Taxation Review, Second Taxation District (Maui County), terms to expire June 30, 2000 (Gov. Msg. No. 277);

RICHARD GEORGE WITHINGTON and GORDON Y. INABA to the Board of Taxation Review, Third Taxation District (Hawaii), terms to expire June 30, 2000 (Gov. Msg. No. 278);

CAROLINE K. UOHARA to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 2000 (Gov. Msg. No. 279); and

STEVEN J. NISHIMURA to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 1997 (Gov. Msg. No. 279),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2925 (Gov. Msg. No. 280):

Senator Solomon moved that Stand. Com. Rep. No. 2925 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of HERBERT M. RICHARDS, JR., to the Commission on Water Resource Management, term to expire June 30, 1999, seconded by senator Holt.

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

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

Stand. Com. Rep. No. 2926 (Gov. Msg. No. 283):

Senator Solomon moved that Stand. Com. Rep. No. 2926 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:

IRIS R. OKAWA to the Board of Directors, Aloha Tower Development Corporation, term to expire June 30, 1997; and

TOBIAS (TOBY) M.L. MARTYN, to the Board of Directors, Aloha Tower Development Corporation, term to expire June 30, 2000,

seconded by senator Holt.

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

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

Stand. Com. Rep. No. 2927 (Gov. Msg. Nos. 255 and 256):

Senator Solomon moved that Stand. Com. Rep. No. 2927 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:

SARAH E. POTTER to the Statewide Independent Living Council, terms to expire June 30, 1997 (Gov. Msg. No. 255);

MICHAEL S. FLORES, LARRY HITCHCOCK, ROY G. THOMAS and CARRICK WONG to the Statewide Independent Living Council, terms to expire June 30, 1998 (Gov. Msg. No. 255);

DOROTHY (NANI) FIFE, LESLIE E. KELLY and MARK T. OBATAKE to the Statewide Independent Living Council, terms to expire June 30, 1999 (Gov. Msg. No. 255); and

LYNN LEE to the Kaneohe Bay Regional Council, terms to expire June 30, 2000 (Gov. Msg. No. 256),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2928 (Gov. Msg. Nos. 261, 262, 263 and 264):

Senator Solomon moved that Stand. Com. Rep. No. 2928 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:

PATRICIA O'NEAL, IVANA MIKA CHANG and LA VERNNE K. NAKAMURA to the State Council on Mental Health, terms to expire June 30, 1997 (Gov. Msg. No. 261);

LESLIE E. KELLY to the State Council on Mental Health, term to expire June 30, 1999 (Gov. Msg. No. 261);

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, terms to expire June 30, 2000 (Gov. Msg. No. 261);

GREGORY G. HELM, SR., to the Molokai Irrigation System Water Users Advisory Board, term to expire June 30, 1999 (Gov. Msg. No. 262);

PAUL ELIA and GEORGE W. MAIOHO to the Molokai Irrigation System Water Users Advisory Board, terms to expire June 30, 2000 (Gov. Msg. No. 262);

ELAINE S. ARAKAKI to the Board of Dispensing Opticians, terms to expire June 30, 2000 (Gov. Msg. No. 263); and

MILES T. NAKATSU to the Board of Pharmacy, terms to expire June 30, 2000 (Gov. Msg. No. 264),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2929 (Gov. Msg. Nos. 288 and 289):

Senator Solomon moved that Stand. Com. Rep. No. 2929 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:

WILLIAM CHRISTOFFEL to the State Planning Council on Developmental Disabilities, terms to expire June 30, 1996 and June 30, 2000 (Gov. Msg. No. 288);

GLORIA KISHI, Ph.D., and JOHN H. APO to the State Planning Council on Developmental Disabilities, terms to expire June 30, 1998 (Gov. Msg. No. 288);

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, terms to expire June 30, 2000 (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, terms to expire June 30, 2000 (Gov. Msg. No. 289),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2930 (Gov. Msg. Nos. 290 and 291):

