

SIXTIETH DAY

Friday, April 20, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 12:05 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Senator Patsy Young, after which the Roll was called showing all Senators present.

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 19, 1979

Standing Committee Report No. 1217
(S.R. No. 250, S.D. 1):

On motion by Senator Abercrombie, seconded by Senator Ushijima and carried, Stand. Com. Rep. No. 1217 was adopted and S.R. No. 250, S.D. 1, entitled: "SENATE RESOLUTION URGING ESTABLISHMENT OF INTERN WORK-EXPERIENCE PROGRAMS IN THE AGRICULTURAL CURRICULA AT THE MANOA AND HILO CAMPUSES OF THE UNIVERSITY OF HAWAII", was adopted.

Standing Committee Report No. 1218
(S.R. No. 251, S.D. 1):

On motion by Senator Abercrombie, seconded by Senator Ushijima and carried, Stand. Com. Rep. No. 1218 was adopted and S.R. No. 251, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF AN ADVISORY COMMITTEE TO STUDY AND RECOMMEND IMPROVEMENTS IN THE AGRICULTURAL EDUCATION PROGRAMS OF THE UNIVERSITY OF HAWAII", was adopted.

Standing Committee Report No. 1219
(S.R. No. 268, S.D. 1):

On motion by Senator Abercrombie, seconded by Senator Ushijima and carried, Stand. Com. Rep. No. 1219 was adopted and S.R. No. 268, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE HAWAIIAN HIGHER EDUCATION COUNCIL", was adopted.

Standing Committee Report No. 1220
(S.R. No. 432, S.D. 1):

On motion by Senator Abercrombie, seconded by Senator Ushijima and carried, Stand. Com. Rep. No. 1220 was adopted and S.R. No. 432, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO RECOGNIZE THE EXCEPTIONAL ACCOMPLISHMENTS OF THE ENVIRONMENTAL STUDIES PROGRAM", was adopted.

Standing Committee Report No. 1221
(S.R. No. 142, S.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1221 was adopted and S.R. No. 142, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY EXAMINING THE EFFECTS OF CRIMES AGAINST PROPERTY", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1222
(S.R. No. 416):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1222 was adopted and S.R. No. 416, entitled: "SENATE RESOLUTION RELATING TO TOUR BUSES ON NUUANU PALI DRIVE", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1223
(S.R. No. 488):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1223 was adopted and S.R. No. 488, entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY ON MONOPOLIES AND THE RESTRAINT OF TRADE", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1224
(S.R. No. 96):

On motion by Senator Campbell, seconded by Senator Carpenter and carried, Stand. Com. Rep. No. 1224 was adopted and S.R. No. 96, entitled: "SENATE RESOLUTION REQUESTING INCLUSION OF CURRICULA RELATING TO EPILEPSY IN HEALTH EDUCATION PROGRAMS IN THE PUBLIC SCHOOL SYSTEM", was referred to the Committee on Ways and Means.

Standing Committee Report No. 1225
(S.R. No. 369):

On motion by Senator Campbell, seconded by Senator Carpenter and carried, Stand. Com. Rep. No. 1225 was adopted and S.R. No. 369, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE SCHOOL FOOD SERVICES PROGRAM", was adopted.

Standing Committee Report No. 1226
(S.R. No. 306):

On motion by Senator Campbell, seconded by Senator Young and carried, Stand. Com. Rep. No. 1226 was adopted and, Roll Call vote having been requested, S.R. No. 306, entitled: "SENATE

RESOLUTION ENCOURAGING SCHOOLS TO UTILIZE SHORELINES FOR INSTRUCTION IN OCEAN STUDIES", was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 1227 (S.R. No. 434):

On motion by Senator Campbell, seconded by Senator Young and carried, Stand. Com. Rep. No. 1227 was adopted and S.R. No. 434, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO RECONSIDER THE LIMITATION IMPOSED ON JROTC PROGRAMS IN PUBLIC HIGH SCHOOLS", was adopted.

Standing Committee Report No. 1228 (H.C.R. No. 24, H.D. 1):

On motion by Senator Campbell, seconded by Senator Young and carried, Stand. Com. Rep. No. 1228 was adopted and 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 adopted.

Standing Committee Report No. 1229 (H.C.R. No. 89, H.D. 1):

On motion by Senator Campbell, seconded by Senator Young and carried, Stand. Com. Rep. No. 1229 was adopted and H.C.R. No. 89, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES PRESIDENT AND CONGRESS TO MORE FULLY FUND EDUCATIONAL PROGRAMS FOR THE HANDICAPPED", was adopted.

Standing Committee Report No. 1230 (Gov. Msg. No. 256, 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279):

By unanimous consent action on Stand. Com. Rep. No. 1230 and Gov. Msg. Nos. 256, 257, 258, 259, 260, 261, 262, 263, 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279 was deferred to the evening calendar.

Standing Committee Report No. 1231 (S.R. No. 431):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1231 was adopted and, Roll Call vote having been requested, S.R. No. 431, entitled: "SENATE RESOLUTION REQUESTING THAT INTERIM HEARINGS BE CONDUCTED ON THE CONCEPT OF TRANSFER OF DEVELOPMENT RIGHTS", was referred to the Committee on Legislative Management on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Standing Committee Report No. 1232 (S.R. No. 85):

By unanimous consent, action on Stand. Com. Rep. No. 1232 and S.R. No. 85 was deferred to the end of the calendar.

At 12:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock a.m.

Standing Committee Report No. 1233 (S.R. No. 129, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1233 was adopted and S.R. No. 129, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE ADEQUACY OF ADULT DAY ACTIVITY FOR THE DEVELOPMENTALLY DISABLED", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1234 (S.R. No. 365, S.D. 1):

Senator Carpenter moved that Stand. Com. Rep. No. 1234 be received and placed on file, seconded by Senator Hara and carried.

Senator Carpenter then moved that S.R. No. 365, S.D. 1, be adopted, seconded by Senator Hara.

At this time, Senator Chong rose to speak in favor of the measure and stated as follows:

"Mr. President, I rise to speak for the adoption of this resolution.

"I'd just like to point out that the Senate Health Committee, two years ago, had a hearing on a similar measure calling for monitoring a possible radioactive contamination in the Pearl Harbor area.

"About two weeks ago, your Senate Health Committee had another very lengthy hearing on this. Over 35 witnesses stepped forward specifically with . . . I think this Honorable Body should know, that there were three Navy personnel who had served from three to five years on submarines at Pearl Harbor and elsewhere who stepped forward to tell us that they had absolutely no confidence in the safety of the nuclear submarines coming in and out of Pearl Harbor of which approximately 20 are home-ported.

"Each nuclear submarine is in effect a moving nuclear power station which, if gotten into a melt down situation at Pearl

Harbor, would cause serious problems for the people, especially in the Pearl Harbor area.

"Your Committee on Health, therefore, in recommending the adoption of this important resolution, calls for setting up an environmental monitoring for radioactivity into the civilian areas. The Navy is already doing it on a quarterly basis on base but there's no off-base monitoring system and this is what the thrust of the resolution does.

"I'd just like to point out to this Honorable Body that there is precedence for a state government to check into monitoring close to Navy bases.

"The State of Colorado recently adopted a monitoring program for areas close to their nuclear arms plants. And what happened was that, just last fall it was a state monitoring program that discovered leakage out of one of the arms plants which resulted in the state government banning housing within a few miles of that area. If the state had not undertaken such a monitoring program, it would probably have gone undetected.

"With that, I urge everybody in this Honorable Body to vote for this resolution."

Senator Cayetano then rose to state as follows:

"Mr. President, I speak in favor of this resolution; however, I'd like to point out to the members of this Body that on page 2 of the 'BE IT RESOLVED' clause, that clause reads as follows: '...that the State Department of Health is requested to contract a trained physicist to establish an independent program of regular consistent sampling and analysis...'

"It seems to me that this is a fiscal matter and I take it when the committee drafted this resolution, they expected that the Department of Health would get the funds out of the existing budget."

Senator Chong on a point of clarification stated as follows:

"Mr. President, I'd just like to point out that there is a typographical error there which is picked up in the committee report. It should read, 'trained health physicist,' not 'trained physicist.'

"On page 2 of the committee report the term 'health physicist' is used, a licensed 'health physicist.'

"We have 4 or 5 licensed health physicists in the State of Hawaii that are highly trained, licensed by the federal government to do nuclear radioactive monitoring. They have the equipment to do it.

"With regard to the budgetary situation, Chairman Dante Carpenter in conference ..."

At 12:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 o'clock a.m.

Senator George then rose to comment as follows:

"Mr. President, in recent days, I think all of us share, not singularly, the experience of having a great many pieces of paper come under our noses.

"I signed this committee report free and clear and I appreciate the opportunity to publicly disassociate myself with it. It was an error on my part. I read it hastily.

"I think we're making conclusions that, as scientifically inexperienced neophytes, we are not capable of drawing and I would really prefer that as politicians we stay in the arena of our own experience and leave these matters to people who understand it better than we do.

"I intend to vote 'no' on this resolution.

"Thank you, Mr. President."

Senator Soares then rose to ask Senator Chong to yield to a question.

Senator Chong replied in the affirmative.

Senator Soares then asked as follows:

"Mr. President, in the second to the last 'BE IT RESOLVED' clause on page 2, it says, '...that the Department of Health, in consultation with the state Department of Defense, establish and revise safety standards and emergency plans for nuclear accidents in the Pearl Harbor area, and report to the Legislature on its standards and emergency plans, 10 days prior to...' next session.

"Can we, Mr. President, can we demand the Defense Department to revise their emergency plans at Pearl Harbor?"

Senator Chong replied as follows:

"Mr. President, we are requesting that the Department of Health, in consultation with the Department of Defense, which is, as you know, the key agency which handles the Civil Defense Program to do just that.

"As you know, during the hearing we had on this issue, it was pointed out that the Department of Defense had

no, I repeat, no evacuation plans for the Pearl Harbor area, and General Siefermann said he would be very happy to work with the Department of Health on this matter."

Senator Soares further inquired as follows:

"Mr. President, I'm just wondering whether or not the state Department (of Health) ever has that power to ask the Department of Defense to revise what might already be planned for Pearl Harbor defense mechanism and didn't know whether or not this resolution would be able to do that?"

Senator Chong then replied: "No, this calls for the civilian...we're talking only about the surrounding civilian area, Mr. President."

Senator Soares thanked Senator Chong for his reply and stated that he is going to vote 'no' on the resolution.

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.R. No. 365, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF HEALTH TO ESTABLISH A PROGRAM OF ENVIRONMENTAL MONITORING FOR POSSIBLE RADIOACTIVE CONTAMINATION OF MARINE LIFE IN AND AROUND PEARL HARBOR", was adopted on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Carroll, George, O'Connor, Saiki, Soares, Ushijima, Yamasaki and Yee).

Standing Committee Report No. 1235 (S.R. No. 403, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1235 was adopted and S.R. No. 403, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO ASK THE U.S. CONGRESS TO REVIEW APPROPRIATIONS UNDER THE PUBLIC HEALTH SERVICE ACT, SECTION 314D", was adopted.

Standing Committee Report No. 1236 (S.R. No. 404):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1236 was adopted and S.R. No. 404, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE PEOPLE OF THE STATE WHO ARE UNABLE TO BEAR THE BURDEN OF HEALTH CARE COSTS AND WHO DO NOT QUALIFY FOR STATE AID", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1237 (S.R. No. 405, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1237 was adopted and S.R. No. 405, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND THE DEPARTMENT OF HEALTH TO STUDY THE FEASIBILITY OF USING THE DECLARATION METHOD IN DETERMINING ELIGIBILITY FOR FAMILY PLANNING SERVICES", was adopted.

