

FIFTY-SEVENTH DAY

Wednesday, April 29, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 12:14 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senator Iwase who was excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 334, advising the Senate of the withdrawal of the nomination of JOHN K. HASHIMOTO from the Island Burial Council, Islands of Kauai and Niihau, under Gov. Msg. No. 294, dated April 15, 1998, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 334, the nomination listed under Gov. Msg. No. 294 was returned.

HOUSE COMMUNICATION

Hse. Com. No. 432, informing the Senate that the House, on April 27, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 28, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 2774, S.D. 1;
H.B. No. 2780, S.D. 1;
H.B. No. 2858, H.D. 2, S.D. 2;
H.B. No. 3021, H.D. 1, S.D. 1;
H.B. No. 3082, H.D. 1, S.D. 1;
H.B. No. 3185, H.D. 1, S.D. 1; and
H.B. No. 3581, H.D. 1, S.D. 1,

was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3530) recommending that the Senate advise and consent to the nominations to the Board of Regents, University of Hawai'i, of the following:

CHARLES NAINOA THOMPSON, in accordance with Gov. Msg. No. 243; and

WAYNE KAHO'ONEI PANOKE, EVERETT R. DOWLING and WILLIAM C. BERGIN, D.V.M., MS, in accordance with Gov. Msg. No. 299.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3530 and Gov. Msg. Nos. 243 and 299 was deferred until Thursday, April 30, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3531) recommending that the Senate advise and consent to the nominations of JOHN M. HARA, PAULA ZOE HELFRICH and RONALD E. BRIGHT to the State Foundation on Culture and the Arts, in accordance with Gov. Msg. No. 307.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3531 and Gov. Msg. No. 307 was deferred until Thursday, April 30, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3532) recommending that the Senate advise and consent to the nominations of SHIGEO IWAMOTO and BRIAN T. TAMAMOTO to the Board of Directors, Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 317.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3532 and Gov. Msg. No. 317 was deferred until Thursday, April 30, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3533) recommending that the Senate advise and consent to the nomination of CAROL K. YAMAMOTO to the Labor and Industrial Relations Appeals Board, in accordance with Gov. Msg. No. 232.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 232 was deferred until Thursday, April 30, 1998.

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 o'clock p.m.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM
TUESDAY, APRIL 28, 1998

S.C.R. No. 9, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 19, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 19, S.D. 1, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 25 (H.D. 1):

By unanimous consent, action on S.C.R. No. 25, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Thursday, April 30, 1998.

S.C.R. No. 28, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 28, S.D. 1, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 34, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Thursday, April 30, 1998.

S.C.R. No. 48, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was deferred until Thursday, April 30, 1998.

S.C.R. No. 59, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 59, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was deferred until Thursday, April 30, 1998.

S.C.R. No. 71, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was deferred until Thursday, April 30, 1998.

S.C.R. No. 81, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was deferred until Thursday, April 30, 1998.

S.C.R. No. 90, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 90, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO REEVALUATE THE BASIS FOR THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INCORPORATED AND SHELL OIL COMPANY AND APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY OR COMPLETELY WITHDRAW FROM THAT CONSENT DECREE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 121, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 121, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was deferred until Thursday, April 30, 1998.

S.C.R. No. 137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 146, S.D. 2 (H.D. 1):

By unanimous consent, action on S.C.R. No. 146, S.D. 2, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 153, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 153, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was deferred until Thursday, April 30, 1998.

S.C.R. No. 154 (H.D. 1):

By unanimous consent, action on S.C.R. No. 154, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES," was deferred until Thursday, April 30, 1998.

S.C.R. No. 159 (H.D. 1):

By unanimous consent, action on S.C.R. No. 159, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 190, S.D. 1 (H.D. 2):

By unanimous consent, action on S.C.R. No. 190, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 191, S.D. 2 (H.D. 1):

By unanimous consent, action on S.C.R. No. 191, S.D. 2, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 200, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 200, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was deferred until Thursday, April 30, 1998.

FINAL READING

S.B. No. 2889, S.D. 1, H.D. 1:

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2889, S.D. 1, and S.B. No. 2889, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

ADVISE AND CONSENT

Stand. Com. Rep. No. 3515 (Gov. Msg. No. 288 and 290):

Senator D. Ige moved that Stand. Com. Rep. No. 3515 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

JAMES H. HATTAWAY, D.C., and DOROTHY K. ONO to the State Board of Chiropractic Examiners, terms to expire June 30, 2002 (Gov. Msg. No. 288); and

ROBERT A. BAYSA, D.D.S., DENNIS N. ISHIMOTO, MELISSA PAVLICEK and JANET M. Y. PRIMIANO to the Board of Dental Examiners, terms to expire June 30, 2002 (Gov. Msg. No. 290),

seconded by Senator Metcalf.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3516 (Gov. Msg. Nos. 282 and 283):

