

## FIFTIETH DAY

Thursday, April 5, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:00 o'clock a.m., with the Vice President in the Chair.

The Divine Blessing was invoked by Reverend Doctor Chester Terpstra, Central Union Church, after which the Roll was called showing all Senators present, with the exception of Senators Ajifu, Hara, Takitani and Wong, who were excused.

The Vice President announced that the President had read and approved the Journal of the Forty-Ninth Day.

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

Senator Yamasaki introduced 26 seventh and eighth grade students from Paia School, Maui, accompanied by their teachers, Mr. Bill Uemura and Mr. Earl Fukami, and chaperones, Mr. and Mrs. George Cayasan.

Senator Anderson introduced 17 members of the Kapahulu Senior Citizens Club who toured Iolani Palace and are visiting the Capitol.

Senator Toyofuku introduced 12 high school students from Kauai who are participating in the Kauai Student Leaders program, accompanied by their advisors, Mr. Al Nagata, Mr. Morris Nakahata, Mr. Daniel Yotsuda and Mr. Rodolfo Sina. Miss Kauai, Roxanne Beutler of Waimea, was also introduced.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 115) transmitting the 6th Annual Report, 1977-1978, prepared by the Hawaii State Commission on the Status of Women, in compliance with Act 190, Hawaii Revised Statutes, was read by the Clerk and was referred to the Committee on Judiciary.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 407 to 412) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 407) transmitting House Concurrent Resolution No. 7, H.D. 1, which was adopted by the House of Representatives on April 4, 1979, was placed on file.

By unanimous consent, H.C.R. No.

7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INCREASE FUNDS AVAILABLE UNDER VOCATIONAL REHABILITATION ACT, AS AMENDED, AND TITLE XX OF THE SOCIAL SECURITY ACT, SO THAT THE VOCATIONAL/SOCIAL REHABILITATION SERVICES IN HAWAII MAY RECEIVE ADEQUATE FUNDING", was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 408) transmitting House Concurrent Resolution No. 11 which was adopted by the House of Representatives on April 4, 1979, was placed on file.

By unanimous consent, H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ARMY AND NAVY TO ALLOW THE GENERAL PUBLIC TO UTILIZE THE LEILEHUA GOLF COURSE AND THE NAVY-MARINE GOLF COURSE", was referred to the Committee on Intergovernmental Relations.

A communication from the House (Hse. Com. No. 409) transmitting House Concurrent Resolution No. 24, H.D. 1, which was adopted by the House of Representatives on April 4, 1979, was placed on file.

By unanimous consent, H.C.R. No. 24, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND ASSESSMENT OF THE NEED FOR AFTER-SCHOOL PROGRAMS", was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 410) transmitting House Concurrent Resolution No. 97, H.D. 1, which was adopted by the House of Representatives on April 4, 1979, was placed on file.

By unanimous consent, H.C.R. No. 97, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII COALITION OF LABOR ORGANIZATIONS IN THEIR BOYCOTT OF J. P. STEVENS AND COMPANY PRODUCTS", was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 411) transmitting House Concurrent Resolution No. 119 which was adopted by the House of Representatives on April 4, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING 1979 AS THE INTERNATIONAL YEAR OF THE

CHILD IN ACCORDANCE WITH THE DECLARATION OF THE UNITED NATIONS", was adopted.

A communication from the House (Hse. Com. No. 412) transmitting House Concurrent Resolution No. 120 which was adopted by the House of Representatives on April 4, 1979, was placed on file.

By unanimous consent, H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ACQUISITION OF FEDERAL GRANTS FOR BICYCLE PROJECTS UNDER THE FEDERAL-AID HIGHWAY ACT OF 1978", was referred to the Committee on Transportation.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 82 to 86) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 82), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW AND STUDY OF EXEMPTIONS FROM THE GENERAL EXCISE TAX GIVEN FOR UNRELATED REVENUE PRODUCING ACTIVITIES BY BANKS, INSURANCE COMPANIES AND BUILDING AND LOAN ASSOCIATIONS", was jointly offered by Senators Cobb, Yim, Toyofuku, Campbell, George, Hara, Kawasaki, Yamasaki, Takitani, Kuroda, Cayetano, Yee, Ushijima, Chong, Carpenter and Carroll.

By unanimous consent, S.C.R. No. 82 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 83), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF A DIAMOND HEAD-FORT RUGER LAND USE PLAN", was jointly offered by Senators Cobb, Soares, Saiki and O'Connor.

By unanimous consent, S.C.R. No. 83 was referred jointly to the Committee on Higher Education and the Committee on Economic Development.

At 11:13 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:16 o'clock a.m.

A concurrent resolution (S.C.R. No. 84), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING AND COMMENDING THE BOARD OF DIRECTORS, THE EXECUTIVE DIRECTOR, THE STAFF, AND ALL PERSONS RESPONSIBLE FOR THE SUCCESSFUL AND EFFECTIVE OPERATION OF HALE OPIO KAUAI, INC., AT PUHI, KAUAI", was jointly offered by Senators Toyofuku, Takitani, Yamasaki,

Soares, O'Connor, Ajifu, Anderson, Kawasaki, Hara, Young, George, Cayetano, Kuroda, Cobb, Saiki, Chong, Ushijima, Yim, Yee, Abercrombie, Carpenter, Mizuguchi, Campbell, Carroll and Wong.

On motion by Senator Toyofuku, seconded by Senator Carpenter and carried, S.C.R. No. 84 was adopted.

A concurrent resolution (S.C.R. No. 85), entitled: "SENATE CONCURRENT RESOLUTION EXTENDING CONGRATULATIONS AND ALOHA TO THE OAHU AJA VETERANS COUNCIL FOR A SUCCESSFUL 1979 NISEI VETERANS REUNION", was jointly offered by Senators Ushijima, Hara, Yamasaki, Takitani, Kuroda, Toyofuku, Cobb, Young, George, O'Connor, Kawasaki, Chong, Yim, Cayetano, Soares, Yee, Saiki, Anderson, Carroll and Ajifu.