At 12:29 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock a.m.

Standing Committee Report No. 1238 (S.R. No. 263, S.D. 1):

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 1238 was adopted and S.R. No. 263, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PERSONNEL SERVICES TO ESTABLISH GENERAL STANDARDS OR CRITERIA FOR EMPLOYEES NOT COVERED UNDER THE PROVISIONS OF CHAPTER 89, HAWAII REVISED STATUTES", was adopted.

Standing Committee Report No. 1239 (S.C.R. No. 87):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1239 was adopted and S.C.R. No. 87, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF HEALTH INFORMATION NEEDS OF THE STATE OF HAWAII AND THE RECOMMENDATION OF PERTINENT LEGISLATION THEREFOR", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1240 (S.C.R. No. 90):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1240 was adopted and S.C.R. No. 90, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES", was referred to the Committee on Legislative Management.

At 12:33 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:45 o'clock a.m.

Standing Committee Report No. 1241
(S.C.R. No. 91, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1241 was adopted and S.C.R. No. 91, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF PUBLIC PURCHASING FOR PRIVATE NONPROFIT HEALTH CARE FACILITIES", was adopted.

Standing Committee Report No. 1242
(S.C.R. No. 95, S.D. 1):

Senator Carpenter moved that Stand. Com. Rep. No. 1242 be adopted and S.C.R. No. 95, S.D. 1, be adopted, seconded by Senator Campbell.

At this time, Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, relative to Standing Committee Report 1242 (and Standing Committee Report 1243), I will have to vote 'no' on these two resolutions primarily because, to this date, I don't really know how or which of the two sets of figures advanced - one by the administration and one by the Ohana group - I can give credence to. Pending this, I would have to vote 'no' on both of these items."

Senator Anderson then rose to inquire: "Mr. President, as I understand it, these resolutions are being referred to Legislative Management?"

The President replied that that is correct.

Senator Anderson further inquired: "And Legislative Management, for all practical purposes, is a burial ground, is it not?"

The President answered as follows:

"It is until the President, in consultation with the committee chairman to do some interim work, decides to report it out. That is provided, Senator Anderson, in the resolution which gives the President this power which is adopted by this House."

Senator Anderson then remarked as follows:

"Mr. President, I just checked that resolution with the Clerk and while a subject matter committee in the interim has the right to delve into a subject matter, I believe that you cannot use a resolution into the Legislative Management to mandate a department or to put a cost in the department to make a report. So, I wonder if we haven't got the two subjects mixed up?"

The President replied: "No, but I think the President can assign committees to do interim work."

Senator Anderson further asked: "Based on the resolution that's in Legislative Management?"

The President answered: "Whatever the subject matter is with the subject matter committee."

Senator Anderson then asked: "Are you telling me that the President has the authority to move and second and pass a resolution in Legislative Management?"

The President replied that he "does not have that authority, but he has the authority to assign the subject matter committees to do interim work."

Senator Anderson further inquired: "But not necessarily with the basis of that particular resolution?"

And the President replied: "Not necessarily."

Senator Ushijima then rose on a point of inquiry and asked as follows:

"Mr. President, now, are these Senate concurrent resolutions?"

The President replied that that is correct.

Senator Ushijima further stated and asked as follows:

"Mr. President, these are referred to the Legislative Management Committee. Now, if you look at the resolution, it says in the resolved clause that the House concurs with the resolution. We're not sending it over to the House, is that correct?"

The President replied that this is correct.

Senator Ushijima further asked: "It just goes to Legislative Management?"

The President again replied that that is correct.

Senator Ushijima asked: "An S.C.R.?"

The President replied: "An S.C.R."

Senator Ushijima stated: "Well, I must agree with Senator Anderson, this (S.C.R.) must be 'graveyard' then."

At 12:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock a.m.

Senator O'Connor then rose to remark as follows:

"Mr. President, I realize it may be a little late at night but these standing committee reports together with one we passed earlier demonstrate, I believe, a lack of having any rules in this Body as to what should go into a standing committee report, either an S.C.R. or an S.R.

"We passed one earlier where the department was directed to hire a physicist and now we're directing a body or a department to build a building. I just don't think that's the way to draft a committee report.

"Maybe it's just too late at night, but I think maybe we should all look to in the future and following years not to hiring bodies or building buildings in S.C.R.'s and S.R.'s."

Senator Cayetano in defense of the resolution, stated as follows:

"Mr. President, this resolution which comes from the Health Committee, I might point out that the directions stated in the resolution have already been provided for in the budget.

"The monetary amounts recited therein, the direction to construct the facility, are all provided in the operating and CIP sections of the budget, respectively. Therefore, if we pass the budget, this resolution will be somewhat redundant, Senator O'Connor, but no harm done."

Senator O'Connor responded as follows:

"Mr. President, in brief response, there's \$350,000 CIP in the budget and some \$220,000 in operating funds, hardly enough to carry out this resolution."

Senator Abercrombie then stated as follows:

"Mr. President, just speaking in favor, briefly.

"I don't think we're being directed to build a building here. Maybe we ought to read it a little more closely.

"I think what we're really doing here is directing an inspection and then making a relationship with that to the budget. It just makes it more clear, that's all."

The motion was put by the Chair and carried, and Roll Call vote having been requested, Stand. Com. Rep. No. 1242 was adopted and S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A RESIDENTIAL CARE HOME

FACILITY AT HALE MOHALU, PEARL CITY", was referred to the Committee on Legislative Management on the following showing of Ayes and Noes:

Ayes, 24, Noes, 1 (Kawasaki).

Standing Committee Report No. 1243 (S.R. No. 407, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Campbell and carried, Stand. Com. Rep. No. 1243 was adopted and, Roll Call vote having been requested, S.R. No. 407, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF RESIDENTIAL CARE HOME FACILITY AT HALE MOHALU, PEARL CITY", was referred to the Committee on Legislative Management on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 1244 (S.R. No. 444):

On motion by Senator Young, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 1244 was adopted and S.R. No. 444, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON HOUSING AND HAWAIIAN HOMES TO CONDUCT AN INTERIM STUDY ON THE STATE HOUSING PLAN", was referred to the Committee on Legislative Management.

Standing Committee Report No. 1245 (S.R. No. 446):

On motion by Senator Young, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 1245 was adopted and S.R. No. 446, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE APPLICABILITY OF THE CONCEPT OF LAND READJUSTMENT FOR THE KAKAAKO AREA", was adopted.

Standing Committee Report No. 1246 (Gov. Msg. Nos. 379, 380, 382, 383, 384, 385 and 386):

By unanimous consent, action on Stand. Com. Rep. No. 1246 and Gov. Msg. Nos. 379, 380, 382, 383, 384, 385 and 386 was deferred to later on the calendar.

Standing Committee Report No. 1247 (Gov. Msg. No. 146):

By unanimous consent, action on Stand. Com. Rep. No. 1247 and Gov. Msg. No. 146 was deferred to later on the calendar.

Standing Committee Report No. 1248 (S.C.R. No. 82, S.D. 1):

On motion by Senator Cobb, seconded by Senator Chong and carried, Stand.

Com. Rep. No. 1248 was adopted and S.C.R. No. 82, S.D. 1, 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 adopted.

Standing Committee Report No. 1249 (S.R. No. 354, S.D. 1):

On motion by Senator Cobb, seconded by Senator Chong and carried, Stand. Com. Rep. No. 1249 was adopted and S.R. No. 354, S.D. 1, 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 adopted.

Standing Committee Report No. 1250 (Gov. Msg. No. 51):

By unanimous consent, action on Stand. Com. Rep. No. 1250 and Gov. Msg. No. 51 was deferred to later on the calendar.

Standing Committee Report No. 1251 (Gov. Msg. No. 47):

By unanimous consent, action on Stand. Com. Rep. No. 1251 and Gov. Msg. No. 47 was deferred to later on the calendar.

Standing Committee Report No. 1252 (Gov. Msg. No. 292):

By unanimous consent, action on Stand. Com. Rep. No. 1252 and Gov. Msg. No. 292 was deferred to later on the calendar.

FINAL READING

MATTERS DEFERRED FROM APRIL 19, 1979

Conference Committee Report No. 18 (H.B. No. 1232, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 18 and H.B. No. 1232, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 19 (H.B. No. 1647, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 19 and H.B. No. 1647, H.D. 2, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 20 (H.B. No. 181, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 20 and H.B. No. 181, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 21 (H.B. No. 1557, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 21 and H.B. No. 1557, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 22 (H.B. No. 1588, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 22 and H.B. No. 1588, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 23 (H.B. No. 80, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 23 and H.B. No. 80, H.D. 2, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 24 (H.B. No. 1646, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 24 and H.B. No. 1646, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 25 (H.B. No. 520, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 25 and H.B. No. 520, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 26 (H.B. No. 1322, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 26 and H.B. No. 1322, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 27 (H.B. No. 1473, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 27 and H.B. No. 1473, H.D. 1, S.D. 1, C.D. 1, was deferred

to later on the calendar.

Conference Committee Report No. 28
(H.B. No. 166, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 28 and H.B. No. 166, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 29
(H.B. No. 82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 29 and H.B. No. 82, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 30
(H.B. No. 173, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 30 and H.B. No. 173, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 31
(H.B. No. 479, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 31 and H.B. No. 479, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 32
(H.B. No. 531, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 32 and H.B. No. 531, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 33
(H.B. No. 1459, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 33 and H.B. No. 1459, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conference Committee Report No. 34
(H.B. No. 1, H.D. 1, S.D. 1, C.D. 1):

Senator Cayetano moved that Conf. Com. Rep. No. 34 be adopted and H.B. No. 1, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawasaki.

At this time, Senator Cayetano rose to speak on the measure and stated as follows:

"Mr. President, just a few remarks in support of this bill.

"Mr. President, first, I'd like to thank the members of the conference committees, both House and Senate, the staff of the respective money committees, you and your staff, Mr. President, for your assistance in preparing this historic document.

"Mr. President, the critical issue set forth in this document, is one of describing the respective roles of the legislature versus the executive. Other events here tonight have highlighted that critical issue. Certainly, the confirmation of the director of the Department of Planning and Economic Development is probably the best example of that.

"Mr. President, the Senate in its version of the budget provided a format which sets forth the priorities of the legislature. And this format was accepted by the House. The format provides a Part A and a Part B.

"In Part A of the budget, we set forth those programs in appropriations which we feel are indispensable and necessary to the safety, health and welfare of the people of our state.

"In Part B, we set forth those programs in appropriations which we feel are important but less urgent.

"The strategy behind this format, Mr. President, is to indicate clearly to the executive our priorities. We have structured the provisos therein to indicate to the executive, that in the event there is a revenue shortfall, that the Governor shall restrict first from Part B before going to Part A.

"The Senate version of the budget, Mr. President, highlighted certain issues which I'd like to program.

"First and foremost was the World Trade Center. This was the major difference between the House and the Senate. The House version was the Governor's version; namely, to fund or appropriate \$8.5 million for capital improvements for the World Trade Center. The Senate version was no funds for those improvements; instead, a deferment of one year. As a compromise, the House and Senate agreed to appropriate \$500,000 for design. However, we have provided also that before said funds can be released, there will be a study by the Legislative Auditor to determine the feasibility of the project and the conclusion results of that study shall be reported to the next legislature.

"Another major issue, Mr. President, was the University of Hawaii. The House position, again, basically, was the Governor's budget and they also added on some programs and positions. The Senate

version was also to call for a management audit.