Senator Solomon moved that Stand. Com. Rep. No. 2930 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:

JAY I. ISHIBASHI to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, term to expire June 30, 1999 (Gov. Msg. No. 290);

LESTER H. INOUE, ARNALDO E. PREPOSE, TED GARDUQUE and WAYNE T. WADA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, terms to expire June 30, 2000 (Gov. Msg. No. 290);

LINDA NISHIGAYA, Ph.D., to the Hawaii Historic Places Review Board, terms to expire June 30, 1996, and June 30, 2000 (Gov. Msg. No. 291);

ROY K. ALAMEIDA to the Hawaii Historic Places Review Board, term to expire June 30, 1998 (Gov. Msg. No. 291); and

AGNES E. GRIFFIN, AGNES C. CONRAD and GAYLORD C. KUBOTA to the Hawaii Historic Places Review Board, terms to expire June 30, 2000 (Gov. Msg. No. 291),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2931 (Gov. Msg. Nos. 292):

Senator Solomon moved that Stand. Com. Rep. No. 2931 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 WESLEY R. SEGAWA and KURT H. MITCHELL to the Hawaii Housing Authority, terms to expire June 30, 2000, seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2932 (Gov. Msg. Nos. 293, 294 and 295):

Senator Solomon moved that Stand. Com. Rep. No. 2932 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:

JOAN C. ISHIBASHI, GREGORY M. SATO and KEITH W. AHUE to the Board of Trustees, Hawaii Public Employees Health Fund, terms to expire June 30, 2000 (Gov. Msg. No. 293);

ROBERT F. MOUGEOT and ROBERT M. FUJII to the Board of Directors, Hawaii Strategic Development Corporation, terms to expire June 30, 1999 (Gov. Msg. No. 294); and

LANCE LEWIS, JANE Y. PANG and HENRY K. NALAIELUA to the Board of Health, terms to expire June 30, 2000 (Gov. Msg. No. 295),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2933 (Gov. Msg. Nos. 296, 297 and 298):

Senator Solomon moved that Stand. Com. Rep. No. 2933 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:

ELIZABETH J. HOLMES to the Honolulu Subarea Health Planning Council, terms to expire June 30, 2000 (Gov. Msg. No. 296);

GLENN S. IZAWA to the Maui County Subarea Health Planning Council, terms to expire June 30, 1998 (Gov. Msg. No. 297); and

ALVIN RHO to the Board of Directors, Housing Finance and Development Corporation, terms to expire June 30, 2000 (Gov. Msg. No. 298),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2934 (Gov. Msg. Nos. 299, 300, 301, 302 and 303):

Senator Solomon moved that Stand. Com. Rep. No. 2934 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:

J. KEOLALANI HANOA, ELDON NALEI TATE-KAHAKALAU and HEATHER M. COLE to the Island Burial Council, Island of Hawaii, terms to expire June 30, 2000 (Gov. Msg. No. 299);

CARYLIN LOUISE AKA and CHERYL U. LOVELL-OBATAKE to the Island Burial Council, Islands of Kauai and Niihau, terms to expire June 30, 2000 (Gov. Msg. No. 300);

MERCER K. VICENS to the Island Burial Council, Islands of Maui and Lanai, terms to expire June 30, 2000 (Gov. Msg. No. 301);

LAWRENCE K. AKI, NOELANI MEYER KELIKIPI, EDWINA HOLT CACOULIDIS, LUANA E. HAMAKUA and ALAPAI HANAPI to the Island Burial Council, Island of Molokai, terms to expire June 30, 2000 (Gov. Msg. No. 302); and

LINDA S. FUJIHARA to the Island Burial Council, Island of Oahu, terms to expire June 30, 2000 (Gov. Msg. No. 303),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2935 (Gov. Msg. Nos. 304):

Senator Solomon moved that Stand. Com. Rep. No. 2935 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of VICENTE F. AQUINO to the Labor and Industrial Relations Appeals Board, term to expire June 30, 2006, seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2936 (Gov. Msg. No. 305):