Senator D. Ige moved that Stand. Com. Rep. No. 3516 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

MICHAEL JOHN BOTHA to the Pest Control Board, term to expire June 30, 2001 (Gov. Msg. No. 282); and

PAULINE A. MASHIMA and JAMES T. YATES, Ph.D., to the Board of Speech Pathology and Audiology, terms to expire June 30, 2002 (Gov. Msg. No. 283),

seconded by Senator Metcalf.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3517 (Gov. Msg. No. 280):

Senator Aki moved that Stand. Com. Rep. No. 3517 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

OLIVER K. FERNANDEZ, term to expire June 30, 2001; and

LIBERTA L. H. ALBAO, LOUISE M. BUSH and LEIGHTON R. TSEU, terms to expire June 30, 2002,

seconded by Senator Tam.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3518 (Gov. Msg. No. 285):

Senator Aki moved that Stand. Com. Rep. No. 3518 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of DORIS M. CHING, Ed.D., to the Western Interstate Commission for Higher Education (WICHE), term to expire June 30, 2002, seconded by Senator Tam.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3519 (Gov. Msg. No. 204):

Senator Aki moved that Stand. Com. Rep. No. 3519 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

CATHERINE H. PAYNE, terms to expire June 30, 1998 and June 30, 2001; and

GERVACIO BUENCONSEJO, EDWIN T. GINOZA, PETER C. MORTON, SHARON T. NAKAGAWA, CHERYL M. SHINTANI and TWYLLA-DAWN STEER, terms to expire June 30, 2001,

seconded by Senator Tam.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3520 (Gov. Msg. No. 291):

Senator Aki moved that Stand. Com. Rep. No. 3520 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of CARL T. TAKAMURA and KAREN Y. AKA, Ph.D., to the Education Commission of the States, terms to expire June 30, 2002, seconded by Senator Tam.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3521 (Gov. Msg. No. 206):

Senator Solomon moved that Stand. Com. Rep. No. 3521 be received and placed on file, seconded by Senator Baker and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations of COLBERT M. MATSUMOTO and RUSSELL S. KOKUBUN to the Board of Land and Natural Resources, terms to expire June 30, 2002, seconded by Senator Baker.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3522 (Gov. Msg. No. 252):

Senator Tanaka moved that Stand. Com. Rep. No. 3522 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of STEPHEN E. SMITH to the Aquatic Life and Wildlife Advisory Committee, County of Maui, term to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidate nominated under Governor's Message 252 and found him to be qualified to fulfill his responsibilities. Your committee finds that the nominee will work with compassion and commitment, and has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation, and recommends his nomination.

"Stephen Smith is a commercial fisherman and Vice President of Purchasing and Marketing at VIP Foodservice on Maui. He is also a former member of the Maui Trailer Boat Club."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3523 (Gov. Msg. No. 276):

Senator Tanaka moved that Stand. Com. Rep. No. 3523 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of JOSEPH KALANI KAMANU to the Aquatic Life and Wildlife Advisory Committee, County of Maui, term to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidate nominated under Governor's Message 276 and found him to be qualified to fulfill his responsibilities. Your committee finds that the nominee will work with compassion and commitment, and has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation, and recommends his nomination.

"Joseph Kalani Kamanu is both a commercial fisherman and hunter. He is also a heavy equipment operator on Maui."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3524 (Gov. Msg. No. 279):

Senator Tanaka moved that Stand. Com. Rep. No. 3524 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations to the Hawai'i Aquaculture Advisory Council of the following:

GERALD R. CYSEWSKI, Ph.D., term to expire June 30, 2000; and

PAUL K. BIENFANG, Ph.D., and MICHAEL ALEY, terms to expire June 30, 2002,

seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 279, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Dr. Gerald Cysewski, Michael Aley, and Dr. Paul Bienfang are all nominated to the Hawaii Aquaculture Advisory Council. Dr. Cysewski is the co-founder and Chief Executive Officer of Cyanotech Corporation located at the Natural Energy Laboratory of Hawaii. He is also on the Board of Directors of the Hawaii Aquaculture Association.

"Dr. Bienfang is Senior Vice-President for Environmental Compliance and Technology with CEATECH USA, Inc., a publicly traded marine shrimp aquaculture company. He is an officer of the Hawaii Chapter of the American Fisheries Society, and is on the Board of Directors of the Hawaii Aquaculture Association and the Hawaii Association of Environmental Professionals.