"The strategy behind the Senate position, Mr. President, was simply that the personnel practices and structure at the University have created a situation where salaries at the University are really out of hand in terms of when you compare them to salaries for comparable positions in other departments throughout the state. As a compromise, the Senate agreed to restore the positions deleted; however, the reduction in funds on the Senate side comprise . . . however, the House agreed to three-fourths of the reduction of funds requested by the Senate. Moreover and more importantly, the House agreed to the Senate's request for a management audit.

"Another major item in the budget was the budget for the Hawaii Visitor's Bureau. Again, there was a major difference between the House and the Senate.

"The House position was, namely, the Governor's budget. The Senate position was that the funding should be restored to a fifty-fifty proposition. As a compromise, we restored the first year to the Governor's budget and the second year, we held the Senate position and cut approximately \$500,000 from the HVB budget.

"Both House and Senate budgets, Mr. President, were designed to come below the Governor's expenditure ceiling, and for the first time in history, in recent history, this was accomplished.

"For example, in Fiscal Year 1980, our operating budget is approximately \$2.7 million under the Governor's expenditure ceiling. For Fiscal Year 1981, we are approximately \$9.7 million under.

"As for capital improvements, our budget is approximately a million dollars under the Governor's budget.

"In conclusion, I believe we have accomplished our goals and I believe that the Senate's position is clearly set forth in this budget. We have clearly set our priorities. We have shown fiscal responsibility by coming in with a budget that is substantially less than the executive's.

"Mr. President, this budget conference, I'm told by veterans, was probably the shortest and the least rancorous in modern legislative history. And this budget represents a product which is the result of both Houses of the legislature.

"This budget, Mr. President, could not have been accomplished without the spirit of cooperation between the House and Senate.

"In closing, I'd like to thank especially Representative Suwa, the Chairman of the House Finance Committee, for his understanding. I think his years of experience showed very clearly and he was very, very helpful and accommodating of the Senate position.

"Again, with those remarks, I ask my colleagues to vote 'yes' on this bill.

"Thank you."

Senator Campbell then added his comments on the measure, as follows:

"Mr. President, this budget marks an important milestone in the history of this legislature. I want to congratulate the Chairman and members of the Ways and Means Committee for fiscal innovation and creativity.

"Mr. President, I would be remiss if I did not refer to the fact that your leadership as President created the climate that made all of this possible.

"While the budget is laudatory, it has some deficiencies -- it does not provide for the retention of 3 on 2 teams in our public schools, and funding for Future Farmers of America. It is weak in the areas of bus aides for transportation of our handicapped children.

"One of the very significant benchmarks accomplished by this budget is the funding implementation of our anti-substitution law. At long last, the people of this state -- old and young -- can save thousands of dollars in medical expenses by purchasing low cost generic drugs.

"I was fortunate to have represented this legislature at the First National Conference on Generic Drugs. It was at this conference that the impetus was given to repeal our anti-substitution law. I am proud to have played a role in lowering the cost of medical drugs for the People of Hawaii.

"I urge a unanimous vote in favor of this. Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 34 was adopted and H.B. No. 1, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:05 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:07 o'clock a.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conference Committee Report No. 18 (H.B. No. 1232, S.D. 1, C.D. 1):

On motion by Senator Yim, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 1232, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 19 (H.B. No. 1647, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 1647, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADDITIONAL SUPPORT TO THE UNIVERSITY OF HAWAII FROM EXTRAMURAL FUNDS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 20 (H.B. No. 181, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chong, seconded by Senator Yim and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 181, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER LAW", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 21 (H.B. No. 1557, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ushijima, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 21 was adopted and H.B. No. 1557, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY COMMITTEES ON THE STATUS OF WOMEN", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 22 (H.B. No. 1588, S.D. 2, C.D. 1):

On motion by Senator Abercrombie, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 1588, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 23 (H.B. No. 80, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Toyofuku, seconded by Senator Hara and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 80, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOMES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 24 (H.B. No. 1646, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 24 was adopted and H.B. No. 1646, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 25 (H.B. No. 520, H.D. 1, S.D. 2, C.D. 1):

Senator Carpenter moved that Conf. Com. Rep. No. 25 be adopted and H.B. No. 520, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chong.

At this time, Senator Soares rose to speak against the measure and stated as follows:

"Mr. President, I have had the problem of facing this bill now for the last six years -- this minor's consent measure -- and there's a very strong personal philosophy with me as a strong believer in the family unit.

"While I realize that the conferees have spent a lot of time and have brought it back to probably as best shape as possible, I still feel very concerned that this bill will, no doubt in my mind, create a break in the family unit.

"I don't see how a minor patient of

thirteen years of age can really believe that he can tell his doctor that he should or should not talk to his parents about his problems or her problems.

"I realize that the discretion lies with the doctor but I do believe that this still will cause some real problems in the family unit.

"I also find it very difficult that if the doctor does bill a minor of thirteen years of age and he/she can't find a way to get the money to pay the bill, the minor has either got to borrow it or steal it.

"So, Mr. President, it's pretty late right now but I do want to conclude by saying that any bill that I come across that has any possibility of breaking down what I feel so strongly in -- the family unit, I will be objecting to and I want to vote 'no' on this bill."

Senator Carpenter then rose to speak in favor of the measure and stated as follows:

"Mr. President, I'd just like to say that I think this bill has been around for many, many years and I don't doubt the good intentions of the Honorable Senator who just previously spoke to the question, but to those who might think that this is a minors' rights bill, it is not. The discretion is still with the treating physician and I think that has been very carefully guarded in this particular document before us this evening.

"There is no attempt here to break up or to try to break up any family life. It is only to try to accommodate a problem that exists within our community to the best extent possible without incurring additional break ups and accommodating those who have already broken up, who have no other form of communication to alleviate a problem that is within this community. And this is a serious attempt to try to accommodate that problem in the best way possible with all due discretion being exercised by the physician."

Senator Soares further commented as follows:

"Mr. President, I appreciate the comments by the committee chairman and I respect it very highly. I do believe, however, that in the event a parent, a good parent, or a close parent does have or does find out from someone else that his or her daughter has been treated by a physician without their knowledge that this might lead to a breakup in that unit because of that action. I realize that there are some already with that problem, so I just want to raise that point."

Senator Campbell also rose to speak against the measure and stated as follows:

"Mr. President, I applaud the attempts on the part of the Senate-House conferees to come to grips with one of the most serious problems facing this Senate this year -- this is the dilemma of providing family counseling services to minors without running the risk of seriously damaging the family unit as a beacon in our society.

"Mr. President, I have expressed my concerns relating to the weaknesses of this bill at a previous session. I don't intend to repeat those at this meeting.

"I do have new concerns related to the amended version of the bill.

"This bill, as amended, gives the treating physician complete discretion over releasing information concerning medical treatment of the minor. I have grave doubts that many doctors have the expertise in family counseling which this bill assigns to them.

"Furthermore, who is going to pay for the medical treatment given to these minors -- a cost that could be considerable? The bill makes the minor responsible for the cost. Since it is very difficult for minors to earn money for this purpose without the knowledge of their parents, aren't we encouraging youngsters to get money illegally to pay for the medical treatment they seek?

"The final reason I am strongly urging this Body to reject this bill is because the conference draft has rendered the measure somewhat indefensible.

"As I said several days ago on this floor, the intent -- not the effect -- of the Senate version of the bill was laudatory. It sought to reduce venereal disease and unwanted pregnancies by allowing minors to receive medical treatment and counseling without telling their parents -- the doctor could not release medical treatment and counseling information without the consent of the minor. The conference draft has given the doctor the discretion in releasing information. I wonder how many minors are going to a doctor concerning their private social problems if they know the doctor is likely to tell their parents? Not many, I don't think.

"Since this bill has lost the provision that supported its original intent and since this Senate should go on record as strongly supporting the family unit as a potent force in our community, I urge the defeat of this measure."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 25 was adopted and H.B. No. 520, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Ajifu, Anderson, Campbell, Carroll, Hara, Kawasaki, Soares, Takitani, Toyofuku, Ushijima, Yamasaki and Yee).

Conference Committee Report No. 26 (H.B. No. 1322, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Carpenter, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 1322, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Chong).

Conference Committee Report No. 27 (H.B. No. 1473, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 1473, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WING, CIVIL AIR PATROL", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 28 (H.B. No. 166, H.D. 1, S.D. 2, C.D. 1):

Senator Carpenter, moved that Conf. Com. Rep. No. 28 be adopted and H.B. No. 166, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Campbell.

At this time, Senator Campbell rose to speak in favor of the bill and stated: "Mr. President, this bill is a milestone, in my judgment, in the area of medical cost containment for the people of Hawaii and I'm just simply proud to be a part of the impetus that brought it about. I urge my colleagues to vote for it."

The motion was put by the Chair and carried and Conf. Com. Rep. No. 28 was adopted and H.B. No. 166, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO FOOD, DRUGS AND COSMETICS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 29 (H.B. No. 82, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGULATORY LICENSING REFORM ACT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 30 (H.B. No. 173, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 173, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 31 (H.B. No. 479, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Yim and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 479, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING BY OPTOMETRISTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 32 (H.B. No. 531, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 531, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Cayetano and Hara).

Conference Committee Report No. 33
(H.B. No. 1459, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 1459, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES OR REPAIR BUSINESSES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED
FROM APRIL 19, 1979

Conference Committee Report No. 35
(H.B. No. 2, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 2, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. noes, none.

Conference Committee Report No. 36
(H.B. No. 48, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 48, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 37
(H.B. No. 1686, H.D. 2, S.D. 3, C.D. 1):

On motion by Senator Young, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 37 was adopted and H.B. No. 1686, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by not less than two-thirds of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 38
(S.B. No. 1634, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Carpenter, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 38 was adopted and S.B. No. 1634, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 39
(S.B. No. 1373, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Campbell, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 39 was adopted and S.B. No. 1373, S.D. 1, H.D. 1, C.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", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 40
(S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 40 and S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 41
(H.B. No. 451, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 451, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING A DANGEROUS DRUG", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 42
(H.B. No. 1216, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Takitani and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 1216, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 43
(H.B. No. 1386, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Ushijima and carried, Conf. Com. Rep. No. 43 was adopted and H.B. No. 1386, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 44
(S.B. No. 692, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Campbell and carried, Conf. Com. Rep. No. 44 was adopted and S.B. No. 692, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MESSAGE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 45
(S.B. No. 694, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 45 be adopted and S.B. No. 694, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Yim.

At this time, Senator Cobb rose to speak on the measure as follows:

"Mr. President, we discovered a drafting error in the bill. I've checked with the Revisor of Statutes and our attorneys and have been asked to make the following Journal entry.

"I'd like the Journal to reflect the effective date of this Act in Section 4 which is stated incorrectly.

"The intent of the conference committee is clearly set out in the conference committee report. The conferees agreed to extend the repeal date of the Collection Agency Board until 31 December 1980.

"The intent of the committee was to provide that the new chapter of regulating collection agencies would go into effect automatically upon the repeal date of the board. In order to do this, Section 1 of the bill should state that it should take effect upon approval and Section 2 of the bill should take effect on December 31, 1980.

"Thank you, Mr. President."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 45 was adopted and S.B. No. 694, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION AGENCY BOARD", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:26 o'clock a.m.

Conference Committee Report No. 46 (S.B. No. 695, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Chong and carried, Conf. Com. Rep. No. 46 was adopted and S.B. No. 695, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELEVATOR MECHANICS LICENSING BOARD", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 47 (H.B. No. 102, H.D. 1, S.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 47 be adopted and H.B. No. 102, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Takitani.

At this time, Senator Kawasaki rose to speak against the measure and stated as follows:

"Mr. President, at the risk of being charged with practicing law without a license, I must object to this bill again on the premise that this is very alien to the concept of the Fourteenth Amendment of the Federal Constitution, treating all classes of property owners equally, giving them equal protection.