Senator Solomon moved that Stand. Com. Rep. No. 2936 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of LYNN P. McCORRY to the Board of Land and Natural Resources, terms to expire June 30, 2000, seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2937 (Gov. Msg. Nos. 306, 307, 308 and 309):

Senator Solomon moved that Stand. Com. Rep. No. 2937 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:

MARY-HELEN IVEY to the Maui County Library Advisory Commission, terms to expire June 30, 1998 (Gov. Msg. No. 306);

THOMAS JAMES LANGENSTEIN to the Board of Massage Therapy, term to expire June 30, 1999 (Gov. Msg. No. 307);

SHEILA L. MILES to the Board of Massage Therapy, term to expire June 30, 2000 (Gov. Msg. No. 307);

WALLACE K.C. CHUN, M.D., to the State Council on Mental Health, terms to expire June 30, 2000 (Gov. Msg. No. 308); and

VICTOR T. NAKAMURA to the Board of Directors, Natural Energy Laboratory of Hawaii Authority, terms to expire June 30, 2000 (Gov. Msg. No. 309),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2938 (Gov. Msg. Nos. 310, 311, 312 and 313):

Senator Solomon moved that Stand. Com. Rep. No. 2938 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:

RODNEY CHUN, N.D., and STEVEN G. DUBEY, N.D. to the Board of Examiners in Naturopathy, terms to expire June 30, 2000 (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, terms to expire June 30, 1999 (Gov. Msg. No. 311);

CALVIN M. ICHINOSE and ROSANNA EVERS to the Board of Examiners of Nursing Home Administrators, terms to expire June 30, 2000 (Gov. Msg. No. 312); and

TERESA ANN DENNEY, D.O., to the Board of Osteopathic Examiners, terms to expire June 30, 2000 (Gov. Msg. No. 313),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2939 (Gov. Msg. Nos. 314, 315, 316, 317 and 318):

Senator Solomon moved that Stand. Com. Rep. No. 2939 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:

MALCOLM T. KOGA, GORDON M. MACHADO and MICHAEL E. KRUPNICK to the Pest Control Board, terms to expire June 30, 2000 (Gov. Msg. No. 314);

TIMOTHY F. OLDERR, M.D., to the Board of Physical Therapy, term to expire June 30, 1998 (Gov. Msg. No. 315);

CYNTHIA LOUISE CLIVIO to the Board of Physical Therapy, term to expire June 30, 1999 (Gov. Msg. No. 315);

CRAIG B. NAGATA, P.T., to the Board of Physical Therapy, term to expire June 30, 2000 (Gov. Msg. No. 315);

GEORGE FREITAS to the Board of Private Detectives and Guards, term to expire June 30, 1998 (Gov. Msg. No. 316);

STEVE GOODENOW and FREDERICK W. HACKBARTH to the Board of Private Detectives and Guards, terms to expire June 30, 2000 (Gov. Msg. No. 316);

BILL GRAY and ROBERT OYAMA to the Procurement Policy Office Board, terms to expire June 30, 2000 (Gov. Msg. No. 317);

SCOTT SHIRAI to the Board of Public Broadcasting, term to expire June 30, 1999 (Gov. Msg. No. 318); and

MAGDALENA P. DOMINGO and CANDICE E. LUSK to the Board of Public Broadcasting, terms to expire June 30, 2000 (Gov. Msg. No. 318),

seconded by Senator Holt.