"Michael Aley is President and co-founder of Big Island Abalone Corporation located at the Natural Energy Laboratory of Hawaii. He is a member of the World Aquaculture Society and the National Aquaculture Society."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3525 (Gov. Msg. No. 287):

Senator Tanaka moved that Stand. Com. Rep. No. 3525 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of BENJAMIN K. LINDSEY, AKIRA SAKIMA and RALPH K. ISHIKAWA to the Board of Agriculture, terms to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 287, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Ralph K. Ishikawa, Benjamin K. Lindsey, and Akira Sakima are nominated to the Board of Agriculture. Mr. Lindsey is a state firefighter and a farmer specializing in growing organic vegetables in Kamuela, Hawaii. He has been a farmer for over twenty years and is a member of the Hawaiian Homes Homesteaders Association and the Kawaihae Canoe Club.

"Mr. Sakima is a retiree who has been an active member of Hawaii's agricultural community for many years. He served as a member of the House of Representatives for eighteen years, and chaired the committees on Education and Agriculture. He is a past President of the Hawaii Farm Bureau and a former member of the Board of Education.

"Mr. Ishikawa operates a dendrobium orchid business on Kauai. He is a retired educator of 31 years and a past member of the Lions Club."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3526 (Gov. Msg. No. 289):

Senator Tanaka moved that Stand. Com. Rep. No. 3526 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

JOYCE L. E. KAAIHUE, term to expire June 30, 1999; and

VINCE G. BAGOYO, JR., DANIEL C. NAVARRO and JANE H. TESTA, terms to expire June 30, 2002,

seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 289, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Joyce L. E. Kaaihue, Vince G. Bagoyo, Jr., Daniel C. Navarro, and Jane H. Testa are nominated to the Community-Based Economic Development Advisory Council. Ms. Kaaihue is a Community Development Lender and Government Lending Programs Credit Officer at Bank of Hawaii.

"Mr. Bagoyo is President of Lanai Water Co., Inc. He served as a member of the Maui County Council and was also Director of the Maui County Departments of Water Supply and Human Concerns. He is currently a member of the American Water Works Association, Maui Economic Opportunity, Maui Community College Provost Advisory Committee, and the Homeless Shelter Fundraising Committee.

"Mr. Navarro is President of Kauai Lagoons Resort Company. He served as Director of Finance for the County of Kauai, and has worked as an Assistant Vice President and Bank Manager at Bank of Hawaii, Wong & Ako Management Company, and at Cooke Construction.

"Ms. Testa is a Program Specialist at the Hawaii County Office of Aging and has worked as an instructor at Honolulu Community College and a Program Director at Kalihi YMCA."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3527 (Gov. Msg. No. 292):

Senator Tanaka moved that Stand. Com. Rep. No. 3527 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of MICHAEL J. MCGIVERN to the Board of Directors, Hawai'i Strategic Development Corporation, term to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidate nominated under Governor's Message 292 and found him to be qualified to fulfill his responsibilities. Your committee finds that the nominee will work with compassion and commitment, and has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation, and recommends his nomination.

"Mr. Michael McGivern is nominated to the Board of Directors of the Hawaii Strategic Development Corporation. Mr. McGivern is an attorney with Kobayashi, Sugita & Goda. He has also worked as a commercial lending officer in Chicago."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3528 (Gov. Msg. No. 304):

Senator Tanaka moved that Stand. Com. Rep. No. 3528 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of LARRY PRICE, Ph.D., CHARLES T. TOGUCHI and SHIGETO HANDA to the Stadium Authority, terms to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 304, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Shigeto Handa, Dr. Larry Price, and Charles T. Toguchi are nominated to the Stadium Authority. Mr. Handa is an independent businessman who has been involved for many years in youth groups in the Pearl City area.

"Dr. Price is one of Hawaii's most well-known scholar-athletes and radio personalities. He is the Chair of the Hawaii Sports Hall of Fame Commission and is a Special Assistant to the Governor for Sports Marketing.

"Mr. Toguchi has recently retired from public service. He has served as Superintendent of the Department of Education and as Chief of Staff in the Office of the Governor. Prior to that, he served in the Legislature for over ten years."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3529 (Gov. Msg. No. 311):

Senator Tanaka moved that Stand. Com. Rep. No. 3529 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations to the Board of Directors, High Technology Development Corporation of the following:

KENNETH T. KOIKE, term to expire June 30, 1999; and

RONALD H. KOBAYASHI and ALTON H. MIYAMOTO, terms to expire June 30, 2002,

seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 311, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Kenneth T. Koike, Ronald H. Kobayashi, and Alton H. Miyamoto are nominated to the Board of Directors of the High Technology Development Corporation. Mr. Koike has worked for Xerox Corporation in various marketing and management positions. He has been the Xerox Pacific Chairperson for the United Way and the Pacific Chairperson for the Xerox Community Involvement Program.

"Mr. Kobayashi recently retired from the construction industry. He has served as President of the Building Industry Association, and as a Trustee of the University of Hawaii Foundation.

"Mr. Miyamoto is an electrical engineer and is the Manager of Planning and Regulatory Affairs for Citizens Utility Company, Kauai Electric Division. He is also the Vice Chairperson for the Kauai Economic Development Board."