"I can't see as to how our courts are going to allow us to permit the lands of landowners whose lands are five acres or less to be possessed by squatters for a prescribed number of years by adverse possession, but exempt landowners whose lands are in excess of five acres, exempt them from the possession of their lands

by use of the adverse possession vehicle. I don't see how this is ever going to pass a constitutional test and for that reason, I vote against it."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 47 was adopted and H.B. No. 102, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUIETING TITLE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Carroll, Chong and Kawasaki).

Conference Committee Report No. 48 (H.B. No. 1432, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 48 and H.B. No. 1432, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 49 (S.B. No. 581, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ushijima, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 49 was adopted and S.B. No. 581, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 50 (H.B. No. 14, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 14, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 51 (S.B. No. 77, S.D. 3, H.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Hara and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 77, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 52 (S.B. No. 1091, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 52 and S.B. No. 1091, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 53 (H.B. No. 1252, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Hara and carried, Conf. Com. Rep. No. 53 was adopted and H.B. No. 1252, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 54 (S.B. No. 1657, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 54 and S.B. No. 1657, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 55 (H.B. No. 98, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 55 was adopted and H.B. No. 98, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL SALARY COMMISSION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 56 (H.B. No. 99, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 56 was adopted and H.B. No. 99, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carroll).

Conference Committee Report No. 57 (H.B. No. 421, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 57 and H.B. No. 421, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 58 (H.B. No. 643, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 58 was adopted and H.B. No. 643, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 59 (S.B. No. 181, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 181, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROSECUTION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 60 (S.B. No. 1682, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Chong and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 1682, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY USED IN ILLEGAL GAMBLING", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 61 (H.B. No. 923, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Campbell, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 61 was adopted and H.B. No. 923, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 62 (H.B. No. 1634, H.D. 1, S.D. 1,

C.D. 1):

On motion by Senator O'Connor, seconded by Senator Takitani and carried, Conf. Com. Rep. No. 62 was adopted and H.B. No. 1634, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS, ATTORNEY'S FEES AND JURY TRIALS UNDER THE STATE TORT LIABILITY ACT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 63 (S.B. No. 1049, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Takitani and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 1049, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 64 (H.B. No. 1215, H.D. 1, S.D. 3, C.D. 1):

Senator Hara moved that Conf. Com. Rep. No. 64 be adopted and H.B. No. 1215, H.D. 1, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Yim.

At this time, Senator Kawasaki rose to speak on the measure as follows:

"Mr. President, I voted against this bill when it emerged as a Senate draft but now that Oahu county is not going to be treated as a stepchild -- all counties are going to be treated equally, I'm going to vote for this bill."

The motion was put by Chair and carried, and Conf. Com. Rep. No. 64 was adopted and H.B. No. 1215, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 46-6, HAWAII REVISED STATUTES, RELATING TO PARKS AND PLAYGROUNDS FOR SUBDIVISIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 65 (H.B. No. 732, S.D. 2, C.D. 1):

Senator Yim moved that Conf. Com. Rep. No. 65 be adopted and H.B. No. 732, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

Senator Kawasaki then rose to speak against the measure and stated as follows:

"Mr. President, I am voting 'no' for this bill because I'm a little concerned about the term of the loans.

"These loans are now up to a maximum of \$100,000 to businessmen. We provide that they are not required, at the judgment of the director of the agency administering these loans, to make any payments; not a single monthly payment for five years -- as long as five years. In addition to that, the loan runs twenty years at 7½%, permanently fixed as the interest rate.

"My concern is that there is a possibility of some of these businessmen borrowing \$100,000 from the state and because they happen to be in a good business at a good time, they're possibly able to pay back the loan of \$100,000 within five years or within ten years, but because they are allowed to carry the loan for a period of twenty years and, human beings being what they are, they would have the tendency to prolong the loan as long as they can; possibly use the money for something else, which has happened in other types of loans -- the fishing vessel loans, some farm loans. I'm afraid, if we do not prescribe at least a lower minimum, possibly ten years, to be extended at the discretion of the director of the agency administering these loans, there will be abuses by these people not returning the amount of the loan when they are able to in a shorter time, thereby allowing someone else to borrow that money when they need it.

"These restrictions are not written into this law and for that reason I will have to vote 'no' on the bill."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 65 was adopted and H.B. No. 732, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Kawasaki).

Conference Committee Report No. 66 (H.B. No. 1667, S.D. 1, C.D. 1):

Senator Chong moved that Conf. Com. Rep. No. 66 be adopted and H.B. No. 1667, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Yim.

At this time, Senator Chong rose to clarify an omission on the bill, as follows:

"Mr. President, I would like the Journal to reflect that in typing the bill and committee report of this administration bill, the bracketing was inadvertently omitted on page 1 of the bill, lines 9 through 12, the phrase, '...a common carrier by motor vehicle, a contract carrier by motor vehicle or a private carrier by motor vehicle, all as defined in section 271-4.' should have been bracketed out. The same phrase should be bracketed on page 1 of the Conference Committee Report."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 66 was adopted and H.B. No. 1667, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:34 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:41 o'clock a.m.

Conference Committee Report No. 67 (S.B. No. 1043, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Ushijima and carried, Conf. Com. Rep. No. 67 was adopted and S.B. No. 1043, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AWARDED OF INTEREST IN CIVIL CASES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Carroll and Soares).

Conference Committee Report No. 68 (H.B. No. 95, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 68 was adopted and H.B. No. 95, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GRAND JURY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Carroll and Soares).

Conference Committee Report No. 69 (H.B. No. 282, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 69 was adopted and H.B. No. 282, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie).
Excused, 1 (Carroll).

Conference Committee Report No. 70 (H.B. No. 723, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Chong and carried, Conf. Com. Rep. No. 70 was adopted and H.B. No. 723, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT CLAIMS SUBMITTED AGAINST THE STATE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 71 (S.B. No. 1539, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Carpenter, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 71 was adopted and S.B. No. 1539, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTION TO LIABILITY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 72 (S.B. No. 1230, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 72 was adopted and S.B. No. 1230, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and Chong).

Conference Committee Report No. 73 (H.B. No. 92, H.D. 2, S.D. 2, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 73 be adopted and H.B. No. 92, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

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

"Mr. President, I just want to make one remark for the record.

"Mr. President, this is of course the mandate of the Constitutional Convention. It is my firm belief that we do not need an intermediate appellate court in this state and I look to the time when we can eradicate through fiat of the voting populous, this particular measure. But, in spite of that, because of that mandate, I will vote 'aye.'"

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 73 was adopted and H.B. No. 92, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Anderson, Carpenter, Cobb, Kawasaki, Soares and Yim).

Conference Committee Report No. 74 (H.B. No. 1716, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Takitani and carried, Conf. Com. Rep. No. 74 was adopted and H.B. No. 1716, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 75 (H.B. No. 38, H.D. 2, S.D. 3, C.D. 1):

Senator Campbell moved that Conf. Com. Rep. No. 75 be adopted and H.B. No. 38, H.D. 2, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

At this time, Senator Campbell rose to make some brief remarks in favor of the measure and stated as follows:

"Mr. President, at last, we have a reapportioned Board of Education which will be effectuated by this bill and we certainly hope that it will meet the constitutional test. I urge my colleagues to vote 'aye'."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 75 was adopted and H.B. No. 38, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hara).

Conference Committee Report No. 76 (S.B. No. 1680, S.D. 1, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 76 be adopted and S.B. No. 1680, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ushijima.

At this time, Senator Kawasaki rose on a point of inquiry addressed to the Chairman of the Judiciary Committee, as follows:

"Mr. President, I note that the conference committee draft, unfortunately, eliminated the immunity provisions requested by the Crime Commission and consented to by the Judiciary Committee and the Senate position.

"According to the committee report there are some immunity provisions in the present statutes. Would this suffice to give the staff of the Crime Commission reasonable immunities from civil suits?"

Senator O'Connor, Chairman of the Judiciary Committee, then replied as follows:

"Mr. President, a large amount of research on the part of the staffs was involved in this matter and the Attorney General had written an opinion which cited the Hawaii case on Medeiros vs. Kondo, 55 Hawaii 499, which reflects a limited liability protection for people similar to the Crime Commission members. Crime Commission members would therefore be covered by that, which would give them protection from liable or slander suits unless their actions, in the scope of their work, were motivated by malice, or not otherwise for a proper purpose.

"In conference committee, it was believed by the conferees that this limited liability protection, which certainly covers the Crime Commission members in the legitimate actions which they proposed to us during committee meetings and, therefore, was believed that that protection plus the qualified privilege which would exist for the staff members, all of which is indicated in the Conference Committee Report, would certainly cover adequately for the purposes they need the members and staff for the Crime Commission."

Senator Kawasaki then remarked:
"Mr. President, with that conference committee opinion entered into the Senate Journal, I will vote for this bill."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 76 was adopted and S.B. No. 1680, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME

COMMISSION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 77 (H.B. No. 890, H.D. 1, S.D. 3, C.D. 1):

On motion by Senator Young, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 77 was adopted and H.B. No. 890, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN OFFICE ON HAWAIIAN AFFAIRS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Conference Committee Report No. 78 (H.B. No. 1642, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 78 and H.B. No. 1642, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 79 (H.B. No. 1671, H.D. 1, S.D. 2, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 79 be adopted and H.B. No. 1671, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

At this time, Senator Abercrombie rose to speak against the measure and stated as follows:

"Mr. President, I realize all the work that's gone into this bill. I've spoken at length with the chairmen in both Houses on this bill but just as was indicated earlier in respect of the bill with the appellate court, that while one might not like the consequences of the convention, unless one could honestly feel that what was done was, per se, unconstitutional, that is to say, when one was voting in trying to pass measures or associate oneself with measures which one could believe to be constitutional in the first place, if you couldn't find a basis for believing it unconconstitutional, there's not a real basis for voting against it.

"In this particular instance, however, if you would refer to page 4 of the Conference Committee Report, I think you will see outlined my basic objection which still has not and, which I have articulated previously, has still not been overcome in the conference draft to my satisfaction in terms of what I believe to be equitable.

"For the elucidation of those who do not have it, it indicates in the 'Contribution Limits. . . . the campaign contributions from a person have been limited to \$2,000 for primary, special primary, or general election.' However, Section 3 in the same instance indicates that the candidate and his immediate family may not contribute in the aggregate more than \$50,000 in an election year to the candidate's campaign.

"I didn't like the \$2,000 limitation, as I feel that if there is a first amendment observance to be met in terms of campaign spending that if one was equal with everyone else in a campaign, in an amount that could be thought by reasonable people to reflect what is necessary to conduct a campaign on a scale that could be again reasonably arrived at by reasonable people, that everyone would be equal within it and one could live with it and still maintain one's fidelity to the first amendment.

"However, to tell people how much they can receive in respect of that spending limit, to limit them in that, it seems to me, clearly violates any sound constitutional basis for promulgating this bill.

"When, in addition, you add a section which indicates that if your family is wealthy that you can call upon those resources up to \$50,000, as opposed to the \$2,000 limitation for everyone else who is outside the family, I think that it is an invitation to, not only to persons of wealth or who have access to wealth through their family to run for office and to be sustained in their election, and to discourage others from running for office. Not only does it do that, but it indicates that those who do not have those resources will by definition be starting off at a disadvantage.

"It also means that should someone be fortunate enough to find people who would be willing to contribute more than \$2,000 and publicly associate themselves with that contribution. That is to say, to have their names entered with the Campaign Spending Commission with the amount of money that they contributed to the candidate so that anyone who wish could go into the office as they can do now and discover who it was that gave money and presumably then be able to discover what their business is and what their association is with the candidate, etc., and thus put themselves on the public line in respect of any bills that passed or conflicts of interest. They'll be able to draw upon that information to make any assertions in that area that they wish.