On motion by Senator Ushijima, seconded by Senator Mizuguchi and carried, S.C.R. No. 85 was adopted.

A concurrent resolution (S.C.R. No. 86), entitled: "SENATE CONCURRENT RESOLUTION EXTENDING CONGRATULATIONS TO THE LEGISLATIVE REFERENCE BUREAU, UNDER DIRECTOR SAMUEL B. K. CHANG, FOR WINNING THE 1978 NATIONAL CONFERENCE OF STATE LEGISLATURES OUTSTANDING LEGISLATIVE RESEARCH REPORTS COMPETITION", was jointly offered by Senators Ushijima, Yamasaki, Takitani, Toyofuku, Soares, Cobb, Yim, Yee, Mizuguchi, Anderson, Wong, Hara, Chong, Young, Ajifu, Cayetano, George, Kawasaki, O'Connor, Saiki, Carroll, Campbell, Abercrombie and Carpenter.

On motion by Senator Ushijima, seconded by Senator Mizuguchi and carried, S.C.R. No. 86 was adopted.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 351 to 364) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 351), entitled: "SENATE RESOLUTION CONGRATULATING HAWAIIAN AIRLINES, INC. ON ITS ALL-FEMALE CREW", was jointly offered by Senators Saiki, Carroll, Chong, Mizuguchi, Soares, Cobb, Young, Ushijima, Carpenter, Yamasaki, Hara, Cayetano, Ajifu, Takitani, Toyofuku, O'Connor, George, Wong, Campbell, Kawasaki, Anderson, Kuroda, Abercrombie, Yee and Yim.

Senator Saiki then moved that S.R. No. 351 be adopted, seconded by Senator Carroll.

At this time, Senator Saiki rose to state as follows:

"Mr. President, in speaking in support of this resolution, I would like to point out that when Hawaiian Airlines' Flight No. 200 departed on March the 6th for Molokai from Honolulu, it was the very first all-female crew in the history of America's certified, scheduled air carriers. This inaugural flight was accomplished by a crew of able, dedicated, and qualified women who achieved a milestone in the establishment of equal opportunities for women. They have, indeed, paved the way for many others to follow.

"I ask everyone to vote in support of the resolution."

Senator Carroll then added as follows:

"Mr. President, I also rise to urge that everyone vote for this measure and I can only say that you just about have to be a pilot to understand what these ladies have had to go through in order to have achieved this very remarkable feat.

"Having seen the Hawaiian Airlines shorts, as we call that particular airplane, and not having had the opportunity to pilot it, I'd say it takes quite a man to move that particular machine back and forth and particularly in an area like Molokai. Quite safely I'm sure, but quite a job.

"It is really an honor to be able to move on this particular Senate Resolution."

Senator Soares then remarked as follows:

"On behalf of Aloha Airlines, I want to extend my heartfelt congratulations on the resolution to a wonderful crew."

Senator Kawasaki, the Presiding Officer, then stated as follows:

"I had to do a lot of soul-searching to decide to vote for this resolution, much less to have been one of the cosigners.

"As the sole remaining member of this Body known as the last of the male chauvinists with an unblemished record in this regard, I really had great reservations about signing the resolution; however, in the true tradition of the gallantry of the male members of this Body, I decided I shall accede to Senator Saiki's wishes and I therefore urge all of you to vote for this, although I still have some reservations about whether I want to take a trip to one of the outer islands on our all-female crew. Be that as it may, I urge the voting of this resolution by unanimous acclamation."

The motion was put by the Chair and carried and S.R. No. 351 was adopted.

Senator Saiki then introduced to the members of the Senate the crew of the inaugural flight: Captain Sharyn Emminger, First Officer Karen Squyres, and Flight Attendant Trude Asada, accompanied by Mr. John H. Magoon, Jr., President and Chairman of the Board of Hawaiian Airlines. Certified copies of the resolution and leis were presented to them by Senators Saiki, Anderson, Yee, Yamasaki, O'Connor and George.

Also introduced, sitting in the gallery, were the following: Honolulu ticket agent Shirly Nuyha, Honolulu baggage handler Trudie Oshiro and Molokai baggage handler Cecelia Elersten, who are part of the all-female crew, accompanied by Mr. Al Narimatsu, Director of Government Affairs for Hawaiian Airlines.

At 11:21 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:24 o'clock a.m.

A resolution (S.R. No. 352), entitled: "SENATE RESOLUTION CONGRATULATING THE FIRST CHINESE CHURCH OF CHRIST IN HAWAII ON ITS 100TH ANNIVERSARY", was jointly offered by Senators Yee, Takitani, Hara, Young, Chong, Toyofuku, Cobb, Yim, George, Campbell, Carpenter, Kuroda, Yamasaki, Anderson, Soares, Mizuguchi, Cayetano and Ajifu.

On motion by Senator Yee, seconded by Senator Chong and carried, S.R. No. 352 was adopted.

A resolution (S.R. No. 353), entitled: "SENATE RESOLUTION CONGRATULATING MARIE KANHOI KAHULA FOR BEING SELECTED AS HAWAII'S MOTHER OF THE YEAR", was jointly offered by Senators Yamasaki, Takitani, Young, Toyofuku, Campbell, Yim, Kawasaki, Cayetano, O'Connor, Ushijima, Kuroda, Soares, Anderson, Hara, Chong, Cobb, Carpenter, Mizuguchi, Yee, Wong, George, Ajifu, Saiki, Carroll and Abercrombie.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.R. No. 353 was adopted.