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

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

Stand. Com. Rep. No. 2940 (Gov. Msg. Nos. 319, 320, 321 and 322):

Senator Solomon moved that Stand. Com. Rep. No. 2940 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:

CALVIN T. MASAKI and KUULEI R. REYES to the County Public Health Facility Management Advisory Committee, City and County of Honolulu, terms to expire June 30, 2000 (Gov. Msg. No. 319);

ALFREDO G. EVANGELISTA to the Real Estate Commission, term to expire June 30, 1998 (Gov. Msg. No. 320);

NORA A. NOMURA and ALVIN M. IMAMURA to the Real Estate Commission, terms to expire June 30, 2000 (Gov. Msg. No. 320);

GAILYNN WILLIAMSON, Ph.D., and JENNIFER SCHEMBER-LANG to the Reproductive Rights Protection Committee, terms to expire June 30, 2000 (Gov. Msg. No. 321); and

PAMELA FERGUSON-BREY and HA'AHEO MANSFIELD to the State Commission on the Status of Women, terms to expire June 30, 1997 (Gov. Msg. No. 322);

CLAIRE MORRIS DOBIE, GWEYN ECKART and KALOWENA C. KOMEIJI to the State Commission on the Status of Women, terms to expire June 30, 1998 (Gov. Msg. No. 322); and

NAOMI C. FUJIMOTO and LESLIE WILKINS to the State Commission on the Status of Women, terms to expire June 30, 1999 (Gov. Msg. No. 322),

seconded by Senator Holt.

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

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

RECONSIDERATION OF ACTION TAKEN

S.B. No. 2144, H.D. 2:

Senator Iwase moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 2144, seconded by Senator Tanaka and carried.

Senator Iwase then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2144, seconded by Senator Tanaka.

Senator Iwase then explained:

"Mr. President, this bill relates to conservation easements. Amendments were made by the House at the request of the Department. They appear 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. 2144 and S.B. No. 2144, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION EASEMENTS," was placed on the calendar for Final Reading on Wednesday, April 24, 1996.

Senator Solomon rose on a point of personal privilege and stated:

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

"Mr. President, as you know, your Committee on Executive and Judicial Appointments will be taking up the matter of Mr. Joseph Blanco this coming Thursday. I was very much surprised ... well I'll just say I was kind of shocked when I turned on the news and there was Regent Lily Yao making remarks such as, 'The Regents will not stand for any kind of interference. The Regents will not stand for the Judicial and Executive Appointments Committee telling them what to do.'

"Mr. President, I would like to set for the record that your committee never asked the Regents to get involved. Your committee never made that proposal. As a matter of fact, that proposal came from Mr. Blanco who is the chairman of the Board of Regents and was backed by Mr. Dan Ishii who serves as its secretary. As a matter of fact, Mr. President, I have letters that I would like to quote and read. This is dated April 19th from the University of Hawaii Board of Regents, signed by Mr. Ishii and he says:

'While the Board did not indicate one way or another whether the Board would reconsider the reelection of Mr. Blanco as the chair, the Board did reaffirm its authority to elect its officers without external interference.'

"I take great offense to this last remark. Furthermore, Mr. President, I would like to read to my colleagues the opening remarks of Mr. Blanco. He says here: 'To further public confidence in government, it became clear that the University needs to better inform the public about its standards of integrity that the Regents and the U.H. administration subscribe to. At this meeting today I am asking the board to determine how best to demonstrate that we can and have dealt with conflicts or potential conflicts of interest. After all, a competent board can scarcely be recruited from persons entirely free from potential conflicts of interest.' The chairman goes on to say, Mr. President, 'Should the regents as a body choose to provide guidance by developing a conflicts of interest policy, which clearly articulates the university community's views and which prescribes the process by which the board deals with potential conflicts of its members on both financial and personal matters, I would welcome it and adhere to it to the fullest. In doing so, we further public confidence in the university and government, and we would set a new standard on the subject that other boards would likely benefit from.' And at that juncture, Mr. President, he goes on to recuse himself as the chairman, since they're dealing with his situation, and appoints Regent Yao to represent him.

"Mr. President and fellow colleagues, I demand a retraction from the chairman as well as Regent Yao and also from Mr. Ishii. And if I don't get that retraction, Mr. President, I hereby put you and my colleagues on notice that Mr. Blanco will remain deferred.

"Thank you very much, Mr. President."

Senator Liu then said:

"Mr. President, I rise for the purpose of wishing to make a couple of inquiries to the Senator from the Sixteenth District, the chairman of the Judiciary Committee, if he would yield."