"If someone is lucky enough, fortunate enough, to find people who are willing to contribute more than \$2,000, they

will not be able to take advantage of that.

"I foresee a situation in which there might be attempts made to spread out contributions, in respect of \$2,000 plus, in order to make the \$2,000 contribution limit in terms of the fine point, the fine letter of the law, but violated at the very least, in spirit.

"I'm not sure what the consequences, legally, would be for such a thing taking place. I don't know if it amounts to a conspiracy or if it amounts to sound management of one's potential contributors in respect of the law; but, I think, we are inviting that kind of subterfuge much as we do in the sense of the prohibition laws that existed.

"So, in conclusion, I would have to vote against this bill on the basis that it is rank discrimination against those who do not have the financial resources within a family and has a chilling effect and will have a chilling effect on the willingness of people to run for office, especially in the face and opposition of wealth, which the potential candidate may believe may easily be brought to bear against them as opposed to their capacity to raise funds."

Senator O'Connor then rose to speak in favor of the measure and stated as follows:

"Mr. President, I had intended to make a long and involved speech concerning the measure but will instead simply respond to the good and learned Senator from Manoa. But, first, I would like to thank very much all of the members of the Judiciary Committee, the conference committee members and the members of the staff that worked so long and put in so many long and hard hours in drafting and reworking this bill. It's been reworked now about five times, I think.

"In response to the Senator from Manoa's comments, first, there's absolutely nothing unconstitutional about the campaign contribution unless it's in this bill.

"The bill follows exactly the mandate in the Supreme Court case of Buckley vs. Valeo. In that case the Supreme Court found that the \$1,000 contribution limit for members of the Congress was constitutional and I might point out to the Senator from Manoa that our limit is not \$2,000, it's \$2,000 for the primary and then another \$2,000 for the general. So his savior can still come to his aid next time with another \$2,000 in the general election and it will still fall within the limits in the bill.

"The aggregate which is allowed a

candidate and his immediate family in this particular measure is a new situation for Hawaii. In earlier laws we place no limit at all upon the utilization of a person's own money in an election. There was some controversy in the committee concerning that and because of certain practices in this community and others, other communities where certain candidates have spent an inordinately large amount of their own money to essentially buy office, it was strongly felt that some limit should be placed on the use of money, particularly for the larger elections and that's why a limit for a candidate and his family was placed at \$50,000. That, too, would be constitutional under the Buckley vs. Valeo decision.

"There are many other factors in this bill, many other parts of it that are very detailed. I can tell all the members that the bill as drafted today and as placed before them does fall within the mandates that we were best able to ascertain from a constitutional standpoint.

"In other words, that fall is not violative, as best we can determine of the United States Constitution, either in the contribution section or in the section which places limits on spending, as that section is voluntary.

"I urge all to vote in favor of it."

Senator Carroll then rose to speak against the measure and stated as follows:

"Mr. President, I'd like to ask that the remarks which I made against House Bill 1671, H.D. 1, S.D. 2, be incorporated by reference for today's Journal and I would just like to add that in the measure that is before us tonight, which is amended, that we're talking about a maximum amount of public funds available to a candidate for the office of governor, lieutenant governor or mayor in any election year, not exceeding one-fifth or 20% of the total expenditure limit for each office. And in a gubernatorial year, we're talking about approximately \$500,000 times the total number of candidates, which is a significant amount of money. And I doubt seriously if the man in the street who voted theoretically for those constitutional amendments had any idea about the case holdings of Buckley vs. Valeo and I really have serious doubts if many of the constitutional convention delegates really understood that case and what its provisions provided.

"I think, as I said earlier, to require the taxpayers of this state to carry the burden of political campaigns on their shoulders in this time of need and the time when people are stretching their dollars to the absolute minimum, is really a very unjust thing for us to do. I would

urge that we vote against this measure."

Senator Abercrombie then rose to further state, as follows:

"Mr. President, just by way of rebuttal, I thought I had noted that there are three elections, primary, and there's another one, not just primary and general, but special primary.

"Perhaps if one of the members leave for a higher office there might be one of those special primaries coming up and for someone who might want to get into that one, they might like to do it, but I want to point out that I might not have, although I am delighted that the Judiciary Committee Chairman wishes me so well in the general election, but if I can't get by the primary, I might not have an opportunity to be saved in the general election. And perhaps the generous angel that we hope will appear, whose name is not Sammy Amalu on the check, would be more appropriate at a time when you needed that person most. And this is what I'm trying to get at.

"I appreciate what's being done here and even if I accepted the constitutionality question, as being resolved by the good Senator's assurances to me, I would still then rise to speak against it on the grounds of it being unfair, and I do think it is pertinent to the passage of laws as to whether we are treating each other fairly.

"I think Mr. Solzhenitsyn has made an excellent point among many in an address that he delivered last year, which received wide coverage in the press, about our reliance on legalisms to the detriment of justice, to the point that where we can -- if we can find something is legal or can find a way in which to accommodate something within a legal system -- that we may safely ignore some of the wider implications as to whether it is in fact just.

"I appreciate the concern that was reflected in Section 3 -- it is a change from the previous, but I don't think that it alters my essential point especially in respect of elections other than the major offices in which there will be a chilling and intimidating effect of the idea of \$50,000 in family money versus those who do not have that kind of access and in turn may have one or two people who would be willing to sacrifice, even at the \$2,000 level or above, in order to hope to assist the election efforts of those whom they truly believe would be able to serve our people."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 79 was adopted and H.B. No. 1671, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Abercrombie, Ajifu, Anderson, Carpenter, Carroll, Hara, Kawasaki, Soares, Toyofuku and Yee).

At 2:05 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess until 11:30 o'clock a.m., this morning.

MORNING SESSION

The Senate reconvened at 11:55 o'clock a.m., with all Senators present.

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

Senator Saiki introduced a group of second and third grade students from Kamehameha Schools, accompanied by their teachers, Mrs. Nora Ann Neet and Mrs. Ruby Lowe.

Senator Carpenter then introduced Councilwoman Merle Lai, Hawaii County Council, and Ms. Abbie Napeahi, Commissioner, Hawaiian Homes Commission.

Senator Carpenter also introduced a group of individuals from the Hawaii County Economic Opportunity Council, District Council Planning Committee Board members: Marsha Masters, Eddie Kuahiwinui, Jr., Anna Cariaga, Lloyd Fuerte, Annie Breighaupt, Brian Nishimura, Dorothy Nobriga, Mildred Guerrero, Vern Kaaukai and Frank de Jesus.

Senator Campbell introduced a group of fourth grade students from Salt Lake Elementary School, escorted by their teachers, Mrs. Yim, Mrs. Lau, Mrs. Komasu and Ms. Jane Watanabe.

Senator Anderson introduced Abbie and Frank Moon, longtime friends from the Windward District.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. No. 482 and 483) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 482), informing the Senate that on April 17, 1979, he signed the following bill into law:

H.B. No. 1631 as Act 7, entitled: "RELATING TO THE PROGRESSIVE NEIGHBORHOODS PROGRAM",

was placed on file.

A message from the Governor (Gov. Msg. No. 483), transmitting various reports prepared by the Department of Land and Natural Resources in response to the following resolutions, which were adopted in 1978:

Senate Resolution No. 136, Requesting the Development of the State's Water Supplies and Systems to Support Agriculture;

Senate Resolution No. 352, Relating to a Report on the Quantity and Quality of Water Resources in the State of Hawaii; and

House Resolution No. 507, Relating to a Review of Agricultural Water Rates on Oahu;

was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 656 to 701) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 656), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1, H.D. 1, was adopted by the House; and H.B. No. 1, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 657), returning Senate Concurrent Resolution No. 43, S.D. 1, which was adopted by the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 658), returning Senate Concurrent Resolution No. 53, S.D. 1, which was adopted by the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 659), transmitting House Concurrent Resolution No. 138, H.D. 1, which was adopted by the House of Representatives on April 19, 1979, was placed on file.

By unanimous consent, H.C.R. No. 138, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING FOR THE OPERATION OF A COMMITTEE TO STUDY GOVERNMENTAL TORT LIABILITY DURING THE

INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1979 AND THE CONVENING OF THE REGULAR SESSION OF 1980", was referred to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 660), transmitting House Concurrent Resolution No. 183, which was adopted by the House of Representatives on April 19, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE SECOND ANNUAL MACADAMIA NUT FESTIVAL AND ACKNOWLEDGING AND COMMENDING THE LEADERSHIP OF THE HAWAIIAN HOLIDAY MACADAMIA NUT COMPANY IN PROMOTING THE EVENT AND HAWAII'S DEVELOPING MACADAMIA NUT INDUSTRY", was adopted.

A communication from the House (Hse. Com. No. 661), informing the Senate that the amendments proposed by the Senate to House Bill No. 1677 were agreed to by the House; and H.B. No. 1677, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 662), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 80, H.D. 2, was adopted by the House; and H.B. No. 80, H.D. 2, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 663), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 82, H.D. 1, was adopted by the House; and H.B. No. 82, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 664), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 92, H.D. 2, was adopted by the House; and H.B. No. 92, H.D. 2, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 665), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate

to House Bill No. 95, H.D. 2, was adopted by the House; and H.B. No. 95, H.D. 2, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 666), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 99, H.D. 1, was adopted by the House; and H.B. No. 99, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 667), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 102, H.D. 1, was adopted by the House; and H.B. No. 102, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 668), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 166, H.D. 1, was adopted by the House; and H.B. No. 166, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 669), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 173, H.D. 1, was adopted by the House; and H.B. No. 173, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 670), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 282, H.D. 1, was adopted by the House; and H.B. No. 282, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 671), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 421, H.D. 1, was adopted by the House; and H.B. No. 421, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 698), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1230 was adopted by the House; and S.B. No. 1230, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 699), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1539, S.D. 1, was adopted by the House; and S.B. No. 1539, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 700), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1634, S.D. 2, was adopted by the House; and S.B. No. 1634, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

A communication from the House (Hse. Com. No. 701), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1682, S.D. 1, was adopted by the House; and S.B. No. 1682, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 19, 1979, was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 489 to 516) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 489), entitled: "SENATE RESOLUTION COMMENDING THE HAWAIIAN ASSOCIATION OF FUTURE FARMERS OF AMERICA ON ITS 50TH ANNIVERSARY", was jointly offered by Senators Ajifu, Campbell, Yamasaki, Kuroda, Takitani, Saiki, Toyofuku, Soares, Carpenter, O'Connor, Yee, Mizuguchi, Hara, Young, Cayetano, Carroll, Chong, George, Ushijima, Cobb, Yim, Kawasaki and Abercrombie.

On motion by Senator Ajifu, seconded by Senator Anderson and carried, S.R. No. 489 was adopted.

At this time, Senator Ajifu remarked as follows:

"Mr. President, this morning the Future Farmers were up in the Governor's

Office. The Governor had proclaimed April 20th as Future Farmers of America Week; this weekend the Future Farmers are holding their annual convention, the 50th Anniversary celebration."