A resolution (S.R. No. 354), entitled: "SENATE RESOLUTION REQUESTING A REVIEW AND STUDY OF EXEMPTIONS FROM THE GENERAL EXCISE TAX GIVEN FOR UNRELATED REVENUE PRODUCING ACTIVITIES BY BANKS, INSURANCE COMPANIES AND BUILDING AND LOAN ASSOCIATIONS", was jointly offered by Senators Cobb, Chong, Yim, Toyofuku, Campbell, George, Hara, Kawasaki, Yamasaki, Takitani, Kuroda, Cayetano, Yee, Ushijima, Carpenter and Carroll.

By unanimous consent, S.R. No. 354 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 355), entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE WHETHER MARTIAL ART TOURNAMENTS OR SIMILAR SPORTING EVENTS SHOULD BE UNDER OFFICIAL STATE SUPERVISION AND CONTROL", was jointly offered by Senators Cobb, Yim, Toyofuku, Campbell, George, Hara, Kawasaki, Yamasaki, Chong, Takitani, Kuroda, Soares, Cayetano, O'Connor, Carpenter, Carroll, Yee and Ushijima.

By unanimous consent, S.R. No. 355 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 356), entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT OF A DIAMOND HEAD-FORT RUGER LAND USE PLAN", was jointly offered by Senators Cobb, Soares, Saiki and O'Connor.

By unanimous consent, S.R. No. 356 was referred jointly to the Committee on Higher Education and the Committee on Economic Development.

A resolution (S.R. No. 357), entitled: "SENATE RESOLUTION REQUESTING LEGISLATIVE SUPPORT FOR A STATE-WIDE OBSERVATION OF EARTH DAY FOR FRIDAY, APRIL 27, 1979", was jointly offered by Senators Abercrombie, Carroll, Carpenter, Yamasaki, Hara, Campbell, George, Yim, Young, Ushijima, Ajifu, Takitani, O'Connor, Soares, Kuroda, Cayetano and Cobb.

Senator Abercrombie then moved that S.R. No. 357 be adopted, seconded by Senator Carroll.

At this time, Senator Abercrombie rose to state as follows:

"Mr. President, the Earth Day celebration, if you will, goes back some period of time to, I suppose, what we might call the era of awareness of our earth at first glance. That kind of observation seems to be something that should be so obvious that no time should have to be taken to make other than an observation. But I think that within the last decade especially, and with the words of Dr. Pauling just yesterday, and the events that have taken place just within this state alone, in the last decade, in terms of the necessity of paying close attention to the earth which gives us life, that this resolution is particularly in order. And with that in mind I hope that all the members will be voting 'aye'."

The motion was put by the Chair and

carried and S.R. No. 357 was adopted.

Senator Abercrombie then introduced Joyce Miller, President of the Council for Environmental Affairs, and stated as follows:

"Mr. President, there are several individuals and organizations to receive copies of the resolution but, in particular, the leading force in the presentation of the resolution of Senator Carroll and myself has been the Council for Environmental Affairs."

and presented a certified copy of the resolution to Ms. Miller.

At 11:29 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:33 o'clock a.m.

The President, at this time, assumed the rostrum.

A resolution (S.R. No. 358), entitled: "SENATE RESOLUTION COMMENDING THE HAWAII INDUSTRIAL ARTS ASSOCIATION AND THE DEPARTMENT OF EDUCATION FOR THEIR CO-SPONSORSHIP OF THE 25TH ANNUAL HAWAII INDUSTRIAL ARTS FAIR", was jointly offered by Senators Ajifu, Yee, Soares, Yamasaki, Ushijima, Cayetano, Young, Toyofuku, Cobb, O'Connor, Takitani, Carroll, Anderson, Hara, Campbell, Chong, Abercrombie, Kawasaki, Saiki, Carpenter, Kuroda, Mizuguchi and George.

On motion by Senator Saiki, seconded by Senator Yee and carried, S.R. No. 358 was adopted.

A resolution (S.R. No. 359), entitled: "SENATE RESOLUTION CONGRATULATING AND COMMENDING THE BOARD OF DIRECTORS, THE EXECUTIVE DIRECTOR, THE STAFF, AND ALL PERSONS RESPONSIBLE FOR THE SUCCESSFUL AND EFFECTIVE OPERATION OF HALE OPIO KAUAI, INC., AT PUHI, KAUAI", was jointly offered by Senators Toyofuku, Takitani, Yamasaki, George, Cayetano, Soares, Hara, Young, Kuroda, Ajifu, Anderson, Kawasaki, Cobb, Ushijima, Chong, O'Connor, Yim, Yee, Carpenter, Mizuguchi, Campbell, Saiki, Carroll and Wong.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, S.R. No. 359 was adopted.

A resolution (S.R. No. 360), entitled: "SENATE RESOLUTION URGING THE MAYOR AND COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO PROVIDE IMPROVED PUBLIC FACILITIES IN THE WAIKIKI-ALA MOANA AREA", was jointly

offered by Senators Carroll, Yee, Anderson, George, Ushijima, Young, Toyofuku, Takitani, Yamasaki, Soares, O'Connor, Hara, Chong and Cayetano.

By unanimous consent, S.R. No. 360 was referred to the Committee on Intergovernmental Relations.

A resolution (S.R. No. 361), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND ALOHA TO THE OAHU AJA VETERANS COUNCIL FOR A SUCCESSFUL 1979 NISEI VETERANS REUNION", was jointly offered by Senators Ushijima, Hara, Yamasaki, Takitani, Kuroda, Toyofuku, O'Connor, Cobb, Kawasaki, Chong, Yim, Young, George, Cayetano, Soares, Yee, Saiki, Anderson and Carroll.

On motion by Senator Ushijima, seconded by Senator Mizuguchi and carried, S.R. No. 361 was adopted.