The President posed the question to Senator Grauly, and Senator Grauly having answered in the affirmative, Senator Liu then continued with his first question:

"Thank you, Mr. President; thank you, Senator. I've had some time now to contemplate your response to one of my inquiries yesterday regarding the status of H.B. 2366, H.D. 1, and I can only come to the conclusion that from your comments yesterday, the current status of that bill is really a reflection of the wishes of a majority of the members of your committee, and that if a majority of the members of your committee desire to have, shall we say for example, a decision-making hearing on that bill, that it will be the chairman's position, based on his answer yesterday, that he would in fact hold such a meeting, regardless perhaps of his own position on the issue. Is that a fair statement?"

Senator Grauly answered:

"That is correct."

Senator Liu continued:

"Thank you, and one more question, if I may. Thank you, Mr. President. I notice (I received a copy from my colleague here who is a member of your committee) that you have scheduled two meetings with those who are purported and I guess some who have the titles of being

constitutional lawyers, and I was wondering whether or not the chair of Judiciary attempted to reach other scholars in the community -- for instance, former Associate Justice of the State Supreme Court, Frank Padgett -- for the purposes of these meetings to perhaps give a different point of view on the issue."

Senator Grauly responded:

"Senator, we contacted as many as we could last night and if Justice Padgett is willing to address the issue, we would be more than happy to accommodate him.

"We had solicited, as you know from the memo, the advice from Justice Nakamura, but he was unwilling to participate. I have asked the Professor of Constitutional Law at the University of Hawaii, John Van Dyke, to brief the committee this evening. And by the way, I wanted to make sure that all the Senators would know that they are welcome to participate at this evening's informational briefing, as well as the one that I have scheduled for tomorrow morning at 9:00 a.m. with Evan Shirley, whom I'm sure you know, Senator, is one of our foremost practitioners in constitutional law. They both indicated that they are willing to look at H.B. 2366 and give the committee their views. But if Justice Padgett is amenable, I'd be more than happy to contact him, or even better still, maybe you can contact him for me and invite him to brief the committee as well."

Senator Liu then stated:

"I appreciate the answer, Mr. President, and I believe the Senator understands my concern would be that both of the gentlemen who will be appearing, I think their views on the issue from the legal standpoint are fairly well known, and I'm happy to hear that the chairman of the Judiciary Committee is open to entertain views from others who may be as well-grounded in constitutional law to have a fair hearing of their views at these meetings. I appreciate that, Mr. Chairman, and perhaps we can communicate afterwards."

Senator Grauly then responded:

"May I just rebut? I do not know what Mr. Shirley's views are. My invitation to him last night was only to look at H.B. 2366 and give us his reading. I don't know what you mean when you say his views are well known. He has never been involved in the issue of same-sex marriage from the time that Baehr vs Miike was rendered by the Supreme Court. I do not know what his views are. I did not ask him what his views were. I have not met with him ahead of time and I wanted to make sure that you were aware of that.

"With regard to Professor Van Dyke, Professor Van Dyke is the constitutional law professor at the University, the same law school that you and I attended. You know the level of his knowledge in constitutional law. He represents the Legislature in the matter pending before the courts on the constitutional amendments that we had passed out two years ago. I understand the hearing is tomorrow, but I don't think it's fair to say that in some way Professor Van Dyke has a bias with regard to H.B. 2366. I have not heard his views on the matter. I am soliciting his views as the Professor of Constitutional Law at the University of Hawaii Law School.

"With that, Mr. President, I hope I responded to the Senator's questions."

Senator Liu added:

"I appreciate the answer, Mr. President. In response, I will not question the integrity of the Senator regarding his

views or regarding his intent in requesting the attendance of Mr. Shirley. However, I will say that with all due respect to the position that Mr. Van Dyke holds, I would personally say that I disagree with his views on this issue as a matter for the record.

"Thank you very much."

Senator Holt then inquired:

"Mr. President, will the chairman of Judiciary yield to a question."