Senator Ajifu then introduced the state officers of the Hawaii Association of Future Farmers of America, as follows: State President Ernest Barreira; Vice President Vincent Bani; Secretary Aaron Kamaunu; Treasurer Justin Godbehere; Reporter Douglas Duarte; Sentinel Jason Hashimoto, accompanied by their National President Mark Sanborn and State Advisor Mr. Thomas Hatakeyama, and presented certified copies of the resolution to all of the officers and the advisor.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

A resolution (S.R. No. 490), entitled: "SENATE RESOLUTION COMMENDING AND CONGRATULATING JERRY PERREIRA FOR HIS VOLUNTEER SERVICES TO OUR COMMUNITY DURING THE PAST TWO YEARS", was jointly offered by Senators Chong, Kuroda, Hara, Campbell, Anderson, Takitani, Young, Yim, George, Cobb, Toyofuku, Yamasaki, O'Connor, Ushijima, Mizuguchi, Carpenter, Abercrombie, Carroll, Yee, Ajifu, Soares, Saiki, Kawasaki and Wong.

On motion by Senator Chong, seconded by Senator Kuroda and carried, S.R. No. 490 was adopted.

A resolution (S.R. No. 491), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE HAWAII CHAPTER OF THE AMERICAN NATURAL HYGIENE SOCIETY FOR THEIR EDUCATIONAL ACTIVITIES", was jointly offered by Senators Chong, Kuroda, Hara, Campbell, Anderson, Cobb, Toyofuku, Young, Wong, Takitani, Yim, O'Connor, Carpenter, Cayetano, Yamasaki, Ushijima, Yee, Ajifu, Abercrombie, Soares, Saiki and Kawasaki.

On motion by Senator Chong, seconded by Senator Kuroda and carried, S.R. No. 491 was adopted.

A resolution (S.R. No. 492), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE HUNGER PROJECT FOR ITS ACTIONS TO END WORLD STARVATION BY 1997", was jointly offered by Senators Chong, Kuroda, Hara, Campbell, Saiki, Anderson, Takitani, Yim, O'Connor, Mizuguchi, Young, Kawasaki, Wong, Soares, Carpenter, Ajifu, Cobb, Abercrombie, Cayetano, Yamasaki, Ushijima and Toyofuku.

Senator Chong moved that S.R. No. 492 be adopted, seconded by Senator Kuroda.

At this time, Senator Abercrombie rose to speak against the resolution and stated as follows:

"Mr. President, I think that a good portion of the 'whereas' clauses in this congratulatory resolution are incorrect. I think they give a false impression of what is involved in the so-called Hunger Project.

"I think that when it gets into the 'Be It Resolved' area where it talks about momentous actions to end world starvation, as far as I know, will determine, the only momentous actions are to increase the pocketbooks of the people that are running it.

"This whole thing is nothing but a diversion from the real issues that are involved where there are people who do not have enough to eat, whether an economic system that encourages that circumstance world-wide as well as in this country, while there may be motivations in some of the people who have been suckered into joining it, that are laudatory.

"For this legislature to go on record as approving of and extending congratulations to what I consider to be nothing but a group of people who are lining their own pockets, I think, is entirely out of line."

Senator Chong then read the eighth, ninth and tenth 'whereas' clauses of the resolution and, in general rebuttal to the previous speaker, stated as follows:

"Mr. President, I'd like to point out that the major purpose of this particular project, which is taking hold throughout the country, is to get Americans aware of the fact that we have a major problem in the world. Not only here in America but in the world. That we in the United States who consume the bulk of our resources have not adequately or are not aware of the fact that we have not adequately shared some of our tremendous wealth.

"When that \$3.00 donation is requested, it goes back to get other Americans to be aware of this fact so that we can, together as a nation, accept our responsibilities in the world."

Senator Abercrombie further remarked as follows:

"Mr. President, I think it's disingenuous to read something from Mr. R. Buckminster Fuller when it has no connection with the points that I was raising about the

money that it solicited on the basis of appealing to people's sense of humanity or sense of guilt or sense of desire to participate in something which would genuinely alleviate world hunger.

"I think it's disingenuous then to associate the President of the United States by saying that he concurs with the message and goal. I suppose you could take anything to the President of the United States and get him to concur with almost anything by taking something out of context and associating with it. It is quite clear that what happens in this organization is, that is a constant roundlet -- a circular motion of taking money and paying salaries and continue to then take this message out which goes back into the organization.

"I have not been able to discover a single instance, including participation by myself because I wanted to make sure that I knew what I was talking about in one of these so-called seminars that were held in connection with this Hunger Project, so that I was not speaking merely from hearsay.

"I have not been able to discover a single thing that does not do anymore than as happened with other charities in the past, unfortunately, in which people's emotions are appealed to and the only profit that is made is by the people who are pushing the deal."

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.R. No. 492, was adopted on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Carroll, George, Hara and Kawasaki).

A resolution (S.R. No. 493), entitled: "SENATE RESOLUTION EXTENDING CONDOLENCES AND DEEPEST SYMPATHY TO THE FAMILY OF DR. GEORGE WOOLLARD", was jointly offered by Senators Abercrombie, Hara, Chong, Yim, Ushijima, Cobb, Yamasaki, Kuroda, Soares, Carroll, Mizuguchi, Kawasaki, Campbell, George, Saiki, Ajifu, Takitani, Toyofuku, Young, Yee, Carpenter, Cayetano and O'Connor.

On motion by Senator Abercrombie, seconded by Senator Hara and carried, S.R. No. 493 was adopted.

A resolution (S.R. No. 494), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES FOR THE HAWAII INTERNATIONAL POWERLIFTING CHAMPIONSHIPS", was jointly offered by Senators Abercrombie, Hara, Mizuguchi, Takitani, Carpenter, Cobb, Toyofuku, George, Cayetano, Ajifu, Chong, Yamasaki, Young, Soares, Carroll, Yim and Anderson.

Senator Abercrombie moved that S.R. No. 494 be adopted, seconded by Senator Hara.

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

"Mr. President, while I fully intend to vote for this resolution, there's a nagging question that I have. I'd like to address some questions to the sponsor of this resolution."

Senator Abercrombie replied: "If I can lift the questions up, I'll be delighted to."

Senator Kawasaki then inquired as follows:

"Mr. President, among the events listed are three, that is to say, an event in squatting, bench pressing and dead lifting and I notice also that there are eight contestants from the State of Hawaii. I just wanted to know whether Senator Abercrombie is one of the eight contestants from Hawaii who's either going to squat on, bench press, or dead lift David Trask in the meantime?"

Senator Abercrombie replied as follows:

"That's a fair question.

"I'm not sure that we'll be there for that reason. I was thinking more that we might be there to arm wrestle, however, we may be preempted.

"Maybe Senator Anderson and I will be in the preliminary on that and Mr. Trask will then take on the winner, two out of three.

"I do want to indicate that, however, that in respect of the power lifting tournament there, that we do have the honor of one of the people that's involved, that being Gus Rethwisch who some of you may have seen on CBS television over recent weeks on the World's Strongest Man Contest. He came in fifth in the contest. He is from Hawaii. He's an old friend of mine from the UH; started lifting weights with some of the athletic teams up at UH and has grown from the little shrimp of a guy that I knew at UH, into someone who now weighs 350 pounds, and who'll be there to see that I am protected if that caucasian does come about."

Senator Cayetano then remarked as follows:

"Mr. President, if Senator Abercrombie is entering this contest, I don't think he'll have to train too much because from what I understand, Mr. Trask is quite a lightweight."

The motion was put by the Chair and carried, and S.R. No. 494 was adopted.

A resolution (S.R. No. 495), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO ANTHONY HAZLETT ON HIS SELECTION AS A RECIPIENT OF THE SHELL OIL CENTURY III LEADERSHIP PROGRAM AWARD", was jointly offered by Senators Toyofuku, Kuroda, Chong, Cayetano, Anderson, Yamasaki, Ushijima, Kawasaki, Campbell, Carpenter, Takitani, Soares, Hara, Young, Cobb, Carroll, Saiki, Ajifu, Yee, George, Yim, Abercrombie, Mizuguchi and O'Connor.

On motion by Senator Toyofuku, seconded by Senator Kuroda and carried, S.R. No. 495 was adopted.

A resolution (S.R. No. 496), entitled: "SENATE RESOLUTION COMMENDING THE FIRST-PLACE WINNERS IN THE 25TH ANNUAL HAWAII INDUSTRIAL ARTS FAIR", was jointly offered by Senators Ajifu, George, Carroll, Saiki, Ushijima, Toyofuku, Yamasaki, Hara, Cobb, Takitani, Carpenter, Mizuguchi, Soares, Campbell, Chong, Young, Kawasaki, Cayetano, Anderson and Abercrombie.

On motion by Senator Ajifu, seconded by Senator George and carried, S.R. No. 496 was adopted.

A resolution (S.R. No. 497), entitled: "SENATE RESOLUTION COMMEMORATING THE SILVER JUBILEE CELEBRATION OF THE JAPANESE WOMEN'S SOCIETY OF HONOLULU", was jointly offered by Senators Young, George, Saiki, Carpenter, Yamasaki, Wong, Yim, Campbell, Hara, Kawasaki, Kuroda, Mizuguchi and Toyofuku.

On motion by Senator Young, seconded by Senator George and carried, S.R. No. 497 was adopted.

A resolution (S.R. No. 498), entitled: "SENATE RESOLUTION CONGRATULATING AND COMMENDING THE MILILANI TOWN JAYCEES FOR THEIR OUTSTANDING COMMUNITY SERVICE", was jointly offered by Senators Young, Cayetano, Carpenter, Yamasaki, Wong, Toyofuku, Ajifu, Campbell, Takitani, Kuroda, Yim, Mizuguchi and Hara.

On motion by Senator Young, seconded by Senator Cayetano and carried, S.R. No. 498 was adopted.

A resolution (S.R. No. 499), entitled: "SENATE RESOLUTION HONORING ROBERT R. DUNAWAY A DEDICATED HUMANITARIAN AND TIRELESS COMMUNITY SERVICE WORKER", was jointly offered by Senators Wong, Kuroda, Cobb, Yamasaki, George, Saiki, Carpenter, Young, Yim, Mizuguchi, Carroll, Anderson, Chong, Cayetano,

Abercrombie, Kawasaki, Ajifu, Takitani, Hara, Soares, O'Connor, Toyofuku and Campbell.

On motion by Senator Kawasaki, seconded by Senator Kuroda and carried, S.R. No. 499 was adopted.

A resolution (S.R. No. 500), entitled: "SENATE RESOLUTION CONGRATULATING PAUL KATSUSO MIHO ON HIS RETIREMENT", was jointly offered by Senators Yee, Abercrombie, Takitani, Cobb, Hara, Yamasaki and Yim.

Senator Yee moved that S.R. No. 500 be adopted, seconded by Senator Anderson.

At this time, Senator Abercrombie rose to speak in favor of the resolution and stated as follows:

"Mr. President, I'd like to speak in favor of this resolution by noting that Mr. Miho, if you will look at one of the 'whereas' clauses, indicates that he was with the YMCA, where he served for over 20 years as resident manager of the University YMCA in Manoa; I can't imagine the number of people that Mr. Miho has helped and encouraged over the years.

"It has been almost 20 years since I met him, two decades, and I know that his kindness, his courtesy and encouragement to me was not the exception, but rather the rule of him. I congratulate him in his retirement and most certainly congratulate him in whatever endeavors he's going to be taking place in now."

The motion was put by the Chair and carried, and S.R. No. 500 was adopted.

A resolution (S.R. No. 501), entitled: "SENATE RESOLUTION CONGRATULATING THE IOLANI VARSITY SOCCER TEAM ON WINNING THE STATE CHAMPIONSHIP", was jointly offered by Senators Yee, Abercrombie, Takitani, Cobb, Hara, Yamasaki and Yim.

On motion by Senator Yee, seconded by Senator Anderson and carried, S.R. No. 501 was adopted.