A resolution (S.R. No. 362), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE LEGISLATIVE REFERENCE BUREAU, UNDER DIRECTOR SAMUEL B. K. CHANG, FOR WINNING THE 1978 NATIONAL CONFERENCE OF STATE LEGISLATURES OUTSTANDING LEGISLATIVE RESEARCH REPORTS COMPETITION", was jointly offered by Senators Ushijima, Yamasaki, Carpenter, Takitani, Toyofuku, Soares, Kuroda, Cobb, Yim, Yee, Anderson, Carroll, Hara, Chong, Young, Ajifu, Kawasaki, Cayetano, George, O'Connor, Saiki, Wong, Campbell and Abercrombie.

On motion by Senator Ushijima, seconded by Senator Yamasaki and carried, S.R. No. 362 was adopted.

A resolution (S.R. No. 363), entitled: "SENATE RESOLUTION CONGRATULATING HIROSHI YAMASHITA ON HIS ELECTION AS PRESIDENT OF THE NATIONAL SCHOOL BOARDS ASSOCIATION FOR 1979-80", was jointly offered by Senators Ushijima, Takitani, Cobb, O'Connor, Hara, Saiki, Yamasaki, Toyofuku, Soares, Kuroda, Yim, Carpenter, Chong, Young, Ajifu, Cayetano, George, Kawasaki, Yee, Anderson and Carroll.

On motion by Senator Ushijima, seconded by Senator Yamasaki and carried, S.R. No. 363 was adopted.

At 11:35 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:36 o'clock a.m.

A resolution (S.R. No. 364), entitled: "SENATE RESOLUTION COMMENDING AND HONORING MAURICE M. KAHAWAII ON HIS SELECTION AS THE 1979 TRUCK DRIVER OF THE YEAR FOR HAWAII",

was jointly offered by Senators Chong, Campbell, Kuroda, Carpenter, Carroll, Yee, Saiki, Ajifu, Hara, Abercrombie, Cobb, Cayetano, Soares, Takitani, Yim, George, Yamasaki, Ushijima, Wong, O'Connor, Mizuguchi, Young, Kawasaki and Anderson.

On motion by Senator Chong, seconded by Senator Campbell and carried, S.R. No. 364 was adopted.

At this time, Senator Chong introduced to the members of the Senate Mr. Maurice Kahawaii and his wife Marian, and presented them with a certified copy of the resolution.

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:39 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 976) informing the Senate that Senate Concurrent Resolution Nos. 79 to 81, Senate Resolution Nos. 343 to 350 and Standing Committee Report Nos. 957 to 975 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 977) recommending that House Bill No. 498, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 977 and H.B. No. 498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS OF BOARDS OF DIRECTORS", was deferred until Friday, April 6, 1979.

Senator Campbell, for the Committee on Education, presented a report (Stand. Com. Rep. No. 978) recommending that Senate Resolution No. 121 be referred to the Committee on Judiciary.

On motion by Senator Campbell, seconded by Senator Young and carried, the report of the Committee was adopted and S.R. No. 121, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE FAMILY COURT TO SPONSOR AN EDUCATIONAL PROGRAM DESIGNED TO PREVENT SHOPLIFTING", was referred to the Committee on Judiciary.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 979) recommending that Senate Concurrent Resolution No. 57, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.C.R. No. 57, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PERSONNEL SERVICES TO REVIEW COMPENSATION PLANS OF SECRETARIAL CLASSES OF THE CIVIL SERVICE", was adopted.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM APRIL 4, 1979

Senate Bill No. 9, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 9, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS (CONSTITUTIONAL AMENDMENT OF ARTICLE II, SECTION 4)", was deferred until Friday, April 6, 1979.

Senate Bill No. 11, H.D. 1:

By unanimous consent, action on S.B. No. 11, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS (CONSTITUTIONAL AMENDMENTS OF ARTICLE II, SECTION 8)", was deferred until Friday, April 6, 1979.

Senate Bill No. 15, S.D. 1, H.D. 1:

By unanimous consent, action S.B. No. 15, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE IV)", was deferred until Friday, April 6, 1979.

Senate Bill No. 42, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 42, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS (CONSTITUTIONAL AMENDMENT OF ARTICLE XIV)", was deferred until Friday, April 6, 1979.

Senate Bill No. 45, H.D. 1:

By unanimous consent, action on S.B. No. 45, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICIAL LANGUAGES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV)", was deferred until Friday, April 6, 1979.

Senate Bill No. 46, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 46, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC

OFFICE AND EMPLOYMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE XVI, SECTION 3)", was deferred until Friday, April 6, 1979.

Senate Bill No. 50, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 50, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT JUDGES (CONSTITUTIONAL AMENDMENTS OF ARTICLES VI AND XVIII)", was deferred until Friday, April 6, 1979.

Senate Bill No. 77, S.D. 3, H.D. 1:

By unanimous consent, action on S.B. No. 77, S.D. 3, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", was deferred until Friday, April 6, 1979.

Senate Bill No. 86, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 86, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", was deferred until Friday, April 6, 1979.

Senate Bill No. 87, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 87, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT", was deferred until Friday, April 6, 1979.

Senate Bill No. 181, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 181, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROSECUTION", was deferred until Friday, April 6, 1979.

Senate Bill No. 182, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 182, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", was deferred until Friday, April 6, 1979.

Senate Bill No. 393, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 393, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA", was deferred until Friday, April 6, 1979.

Senate Bill No. 581, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 581, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", was deferred until Friday, April 6,

1979.

Senate Bill No. 599, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 599, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", was deferred until Friday, April 6, 1979.

Senate Bill No. 615, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 615, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REEMPLOYMENT OF RETIRED PATIENT EMPLOYEES OF THE DEPARTMENT OF HEALTH", was deferred until Friday, April 6, 1979.

Senate Bill No. 664, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 664, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSIGNMENT OF WAGES FOR CHILD SUPPORT", was deferred until Friday, April 6, 1979.

Senate Bill No. 666, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 666, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF OVERPAYMENTS OF PUBLIC ASSISTANCE", was deferred until Friday, April 6, 1979.