The Chair posed the question and Senator Grauly responded:

"Yes I will, Mr. President."

Senator Holt continued:

"Mr. Chairman, is it true that H.B. 3347 ... is that the correct number? The interpretation of statutes bill."

Senator Grauly interjected:

"I believe that is the correct number. That is the bill presently in conference."

Senator Holt then inquired:

"Presently in conference? What's the status of that bill, Mr. Chairman?"

Senator Grauly responded:

"I'm waiting for a memo from the Senate majority attorney, Mr. Wada, and once I get that memo which I hope to receive sometime this afternoon, I'll be sharing it with the members of the conference committee."

Senator Holt further inquired:

"What is the relationship between H.B. 3347 not being the subject of your meetings with the constitutional attorneys, yet H.B. 2366 will be the subject?"

Senator Grauly replied:

"Only because I had asked Mr. Wada yesterday afternoon, as I explained to Senator Liu when he asked me the question, to give us an opinion. I don't have any problem asking any of these two gentlemen to also give an opinion as to the language that the House is proposing in H.B. 3347. Again, it's a matter that I had asked Mr. Wada yesterday and he came first in time. But if that be the pleasure of the members of the Judiciary Committee, I would be very happy to add the additional assignment that they look at H.B. 3347.

"The other part of my response, Senator, is that Professor Van Dyke has already been quoted in the newspaper -- I believe in yesterday's Star-Bulletin -- as giving an opinion on that particular proposal from the House, and I did not really want to mix the two. I believe that the important inquiry for the committee at this point is whether H.B. 2366 is going to be able to do what the proponents of that bill think it's going to do."

Senator Holt questioned:

"And if in the eyes of your members, or the majority of the members of your committee, they feel that H.B. 2366 will address the issues, is it your intent to move the bill out of committee?"

Senator Grauly answered:

"I can't say that right now. I would want to meet with the members of the committee before I make any kind of public announcement with regard to that."

Senator Holt continued:

"But that is the purpose of the meeting -- to make that determination?"

Senator Grauly answered:

"Right. And if we make that determination first"

Senator Holt interjected:

"And if the determination is made in the affirmative that it does address the issue legally, then it will be the position of the committee to move the bill out of committee?"

Senator Grauly replied:

"I can't say that until I ask the members."

Senator Holt asked:

"Then what is the purpose of the meeting?"

Senator Grauly answered:

"To find out whether it is an appropriate vehicle. It may not do what people think it's going to do. And I think that's what I want to inquire into."

Senator Holt then said:

"Thank you, Mr. Chairman."

Senator Solomon then inquired:

"Would you yield to a question, Mr. President?"

The Chair having answered in the affirmative, Senator Solomon continued:

"Thank you. I have the understanding, Mr. President, that the Governor has requested that you appoint someone from the Senate to represent the Senate in some kind of a negotiation that the Governor is putting together regarding the OHA revenue issues. Is that true, Mr. President?"

The Chair responded:

"I believe that the Governor is having a meeting with one trustee from the Office of Hawaiian Affairs, Frenchy DeSoto, and he has asked both the Speaker and myself to send a representative from each body to a meeting in his office."

Senator Solomon continued to inquire:

"And Mr. President, do you know what the agenda of the meeting is? What is the purpose of the meeting?"

The Chair answered:

"I have no details about the agenda for that particular meeting. I was just called by the Governor informing me of a meeting."

Senator Solomon then asked:

"Mr. President, I'd like to ask if you would yield to another question? (Chair: "Certainly.") Thank you.

"It's my understanding, Mr. President, that on the Senate side, the bill on OHA and revenues was killed. Is that true, Mr. President?"

The Chair answered: "That is correct."

Senator Solomon continued:

"So, is there some other kind of agenda, Mr. President, that perhaps we on this floor do not know about? I mean is there going to be a re-awakening of that bill insofar as the Senate is concerned in terms of our position?"

The Chair responded:

"The Senate is not in support of the House position to reduce funds for OHA and until I am otherwise alerted by the members of the Senate, that is the Senate position. We are against the reduction of funds for OHA."