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

AGREE/DISAGREE AND APPOINTMENT OF CONFEREES

S.C.R. No. 19, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 19, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chun Oakland, Kanno, Ige, D., Metcalf, Fukunaga, Baker, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.C.R. No. 28, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 28, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Levin, Fernandes Salling, Metcalf, Ige, D., Kanno, Chun

Oakland, co-chairmen, Baker, Slom as managers on the part of the Senate at such conference.

S.C.R. No. 146, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 146, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Ihara, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.C.R. No. 159 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 159 and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.C.R. No. 191, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 191, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Taniguchi, Kawamoto, Fukunaga, co-chairmen, Ihara, McCartney, Slom as managers on the part of the Senate at such conference.

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

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

"Mr. President, my reason for standing this morning is, last evening I was here, as most of us have been, I received a call from a young lady who asked me to please raise her taxes and to protect her job. Being a minority, it's much easier to agree than most of you, I could have lied and said no problem, it all depends on what the majority party is going to do, because there are only two Republicans. But because I was honest, I asked her if she would be able to support some of the issues that we have here. Would she, for instance with the referendum, support any type of gambling which would go ahead and help. She said, 'No, I'm opposed to gambling.' I said, 'It's okay for us to support your job, but you don't want to support other people's jobs. You want us, with a budget that's going to be balanced and with the economy failing and funds not going into the general fund, you want us to support you, and any kind of recommendations that we have that will help others, you don't want to support.' She said, well, that's because that's the way she feels. So I said, 'Well, I'll tell you. As a Republican, I want to support as many people as I possibly can with jobs. I want to make sure that the economy gets set right. I want to take care of our locals. And for me to go ahead and lie to you would be very, very easy.'

"And I want you to know, Mr. President, that it bothered me all evening because these people depend on us. They want us to give them a feeling of some kind of stability. But I don't believe that we can lie to them. I believe we have to tell them the truth. If you're not going to be able to save their jobs, if you're going to be able to keep the no-tax increase like we have promised, then that's what we have to say.

"So I do thank you, Mr. President, and I was just concerned about our residents and I hope that the rest are too. Mahalo."

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2025, S.D. 2 (H.D. 2):

Senator Taniguchi moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2025, S.D. 2, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2025, S.D. 2, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 2025 authorizes the Board of Agriculture to adopt rules to amend misidentifying, conditionally-approved restricted and prohibited plants, animals and microorganisms. The House amendments are technical and nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and S.B. No. 2025, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 2026, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2026, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2026, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 2026 exempts from the general excise tax all funds received from the High Tech Development Corporation as grants to supplement federal Small Business Innovation Research awards or contracts. The House amendment changed the effective date to July 1, 1998."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and S.B. No. 2026, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 3024, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3024, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 3024, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 3024 establishes an Animal Quarantine Special Fund to pay for the quarantine program. The House amendments allow the funds reserved to be used for personnel costs and other costs at the discretion of the Board of Agriculture."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3024, S.D. 1, and S.B. No. 3024, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 3025, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3025, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 3025, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 3025 establishes the Milk Control Special Fund for the deposit of monies collected under the Milk Control Act. The House amendments allow the funds reserve to be used for personnel costs, similarly to the previous bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3025, S.D. 1, and S.B. No. 3025, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 1310, S.D. 1 (H.D. 2):

Senator Chumbley moved that the Senate reconsider its action taken on April 6, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 1310, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1310, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, this measure simply changes the name of the Criminal Injuries Compensation Commission to the Crime Victim Compensation Commission, and the changes made by the House were stylistic in nature and we concur with those."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1310, S.D. 1, and S.B. No. 1310, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

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

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

"Yesterday, the governor was reported as calling for the legislature to extend this current session so that we could pass the general excise tax and burden our taxpayers and families even more. And I note that one of our colleagues also thought that was a good idea to extend the session. But, Mr. President, we don't have to extend the session. We're here to do a job. We have a time limit, like everybody else. We're supposed to get our work done. The people have made it very clear they don't want a tax increase. In fact, they'll be rallying here again on Friday afternoon, which I know that's why we changed the time of the Senate session so that we could get everybody ready for the rally. We'll have our session at 3:00 and then we'll go there at 4:00. We'll all join hands. And at this rally, Mr. President, everyone has an opportunity to speak and to speak up for about what they think.

"But the good news is we don't have to extend the session because even though we've been critical of the news media, frequently, I'm very happy to have seen this headline in this morning's paper -- 'Senators on the verge of eliminating Devils' and I think, Mr. President, that says it all. We are about ready to do that. Our budget will prevail. We will defeat the dreaded tax proposed by the House so there will need to be no extended or special session.

"Thank you, Mr. President." (Laughter.)

ADJOURNMENT

At 12:34 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 30, 1998.