Senate Bill No. 670, H.D. 1:

By unanimous consent, action on S.B. No. 670, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCEDURES FOR ADOPTION, AMENDMENT OR REPEAL OF RULES", was deferred until Friday, April 6, 1979.

Senate Bill No. 691, H.D. 1:

By unanimous consent, action on S.B. No. 691, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING BOARD", was deferred until Friday, April 6, 1979.

Senate Bill No. 692, H.D. 1:

By unanimous consent, action on S.B. No. 692, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MASSAGE", was deferred until Friday, April 6, 1979.

Senate Bill No. 694, H.D. 1:

By unanimous consent, action on S.B. No. 694, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION AGENCY BOARD", was deferred until Friday, April 6, 1979.

Senate Bill No. 695, S.D. 1, H.D. 1:

By unanimous consent, action S.B. No. 695, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELEVATOR MECHANICS LICENSING BOARD", was deferred until Friday, April 6, 1979.

Senate Bill No. 697, H.D. 1:

By unanimous consent, action on S.B. No. 697, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOXING COMMISSION", was deferred until Friday, April 6, 1979.

Senate Bill No. 870, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 870, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND TRANSPORTATION SYSTEM", was deferred until Friday, April 6, 1979.

Senate Bill No. 919, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 919, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION", was deferred until Friday, April 6, 1979.

Senate Bill No. 1043, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1043, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AWARDED OF INTEREST IN CIVIL CASES", was deferred until Friday, April 6, 1979.

Senate Bill No. 1049, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1049, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE", was deferred until Friday, April 6, 1979.

Senate Bill No. 1091, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1091, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1230, H.D. 1:

By unanimous consent, action on S.B. No. 1230, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", was deferred until Friday, April 6, 1979.

Senate Bill No. 1238, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1238, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1282, H.D. 1:

By unanimous consent, action on S.B. No. 1282, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR FALSE STATEMENTS AND REPRESENTATIONS IN REGARD TO UNEMPLOYMENT COMPENSATION", was deferred until Friday, April 6, 1979.

Senate Bill No. 1284, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1284, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE AND TRUSTS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1303, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1303, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF CHILDREN", was deferred until Friday, April 6, 1979.

Senate Bill No. 1315, H.D. 1:

By unanimous consent, action on S.B. No. 1315, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", was deferred until Friday, April 6, 1979.

Senate Bill No. 1373, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1373, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION: MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1979", was deferred until Friday, April 6, 1979.

Senate Bill No. 1540, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1540, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUIPMENT", was deferred until Friday, April 6, 1979.

Senate Bill No. 1591, H.D. 2:

By unanimous consent, action on S.B. No. 1591, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY COMMISSION AND ENVIRONMENTAL IMPACT STATEMENTS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1611, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1611, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATIONS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1634, S.D. 2, H.D. 1:

By unanimous consent, S.B. No. 1634, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT", was deferred until Friday, April 6, 1979.

Senate Bill No. 1650, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1650, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSOLIDATION AND MERGER OF CORPORATIONS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1657, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1657, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUGAR PRODUCERS CROP LOANS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1680, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1680, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", was deferred until Friday, April 6, 1979.

Senate Bill No. 1682, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1682, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY USED IN ILLEGAL GAMBLING", was deferred until Friday, April 6, 1979.

Senate Bill No. 168, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 168, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAND JURY PROCEEDINGS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1703, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1703, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO SPECIFY VOTING PROCEDURE FOR CONSTITUTIONAL AMENDMENTS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1727, S.D. 1, H.D. 1:



By unanimous consent, action on S.B. No. 1727, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON", was deferred until Friday, April 6, 1979.

Senate Bill No. 1737, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1737, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", was deferred until Thursday, April 6, 1979.

Senate Bill No. 1752, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1752, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY", was deferred until Friday, April 6, 1979.

Senate Bill No. 1753, H.D. 1:

By unanimous consent, action on S.B. No. 1753, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS", was deferred until Friday, April 6, 1979.

Senate Bill No. 1771, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1771, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", was deferred until Friday, April 6, 1979.

Senate Bill No. 1389, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1389, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND DEVELOPMENT OF KAUIAI", was deferred until Friday, April 6, 1979.

Senate Bill No. 1409, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1409, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE", was deferred until Friday, April 6, 1979.

Senate Bill No. 1415, H.D. 1:

By unanimous consent, action on S.B. No. 1415, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL", was deferred until Friday, April 6, 1979.

Senate Bill No. 1430, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1430, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", was deferred until Friday, April 6, 1979.

Senate Bill No. 1438, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1438, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", was deferred until Friday, April 6, 1979.

Senate Bill No. 1439, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1439, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", was deferred until Friday, April 6, 1979.

Senate Bill No. 1451, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1451, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", was deferred until Friday, April 6, 1979.

Senate Bill No. 1483, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1483, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FROM CIVIL SERVICE FOR THE HAWAII HOUSING AUTHORITY TENANT HIRE PROGRAM", was deferred until Friday, April 6, 1979.

Senate Bill No. 1492, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1492, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", was deferred until Friday, April 6, 1979.

Senate Bill No. 1516, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1516, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", was deferred until Friday, April 6, 1979.

Senate Bill No. 1539, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1539, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTION TO LIABILITY", was deferred until Friday, April 6, 1979.

At this time, Senator Kawasaki rose on a point of personal privilege and stated as follows:

"Mr. President, I rise on a point of personal privilege to discuss with this Body... a subject matter I think needs discussing... and this is the matter of the kind of coverage we've had on resolutions and bills introduced relative to the possible repeal or relative to the attorney general's office inquiry... investigation of possible predatory practices by the two newspapers

and the monopoly that's created there and asking the Congress of the United States to repeal the Newspaper Preservation Act enacted in the year 1970.