A resolution (S.R. No. 502), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING MR. MAX ROFFMAN AS BEING CHOSEN AS A REPRESENTATIVE FOR THE KOKUA COUNCIL FOR SENIOR CITIZENS, AT A WHITE HOUSE BRIEFING WITH THE PRESIDENT OF THE UNITED STATES", was jointly offered by Senators Carpenter, Kuroda, Young, George, Cobb, Takitani, Cayetano, Soares, Toyofuku, Mizuguchi, Yamasaki, Wong, Ushijima, Campbell, Yee, Chong, Hara, Carroll, Saiki, O'Connor, Kawasaki, Abercrombie and Yim.

On motion by Senator Carpenter, seconded by Senator Kuroda and carried, S.R. No. 502 was adopted.

A resolution (S.R. No. 503), entitled: "SENATE RESOLUTION RECOGNIZING MR. YUKIO NISHIMOTO FOR HIS MANY ACCOMPLISHMENTS IN THE STATE OF HAWAII", was jointly offered by Senators Carpenter, Chong, Kuroda, Young, Yamasaki, George, Takitani, Cayetano, Soares, Toyofuku, Mizuguchi, Wong, Ushijima, Campbell, Yee, Saiki, Cobb, Abercrombie, Hara, Carroll, O'Connor, Kawasaki and Yim.

On motion by Senator Carpenter, seconded by Senator Chong and carried, S.R. No. 503 was adopted.

A resolution (S.R. No. 504), entitled: "SENATE RESOLUTION CONGRATULATING MISS HAWAII OF CALIFORNIA FOR 1979, TRICIA KEALANA TOM, AND HER COURT", was jointly offered by Senators Carpenter, Wong, Takitani, Toyofuku, Anderson, Ajifu, Cobb, Saiki, Hara, Kawasaki, Cayetano, Young, Chong, Yim, Campbell, Soares, Yamasaki, Carroll, Kuroda, O'Connor, Ushijima, Mizuguchi, George and Abercrombie.

On motion by Senator Carpenter, seconded by Senator Takitani and carried, S.R. No. 504 was adopted.

A resolution (S.R. No. 505), entitled: "SENATE RESOLUTION CONGRATULATING JANICE KILBEY FOR BEING SELECTED THE 1979 TRUMAN SCHOLAR FROM HAWAII", was jointly offered by Senators George, Ajifu, Takitani, Yamasaki, Carpenter, O'Connor, Chong, Saiki, Campbell, Carroll, Young and Toyofuku.

On motion by Senator George, seconded by Senator Ajifu and carried, S.R. No. 505 was adopted.

A resolution (S.R. No. 506), entitled: "SENATE RESOLUTION CONGRATULATING DORA WANG FOR WINNING SHELL OIL'S CENTURY III LEADERS CONTEST", was jointly offered by Senators George, Anderson, Ajifu, Takitani, Yamasaki, Carroll, Ushijima, Hara, Abercrombie, O'Connor, Saiki, Chong, Kuroda, Campbell, Cayetano, Cobb, Carpenter, Young and Toyofuku.

On motion by Senator George, seconded by Senator Anderson and carried, S.R. No. 506 was adopted.

A resolution (S.R. No. 507), entitled: "SENATE RESOLUTION CONGRATULATING AND COMMENDING THE IOLANI SCHOOL VARSITY BASEBALL TEAM FOR WINNING THE INTERSCHOLASTIC LEAGUE OF HONOLULU'S BASEBALL CHAMPIONSHIP",

was jointly offered by Senators Yee, Cobb, Takitani, Yamasaki, Hara and Yim.

On motion by Senator Yee, seconded by Senator Carroll and carried, S.R. No. 507 was adopted.

A resolution (S.R. No. 508), entitled: "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 508 was adopted.

A resolution (S.R. No. 509), entitled: "SENATE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1979 AND THE CONVENING OF THE REGULAR SESSION OF 1980", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 509 was adopted.

A resolution (S.R. No. 510), entitled: "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 510 was adopted.

A resolution (S.R. No. 511), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 511 was adopted.

A resolution (S.R. No. 512), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO EXPEND FUNDS AFTER ADJOURNMENT", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded Senator Anderson and carried, S.R. No. 512 was adopted.

A resolution (S.R. No. 513), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 513 was adopted.

A resolution (S.R. No. 514), entitled: "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 514 was adopted.

A resolution (S.R. No. 515), entitled: "SENATE RESOLUTION EXPRESSING APPRECIATION TO THE MINISTERS OF RELIGION FOR THEIR INSPIRATIONAL PRAYERS", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 515 was adopted.

A resolution (S.R. No. 516), entitled: "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TENTH LEGISLATURE, REGULAR SESSION OF 1979", was jointly offered by Senators Mizuguchi and Anderson.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, S.R. No. 516 was adopted.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1253) informing the Senate that Senate Resolution Nos. 477 to 488 and Standing Committee Report Nos. 1103 to 1252 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.

At 12:23 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.

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 18, 1979

FINAL READING

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

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, S.B. No. 599, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Abercrombie).
Excused, 2 (Cobb and Yim).

THIRD READING

Standing Committee Report No. 1074
(H.B. No. 742, H.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1074 was adopted and H.B. No. 742, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused,
2 (Cobb and Yim).

Standing Committee Report No. 1075
(H.B. No. 867):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1075 was adopted and H.B. No. 867, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE DECISIONS OF THE LIQUOR COMMISSION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused,
2 (Cobb and Yim).

At 12:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

Standing Committee Report No. 1076
(H.B. No. 1211, H.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1076 was adopted and H.B. No. 1211, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 1077
(H.B. No. 1656, H.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1077 was adopted and H.B. No. 1656, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO UNAUTHORIZED VEHICLES ON SCHOOL AND LIBRARY GROUNDS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 1079
(H.B. No. 288):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1079 was adopted and H.B. No. 288, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

MATTERS DEFERRED FROM APRIL 19, 1979

THIRD READING

Standing Committee Report No. 797 (H.B. No. 4):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 797 was adopted and H.B. No. 4, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

FINAL READING

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

On motion by Senator Carpenter, seconded by Senator Campbell and carried, S.B. No. 1611, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Abercrombie introduced to the members of the Senate Mr. Bill Nelson of the Hawaiian Association

of the AAU, who is assisting in the Hawaii International Powerlifting Championships to which a resolution was adopted earlier in the day.

At 12:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:36 o'clock p.m.

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

On motion by Senator Cobb, seconded by Senator Chong and carried, S.B. No. 1752, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Abercrombie and Carroll).

Standing Committee Report No. 1113 (Gov. Msg. Nos. 387, 388, 389 and 390):

Senator Young moved that Stand. Com. Rep. No. 1113 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Young then moved that the Senate advise and consent to the nominations to the Factory-Built Housing Advisory Board as follows:

Robert McFarlane, term to expire December 31, 1982;

Tom T. Nekota, term to expire December 31, 1982;

Gary K. S. Siu, term to expire December 31, 1982, and

Maurice H. Yamasato, term to expire December 31, 1981,

seconded by Senator Cayetano.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1114 (Gov. Msg. Nos. 391 and 392):

Senator Young moved that Stand. Com. Rep. No. 1114 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Young then moved that the Senate advise and consent to the nominations to the Hawaii Community Development

Authority as follows:

Helen K. Griffin, term to expire December 31, 1982, and

Yoshio Yanagawa, term to expire December 31, 1982,

seconded by Senator Cayetano.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1115 (Gov. Msg. Nos. 393, 394 and 395):

Senator Young moved that Stand. Com. Rep. No. 1115 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Young then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission as follows:

Hazel K. Kauahikaua, term to expire December 31, 1982;

Colette Y. Machado, term to expire December 31, 1980, and

Jubilee M. Moikeha, term to expire December 31, 1982,

seconded by Senator Cayetano.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1116 (Gov. Msg. Nos. 396, 397 and 398):

Senator Young moved that Stand. Com. Rep. No. 1116 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Young then moved that the Senate advise and consent to the nominations to the Advisory Council for Housing and Construction Industry as follows:

Chew Hoy Lee, term to expire December 31, 1982;

Richard S. Matsunaga, term to expire December 31, 1982, and

Nancy T. Taylor, term to expire December 31, 1982,

seconded by Senator Cayetano.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1117
(Gov. Msg. No. 399):

Senator Toyofuku moved that Stand. Com. Rep. No. 1117 be received and placed on file, seconded by Senator Yamasaki and carried:

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Edward K. Fujimoto, Ph.D., to the State Advisory Council for Children and Youth, term to expire December 31, 1979, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1118
(Gov. Msg. No. 400):

Senator Toyofuku moved that Stand. Com. Rep. No. 1118 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Roger K. Katsutani to the State Advisory Council for Children and Youth, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1119
(Gov. Msg. No. 401):

Senator Toyofuku moved that Stand. Com. Rep. No. 1119 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Karen Anne Oshiro to the State Advisory Council for Children and Youth, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1120
(Gov. Msg. No. 402):

Senator Toyofuku moved that Stand. Com. Rep. No. 1120 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Geraldine O.Y. Ung to the State Advisory Council for Children and Youth, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1121
(Gov. Msg. No. 403):

Senator Toyofuku moved that Stand. Com. Rep. No. 1121 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku moved that the Senate advise and consent to the nomination of Morgan B. White to the State Advisory Council for Children and Youth, term to expire December 31, 1980, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1122
(Gov. Msg. No. 405):

Senator Toyofuku moved that Stand. Com. Rep. No. 1122 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Kenneth Tanaka to the Civil Service Commission, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1123
(Gov. Msg. No. 406):

Senator Toyofuku moved that Stand. Com. Rep. No. 1123 be received and placed on file, seconded by Senator

Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Rosalina S. Domondon to the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1124 (Gov. Msg. No. 407):

Senator Toyofuku moved that Stand. Com. Rep. No. 1124 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Merl W. Hawthorne to the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1125 (Gov. Msg. No. 408):

Senator Toyofuku moved that Stand. Com. Rep. No. 1125 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Rose Horner to the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1126 (Gov. Msg. No. 409):

Senator Toyofuku moved that Stand. Com. Rep. No. 1126 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Theodore D. Hussey to

the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1127 (Gov. Msg. No. 410):

Senator Toyofuku moved that Stand. Com. Rep. No. 1127 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Shimeji Kanazawa to the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1128 (Gov. Msg. No. 411):

Senator Toyofuku moved that Stand. Com. Rep. No. 1128 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Harry K. Takara to the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1129 (Gov. Msg. No. 412):

Senator Toyofuku moved that Stand. Com. Rep. No. 1129 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Masaichi Tasaka to the Policy Advisory Board for Elderly Affairs, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the

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

Ayes, 25. Noes, none.