Senator Solomon then stated:

"Thank you very much, Mr. President, for reconfirming that position. Mr. President, may I continue on a point of personal privilege?"

"Just to remind my colleagues here on the floor, I don't know if you realize this but when Governor Cayetano, then Senator Cayetano, was chairman of the Ways and Means Committee, it was his very actions, Mr. President, that defined the definition of revenues as it referred to the Office of Hawaiian Affairs. And I think it is quite ironic at this point in time, now that he is governor, he's questioning his own piece of legislation.

"The rally that is going on today is for that very purpose of the revenues of OHA. I am hoping that each and every one of you will stand firm on the position of the Senate as stated by the President. We negotiated this; it took us over a period of ten years and it really was through a lot of blood, sweat and tears.

"And I think the biggest 'give' that was given by the Hawaiians, was that the Hawaiians gave up their rights to appraise these properties and settled instead on an estimate in terms of revenue. And I have discussed this with our President, being that I was very much a part of these negotiations since I first became part of this honorable body. And I communicated to the President that if the House wants to consider all negotiations null and void, and if they want the Hawaiians to go back to the bargaining table, then I think everything should be put back on the table for consideration. Senator Yamasaki, who at that time guided us through this process emphasized to my colleagues at that time that this was a very serious, serious matter.

"So I don't know what the House is thinking. I don't know what their agenda may be, but I'm hoping -- I'm hoping -- that they will see their way clear to leave alone what has been done in good faith, and carry on with the commitments that we have made.

"Thank you, Mr. President."

Senator Anderson rose on a point of information as follows:

"Mr. President, on a point of information, if I may, for the previous speaker.

"I was going over the audit of the airport and under that audit it said for management cancelled bids, etc., there was \$102 million wasted on airports. So I just wanted to bring it to your attention that that alone, if we

were getting any revenues, that's ten years that they could have been paying OHA from those funds. So if you would read the audit, I think it would enlighten you to find out that that's wasted money -- \$102 million.

"If you need the page number or whatever, please call my office and I'll gladly share it. Thank you."

Senator McCartney rose on a point of personal privilege and said:

"Mr. President, I'd like to rise on a point of personal privilege just to comment on the same-sex marriage issue and what is going on right now.

"I know it's a sensitive issue and the body is divided on this. There's a lot of dialogue and debate. The committee has a division on this. But the point that I wanted to let everybody know about is that our chairman, despite his personal position and the committee members' personal positions, has been open and fair. The committee is openly and actively dialoguing those two bills, H.B. 3347 and H.B. 2366. And we are doing our soul-searching. We are doing our debate and dialogue internally, and I just want to assure the members of the Senate that we are doing the best we can to represent this entire body and the people of Hawaii. And in a few days we will have a decision as a committee on what direction we take. I think that can guide the course of action of what other people choose or choose not to do.

"I just wanted to assure the members of the Senate that the chairman is being very fair and very open, and we have complete communication and dialogue with him despite what our positions are on this issue.

"Thank you."

Senator Holt then rose and stated:

"Mr. President, just to follow up on the previous speaker's comment, I'm glad to see that the chair is being open and fair with the members of his committee. I would just hope that the chair would be open and fair with the rest of the members of the Senate.

"Thank you."

APPOINTMENT OF CONFEREES

S.B. No. 1698 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1698 and the request for a conference on the subject matter thereof, the President appointed Senators Ikeda, chairman, Aki, vice-chairman, Kawamoto, Solomon, Tanaka as managers on the part of the Senate at such conference.

H.B. No. 3964, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3964, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ikeda, chairman, Fukunaga, vice-chairman, Ihara, Kawamoto, Taniguchi, Liu as managers on the part of the Senate at such conference.

H.B. No. 3970, H.D. 1 (S.D. 1):

The President appointed Senator Ikeda as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 3970, H.D. 1.

ADJOURNMENT

At 12:09 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 24, 1996.