"Ordinarily, I would not take the time of this Body to discuss some of the concerns that I have but I think it's important to put in proper context, proper perspective, the reasons for the introduction of some of these resolutions and bills, and certainly, I think I owe this discussion and the information I hope to impart this morning to the cosigners of the resolution that's been referred to the Committee on Judiciary, yesterday, asking for the Congress to repeal the Newspaper Preservation Act.

"What has been very disturbing in the past is that whenever coverage of these resolutions, coverage of committee hearings relative to these resolutions and bills were involved in the past . . . coverage is very limited, giving forth the reasons for the move on our side. The newspaper's side on the other hand, and I suppose you (have) this advantage if you own the newspapers, there've been editorials, there've been half-a-page articles, there've been five-column spreads, quoting verbatim the written testimony, in this session, for example, of the newspaperowner's position, this is patently, I think, not impartial coverage.

"Generally, when they refer to these resolutions and bills, they've been saying that this is the Newspaper Preservation Act which provides 'limited exemptions' and the joint use of facilities. . ."

The President then asked, "Excuse me, Senator Kawasaki, I wonder if you would state your point of personal privilege?"

Senator Kawasaki replied as follows:

"The point I want to make is (that) coverage has not been fair. I want to call the attention of this Body to this coverage. Let me put this in the proper context, as I said. I hope in due time, at the committee deliberations, to present arguments in favor of these resolutions, but let me put this matter in its proper perspective.

"Unlike what the newspaper coverage claims that this is just 'limited exemptions' for the newspapers, let me just read you the exact language of the statute we passed in 1973; incidentally, which Senator Anderson very wisely opposed at that time, and at that time I was one of the people speaking in favor of this bill and I promised this Body that I would be the first to lead a move to repeal the Act if, since the advent of the enactment of that statute, we found abuses, trade abuses, monopoly abuses that affected

the consumers of the state. . . and this is the primary reason for why I think we should be concerned.

"The newspapers rarely have carried the fact that since enactment by us, of this Newspaper Preservation Act, they have raised advertising rates exactly eight times. They have joint use of facilities and so forth and my point is, because of the economies effectuated by the joint use of facilities and the joint operations that they now enjoy, there's no need for the newspapers to continue to raise the rates which are passed on by the supermarkets, and the retail merchants to the consumers. This is one reason why the cost of living, the cost of food is so high in this state--possibly the highest in this nation. This affects your constituents, your voters, the consumers of the state, and let me, as I suggested, read you the language.

"The bill that we passed years ago does not just provide 'limited exemptions' as the reporters would have you understand. The joint use of facilities allows for the joint advertising solicitation by both papers jointly. It allows for joint circulation solicitation. It allows for joint establishment of advertising rates. It allows for joint revenue distribution agreement between these two papers.

"Now these items, had it not been for this Newspaper Preservation Act and the language that we allowed, would be clearly and patently violations of the Antitrust Act.

"Let me quote further the statement of the Department of Justice, Antitrust Division, in opposing the enactment by the Congress in 1970 of this Act, and I think the reason set forth by the Justice Department, the Antitrust Division, is very important for us to remember. This puts the entire matter in its proper context and its proper perspective; and I quote--this is a statement before the relevant committees in the Congress by Richard McClaren, Assistant Attorney General, Antitrust Division of the Department of Justice--and I quote:

"The Department of Justice is strongly opposed to this legislation. "The Newspaper Preservation Act he's talking about and the relevant state statute we have which is identical language." We agree with the supporters of this legislation that the preservation of an independent newspaper press is very much in the public interest. But the cause of newspaper independence would be poorly served by this bill.

"There is nothing (there is nothing) in existing law which would prohibit

a newspaper threatened with financial failure from engaging with a competitor in a number of joint activities reasonably necessary to survival. But to permit a newspaper or any other regulated business enterprise to save itself from failure by price fixing or profit pooling agreements (all of these) would violate the basic principles of the free enterprise system and should not be permitted.

'Price fixing and profit pooling are "per se" violations of the Sherman Act. The description means that they are illegal in and of themselves. Because of what the Supreme Court has described as their "pernicious effect on competition and lack of any redeeming virtue" they are conclusively presumed to be unreasonable. We see no reason to depart from these well established principles in the case of newspapers. A business enterprise, including a newspaper, which can be saved only by eliminating all competition between it and its competitors is undoubtedly so lifeless that it simply should not be saved. It is better that it disappear from the market, thus making room for its replacement by a more robust competitor.'

"Incidentally, if I may just digress for a moment, I also was prompted to make this statement here today because I understand the editor of the morning newspaper took the trouble to send each of the cosigners of this bill, I did not receive my copy as yet, I suppose I will, stating his opposition and why we should not allow, for example, the attorney general to examine some of the operations. And I continue...

'There is a lack of any evidence that such extreme measures as price fixing or profit pooling are in fact necessary to permit the independent existence of today's newspapers. Agreements to engage in joint activities which will permit the survival of a failing newspaper, and which do not involve "per se" violations, would most likely be found reasonable and therefore legal. There is no basis in fact for the assertion that agreements going beyond this are necessary to "newspaper preservation" . . . .

"During questioning by the committee members regarding the Department's objections to the Justice Department's objections to the proposed bill concerning that language allowing joint agreements with respect to the setting of advertising and circulation rates and revenue distribution, McLaren responded:

'... Basically, we think that with the joint economies that are permitted, the

joint publishing, the joint circulation, and other joint functions, . . . that they get enough savings out of that; they get the chance to really go ahead and operate as profitable businesses, and the next two steps, the price fixing and the profit pooling are not economies. Those are the anticompetitive practices which are condemned elsewhere in the economy under the antitrust laws. We don't think that they should go on and fix prices and share profits.

'In effect, . . . that is shared monopoly. We don't have that in our economy unless there is regulation of prices and profits which then protect the consumer and the advertiser from monopoly profits.'

"McLaren went on to say that 'the Department of Justice would allow any joint operations which are reasonably necessary for the preservation of independent newspapers in a particular market, but that the department did not think that price fixing and profit pooling should be included in those allowable functions.'

"The Federal Trade Commission, incidentally, testified before this committee and opposed the legislation for the very same reasons.

"My point here is that the coverage on these news items regarding the introduction of these resolutions and bills is not a fair objective one. We're saying, the description of the statute we enacted as 'limited exemption' is patently untrue. I think this clarification needs to be made in order that the members of the Senate, both in committee and on the floor of this Senate, if this comes out of committee and we're to vote on it, have all of this information to get the proper perspective. Thank you."

Senator Kuroda then remarked:

"Mr. President, on Tuesday, we'll have a lunch meeting with the Advertiser people and I'm glad that the Vice President had an opportunity to vent his frustration inasmuch as during the lunch meeting we hope that the discussion will center around the relationship between press and legislation and not so much that particular subject. Thank you."

Senator Kawasaki responded as follows:

"Mr. President, just responding briefly to Senator Kuroda's remark. This is not venting frustration, this is keeping the promise that I made on accepting the Vice President's position that I will do everything possible to protect the greater public interest as against the interest of special monopolies lobbying around here, even by writing letters

to us individually as cosigners of this resolution."

Senator Kuroda further added as follows:

"Mr. President, once more, for slight rebuttal here. Then the Vice President does concede to carrying on the discussion at the lunch meeting on matters other than the repeal. Thank you very much, Mr. Vice President."

The President then made the following observations:

"I feel quite embarrassed as I think although we may have strong feelings about pieces of legislation pending before us, the proper place for this to be heard is in the committee.

"I've allowed Senator Kawasaki the opportunity to speak on this subject matter on the floor only because I feel that he has been a long proponent of this piece of legislation, but I would like to warn the members of the Senate that it is going to be the policy of the President not to allow the discussion of matters that are pending before this Body be brought before the Senate floor except on the occasion of a debate which is a full give and take situation here on the floor.

"I will consider the matter closed as of this moment."

At 11: 55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Abercrombie then rose to state as follows:

"Mr. President, I requested the recess in opportunity to address myself to the rules of procedure.

"You could do me a service by explaining a bit more as to what you refer to in respect of members rising on a point of personal privilege. Under what circumstances would that be recognized as being in order?"

The President then replied as follows:

"The Chair had stated that if there are pending matters before this Body, and the bills are in committee in position for discussion, I think discussion of a particular background of the piece of legislation, its history, should be restricted to that of the committee discussion in their deliberation of the bill.

"The second possibility that debate will take place on a matter is when the

matter is pending before the Body, the final passage . . . and in that spirit of a democratic society, we will permit it and it's very allowable to have debate on the floor; everyone can state his position and we vote either up or down.

"With reference to personal privilege, the order of granting a privilege motion comes directly from the Chair. The Chair in its 'wisdom' will determine whether or not the points sought are within the context, bounds of good behavior, decorum and the other kinds of qualifications that one needs to permit a member of the Senate to address a particular issue on the basis of personal attack on him, his family, on some of his decisions. The Chair will allow these kinds of personal privilege motions to take place.

"I do want to caution the Senate again that it will be my understanding that the Chair will make the determination as to whether or not the motion for a personal privilege is granted or not.

"If there should be some disagreement, as to whether or not the Chair has ruled a person out of order, there is a recourse and that recourse is to appeal the ruling of the Chair by the majority of the members present in the Body."

Senator Abercrombie then responded as follows:

"May I take it then that if a member feels if he or she has been aggrieved personally as a member of this assembly, that that member may then bring it to the attention of the Body."

The President replied in the affirmative and stated that "the Chair at that time will rule whether or not that individual should proceed."

Senator Abercrombie again responded as follows:

"Okay . . . and I'll repeat it again so I understand it to myself. Attack then as a member of this Body and a reflection made upon him or her in the conduct of their duties and obligations . . ."

The President added as follows:

"Senator Abercrombie, if a member of the Senate feels aggrieved on a matter, he should raise his point, and the Chair at that time will rule on whether or not he should proceed."

Senator Abercrombie replied as follows:

"Very well, may I just then draw the members' attention to . . . I don't know if everyone has the same book as I do which is the Fawcett Edition of 'Modern Rules of Order' by Cushing, page 113.

If you have another edition it might be useful to look at 'When in doubt as to the relevancy of a member's remark to question', is the title of the paragraph.

"I agree with your interpretation."

The President then thanked Senator Abercrombie.

Senator Kawasaki then rose to state as follows:

"Just to perhaps throw some more light on this matter of personal privilege. A motion for a personal privilege generally has to do with someone asking for some course of action to be taken of his ability to bring the attention of the Body, to either comfort the Body, in this case the Senate, or to perhaps throw some light on a situation. Anytime I think something happens in this Body, including newspaper reporting of a Senator's action, or a newspaper reporting of a particular issue that's before us, I think if the newspaper reporting of that gets to possibly result in an erroneous picture being given, incomplete information being given deliberately, then I think it's awfully important for this Body to be able to ascertain from facts provided here the complete story. This is awfully important, particularly because many members of this Body are not members of a subject matter committee to which a matter is referred.

"If information throws light on a subject, I think this is perfectly permissible under the motion of personal privilege. I interpret it to mean that."

The President responded as follows:

"I will respond just very briefly, Senator Kawasaki.

"As I mentioned before, I think the information available on the subject which you discussed has been in this hall for many, many years. I am very certain that majority of the members do have an idea of what is involved, and if not, I think there are other avenues by which a Senator or member of the Senate can communicate to his colleagues in the Body the strong feelings by memorandum or by any position paper that one chooses to disseminate this information. The other recourse might be to write a letter to the editors expressing your strong reservations or amend a strong reservation as to a particular way in which a matter is being treated.

"All I want to say is that, I feel that the proper place for the discussion on any matter pending before the Senate is in the committee, and then to the floor, and then for a final vote."

Senator Cayetano then rose on a point of personal privilege stating that he would "like to address some remarks to an editorial printed in the Honolulu Advertiser this morning."

The President allowed Senator Cayetano to proceed.

Senator Cayetano then stated as follows:

"Mr. President, I believe this editorial is proper for discussion here today because as the title reads, 'Senate Endangers HVB.'

"Mr. President, most of the members, if not all of the members of the Ways and Means Committee, I think, understand the Senate's position with respect to the budget in terms of the HVB (Hawaii Visitors Bureau). This editorial takes the Senate to task for the cuts we made to the HVB budget.

"It would seem to me that the newspaper, the Honolulu Advertiser and the editors, could probably establish some means of communication with the Senate, if they use the telephone; pick up the telephone and call the chairman and try to get an insight or some better understanding as to the motives of the Senate on this particular issue.

"I think the headline is somewhat misleading. The Senate's position does not endanger the HVB, and I would like to explain.

"As a Senate position, we have taken the position of cutting the HVB budget by about approximately a half a million dollars each year of the biennium. And we have done that, Mr. President, because the message and the mandate that I believe we have received from the voters, the taxpayers of this state, is clear.

"Ratification of the Con Con amendments indicate that our people want a limitation on expenditures, and we have an amendment to that effect. We also have an amendment ratified by the voters which places a limitation on the amount of bonds that a state can issue.

"Another Con Con amendment states that in the event there is a surplus in state revenues or expenditures for two consecutive years, we must rebate the surplus to the people.

"So then, in a nutshell, I think the message from our voters is clear...keep government spending to a reasonable limit and if there is surplus, give the money back to the people. This has been the underlying theme in the Senate's formulation of its version of the budget.

"Everything that I read, all the arguments that I read in this editorial have been made to me at the hearings in person, by the representatives of industry. That's fine, but I would hope that the editors of the Advertiser would keep their ears to the ground so that they can get some input from the people.

"If we are to keep a limitation on spending, then we must make cuts somewhere, and we have chosen the HVB for the following reasons. We understand that tourism is vital to the economy of the state; however, when we reviewed the HVB, historically, we find that the HVB originally started as a joint proposition between private industry and the state. It started on a 50-50 basis. The state would put up 50% of the funds, private industry would put up the other 50%.

"Now, that proposition no longer holds. The issue of funding has changed. Presently, the state funds the HVB up to nearly 70% of the HVB budget, the remaining 30% is put in by private industry. All the reports that we have had from the DPED and from the financial institutions in town indicate that tourism has enjoyed probably its greatest boom years.

"What we're saying at this juncture is that it's time for industry, which is no longer the infant industry it once was, it's time for us to revert back to the 50-50 proposition, the equal joint venture by state and industry, in funding the HVB.

"Half a million dollars taken out from the HVB budget is a lot of money. I would like the editors of the Advertiser to tell us, if we give the HVB this money, where shall we make it up? Shall we delete the expenditures requested by the Hemophilia Society? Shall we delete or reduce the expenditures requested by the groups representing retarded children?

"A central theme which I've been pushing as committee chairman in preparing the budget is that, if industry which keeps on telling us that they do not want further regulations, if that's industry's position, then I don't think government should be doing for industry what it can do for itself.

"This is why we have taken the position that we have on the HVB budget. We have to live within the means that we have available to us, and the Senate's position this session is to stay within the Governor's ceiling.

"With that, Mr. President, I hope if any other Senators have any questions regarding the editorial or the statements made therein that they would communicate

with me directly.

"Thank you."

Senator Kuroda then responded as follows:

"Mr. President, I also saw the editorial and I think that I need to make some public comments inasmuch as the Chairman of the Ways and Means Committee has mentioned... seems fit to mention it here on the floor.

"I do not disagree with the Chairman of the Ways and Means Committee with regards to the need for cuts in the budget. I, as the Chairman of the Tourism Committee, have reluctantly agreed with the Chairman of the Ways and Means Committee. However, I feel that as we proceed through this legislative session and especially as a member of this Body, I feel that it is important for each one of us as chairmen of committees to work along with our colleagues and also with the chairman of the money committee, in this case the Ways and Means Committee.

"I have some philosophical differences with the Chairman of the Ways and Means Committee. I have some disagreements with regards to the amount. I don't think that this is the place for me to share the disagreements, and especially this year with a fancy title of majority leader, I'm part of a so-called establishment and I must exercise it with caution with regards to what I do, what I say.

"It's an unusual situation for me and I'm still feeling myself through; however, inasmuch as this matter has been discussed, I must take a position to say that there are differences that I have that must be further explored without compromising the position of this Body as we deliberate over the matter with the House. Thank you."

Senator Kawasaki further stated as follows:

"Mr. President, just a brief bit of information so that this Body will keep everything in the right perspective.

"It might be a little more than coincidence, about the content of the editorial, considering the fact that the editor-in-chief of the Advertiser is also a member of the board of directors of HVB."

Senator Cobb then remarked as follows:

"Mr. President, rising gracefully on a point of parliamentary privilege which would govern the conduct, operations and efficiency of the Body as a whole, I would like to state that having served in the House for six years where the

points of personal privilege were far more restrictive, I find that most interpretations of the matter of an individual's personal privilege in his conduct as a legislator go to the question of the individual's capacity, effectiveness, or ability to serve, or question his conduct in a manner in which he needed to conduct himself as chairman or as a member of the Body.

"As such, I find most of the points raised today are entirely in order and at the same time I must accede and concur with your interpretation of it that you

have granted a great deal of latitude in matters of personal privilege and that the only way such questions can be resolved, if there is disagreement, is by majority vote of the Body, if there's disagreement with the Chair's ruling."

#### ADJOURNMENT

At 12:19 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, April 6, 1979.