Standing Committee Report No. 1130
(Gov. Msg. No. 413):

Senator Toyofuku moved that Stand. Com. Rep. No. 1130 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Lorna Kakesako to the Hawaii Employment Relations Board, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1131
(Gov. Msg. No. 414):

Senator Toyofuku moved that Stand. Com. Rep. No. 1131 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Dennis K.S. Chun to the Commission on the Handicapped, term to expire December 31, 1980, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1132
(Gov. Msg. No. 415):

Senator Toyofuku moved that Stand. Com. Rep. No. 1132 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Judith Doktor to the Commission on the Handicapped, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1133
(Gov. Msg. No. 416):

Senator Toyofuku moved that Stand. Com. Rep. No. 1133 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Susan Floyd, Ph.D., to the Commission on the Handicapped, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1134
(Gov. Msg. No. 417):

Senator Toyofuku moved that Stand. Com. Rep. No. 1134 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Georgia E. Morikawa to the Commission on the Handicapped, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1135
(Gov. Msg. No. 418):

Senator Toyofuku moved that Stand. Com. Rep. No. 1135 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Wayne K. Miyamoto to the Commission on the Handicapped, term to expire December 31, 1980, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1136
(Gov. Msg. No. 419):

Senator Toyofuku moved that Stand. Com. Rep. No. 1136 be received and

placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of E. John McConnell to the Labor and Industrial Relations Appeals Board for a ten-year term, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1137
(Gov. Msg. No. 420):

Senator Toyofuku moved that Stand. Com. Rep. No. 1137 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Robert H. Kessner, Ph.D., to the Advisory Commission on Manpower and Full Employment, term to expire December 31, 1979, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1138
(Gov. Msg. No. 421):

Senator Toyofuku moved that Stand. Com. Rep. No. 1138 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Cherlyn K. Logan to the Advisory Commission on Manpower and Full Employment, term to expire December 31, 1979, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1139
(Gov. Msg. No. 422):

Senator Toyofuku moved that Stand. Com. Rep. No. 1139 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the

nomination of Guy R. Tateishi to the Advisory Commission on Manpower and Full Employment, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1140
(Gov. Msg. No. 423):

Senator Toyofuku moved that Stand. Com. Rep. No. 1140 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of James Brown to the Board of Trustees, Hawaii Public Employees Health Fund, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1141
(Gov. Msg. No. 424):

Senator Toyofuku moved that Stand. Com. Rep. No. 1141 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Michael L. Joy to the Board of Trustees, Hawaii Public Employees Health Fund, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1142
(Gov. Msg. No. 425):

Senator Toyofuku moved that Stand. Com. Rep. No. 1142 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of James D. Williams to the Board of Trustees, Hawaii Public Employees Health Fund, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the

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

Ayes, 25. Noes, none.

Standing Committee Report No. 1143
(Gov. Msg. No. 426):

Senator Toyofuku moved that Stand. Com. Rep. No. 1143 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Ruth M. Ono to the Board of Vocational Rehabilitation, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1144
(Gov. Msg. No. 427):

Senator Toyofuku moved that Stand. Com. Rep. No. 1144 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Paul Pladera to the Board of Vocational Rehabilitation, term to expire December 31, 1979, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1145
(Gov. Msg. No. 428):

Senator Toyofuku moved that Stand. Com. Rep. No. 1145 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Terrance W.H. Tom to the Board of Vocational Rehabilitation, term to expire December 31, 1982, seconded by Senator Yamasaki.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1146
(Gov. Msg. Nos. 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247 and 248):

Senator Hara moved that Stand. Com. Rep. No. 1146 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Hara then moved that the Senate advise and consent to the nominations of the following:

Noboru Iwami to the Environmental Council, term to expire December 31, 1980;

Eugene S. Kaneshiro, Eugene M. Kawaguchi, M.D., Mohammad A. Khan, Ph.D., and Carol H. Maehara to the Environmental Council, terms to expire December 31, 1982;

Dorothy R. Babineau to the Environmental Quality Commission, term to expire December 31, 1980;

Cornelius Choy, Marvin T. Miura, Ph.D., and Tom H. Takano to the Fish and Wildlife Advisory Committee, City and County of Honolulu, terms to expire December 31, 1980;

Allan K. Ikawa, Wayne S. Ogata and Jose E. Soriano, to the Fish and Wildlife Advisory Committee, County of Hawaii, terms to expire December 31, 1980;

Larry K.K. Saito, Jeffrey G. Bryant and Goro Sadaoka to the Fish and Wildlife Advisory Committee, County of Kauai, terms to expire December 31, 1980;

Ronald E. Kula and Christy Mamiya to the Fish and Wildlife Advisory Committee, County of Maui, terms to expire December 31, 1980;

Raymond Y. Sugita to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, term to expire December 31, 1979;

James D. Gonsalves and Paul L. Sietz to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, terms to expire December 31, 1980;

Masaichi Chinen and Brian L. Gray to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, terms to expire December 31, 1981;

Charles M. Saiki, Frank G. Stone, Jr., Dennis Tulang and Reginald H.F. Young, D.S.C., to the Board of Certification

of Operating Personnel in Wastewater Treatment Plants, terms to expire December 31, 1982; and

Dennis A. Daugherty and Gail T. Kiriu to the Pacific War Memorial Commission, terms to expire December 31, 1982;

seconded by Senator Abercrombie.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1148 (Gov. Msg. No. 431):

Senator O'Connor moved that Stand. Com. Rep. No. 1148 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of James A. King to the Commission to Promote Uniform Legislation, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1149 (Gov. Msg. No. 432):

Senator O'Connor moved that Stand. Com. Rep. No. 1149 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Sophie K. Sheather to the Criminal Injuries Compensation Commission, term to expire December 31, 1980, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1150 (Gov. Msg. No. 433):

Senator O'Connor moved that Stand. Com. Rep. No. 1150 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the

nomination of Daniel S. Ukishima to the Criminal Injuries Compensation Commission, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1151 (Gov. Msg. No. 434):

Senator O'Connor moved that Stand. Com. Rep. No. 1151 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Neil K. Okabayashi to the Hawaii Crime Commission, term to expire June 30, 1980, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1152 (Gov. Msg. No. 435):

Senator O'Connor moved that Stand. Com. Rep. No. 1152 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Elizabeth M. Adams, M.D., to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1153 (Gov. Msg. No. 436):

Senator O'Connor moved that Stand. Com. Rep. No. 1153 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of John J. Blaylock to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the

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

Ayes, 25. Noes, none.

Standing Committee Report No. 1154
(Gov. Msg. No. 437):

Senator O'Connor moved that Stand. Com. Rep. No. 1154 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Paul M. DeSilva to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1155
(Gov. Msg. No. 438):

Senator O'Connor moved that Stand. Com. Rep. No. 1155 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Harold J. Falk, Jr., to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1156
(Gov. Msg. No. 439):

Senator O'Connor moved that Stand. Com. Rep. No. 1156 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Yoshimi Hayashi to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1157
(Gov. Msg. No. 440):

Senator O'Connor moved that Stand. Com. Rep. No. 1157 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Halo Hirose to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1158
(Gov. Msg. No. 441):

Senator O'Connor moved that Stand. Com. Rep. No. 1158 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Michael M. Kakesako to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1159
(Gov. Msg. No. 442):

Senator O'Connor moved that Stand. Com. Rep. No. 1159 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Lawrence K. Koseki to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1160
(Gov. Msg. No. 443):

Senator O'Connor moved that Stand. Com. Rep. No. 1160 be received and

placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Gerald S. Matsunaga to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1161
(Gov. Msg. No. 444):

Senator O'Connor moved that Stand. Com. Rep. No. 1161 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Togo Nakagawa to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1162
(Gov. Msg. No. 445):

Senator O'Connor moved that Stand. Com. Rep. No. 1162 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Robert T. Omura to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1163
(Gov. Msg. No. 446):

Senator O'Connor moved that Stand. Com. Rep. No. 1163 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the

nomination of Theodore I. Sakai to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1164
(Gov. Msg. No. 447):

Senator O'Connor moved that Stand. Com. Rep. No. 1164 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Robert J. Stillwell to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1165
(Gov. Msg. No. 448):

Senator O'Connor moved that Stand. Com. Rep. No. 1165 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of George W.Y. Tom to the Intake Service Center Advisory Board, term to expire December 6, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1166
(Gov. Msg. No. 449):

Senator O'Connor moved that Stand. Com. Rep. No. 1166 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of George J. Chouljian to the Hawaii Paroling Authority, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1167
(Gov. Msg. No. 450):

Senator O'Connor moved that Stand. Com. Rep. No. 1167 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Shota Sakai to the Board of Registration, Island of Oahu, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Standing Committee Report No. 1168
(Gov. Msg. No. 451):

Senator O'Connor moved that Stand. Com. Rep. No. 1168 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Yuriko N. Tasaka to the Board of Registration, Kauai and Niihau, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1169
(Gov. Msg. No. 452):

Senator O'Connor moved that Stand. Com. Rep. No. 1169 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Miriam K. Kahalekai to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1170
(Gov. Msg. No. 453):

Senator O'Connor moved that Stand. Com. Rep. No. 1170 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Norma Jean China to the Commission on the Status of Women, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1171
(Gov. Msg. No. 454):

Senator O'Connor moved that Stand. Com. Rep. No. 1171 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Ruth Fujimoto to the Commission on the Status of Women, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1172
(Gov. Msg. No. 455):

Senator O'Connor moved that Stand. Com. Rep. No. 1172 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Priscilla Hayashi to the Commission on the Status of Women, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1173
(Gov. Msg. No. 456):

Senator O'Connor moved that Stand. Com. Rep. No. 1173 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Althea Momi Kamau to the Commission on the Status of Women, term to expire December 31, 1981, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1174 (Gov. Msg. No. 457):

Senator O'Connor moved that Stand. Com. Rep. No. 1174 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of William G.S. Mau to the Commission on the Status of Women, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1175 (Gov. Msg. No. 458):

Senator O'Connor moved that Stand. Com. Rep. No. 1175 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate advise and consent to the nomination of Judy T. Makinodan to the Commission on the Status of Women, term to expire December 31, 1982, seconded by Senator Cobb.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1179 (Gov. Msg. Nos. 249, 250, 251, 252, 253, 254 and 255):

Senator Yim moved that Stand. Com. Rep. No. 1179 be received and placed on file, seconded by Senator Carpenter.

Senator Yim then moved that the Senate advise and consent to the nominations of the following:

Charles W. Duke to the Land Use Commission, term to expire December 31, 1982;

William W. L. Yuen to the Land Use Commission, term to expire December 31, 1982;

William H. Hindle, M.D., to the Commission on Population and the Hawaiian Future, term to expire December 31, 1981;

Harvey N. Kai to the Commission on Population and the Hawaiian Future, term to expire December 31, 1982;

Mutsuo Hashimoto to the Commission on the Year 2000, term to expire December 31, 1982;

Keith P. Hudson to the Commission on the Year 2000, term to expire December 31, 1982, and

Lehua F. Salling to the Commission on the Year 2000, term to expire December 31, 1982,

seconded by Senator Carpenter.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1180 (Gov. Msg. No. 49):

Senator Yim moved that Stand. Com. Rep. No. 1180 be received and placed on file, seconded by Senator Carpenter.

Senator Yim then moved that the Senate advise and consent to the nomination of Susumu Ono to the position of Chairman of the Board of Land and Natural Resources, term to expire December 31, 1982, seconded by Senator Carpenter.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

"Mr. President, my point of personal privilege rests on what I believe to be a dereliction on the prosecutorial entities

in this state; namely, the Attorney General and the City Prosecutor of the City and County of Honolulu. They have not acted in the best interest of the people of this state and have affected this legislature in terms of what it may properly expect of the Constitutional Convention.

"Based on what I considered reliable information, that members of the 1978 Constitutional Convention and/or their employees, committed widespread pilfering of 'Con Con' supplies, from major furniture items, down to miscellaneous office supplies, such as paper, I filed a formal complaint with the Honolulu Police Department on October 5th, 1978.

"I have attempted to pursue this matter for months with all available law enforcement agencies. In this attempt, I have exhausted every avenue available to me as an elected public official but more importantly, as a citizen.

"It is obvious that supplies, including furniture items, were stolen outright and that this is a well-known fact. However, no one is willing to pursue the matter. The basis for not pursuing this matter by the City and County of Honolulu lies on the specious ground that the furniture company involved is completely unwilling to provide a copy of the furniture manifest, and, at the same time, the prosecutorial staffs of the State and City are unwilling to demand, through their respective powers, such a manifest. This manifest will clearly show the gap which exists between what furniture was released to the Con Con and what was returned.

"There can be but one answer and one answer only -- that both the Attorney General and the City Prosecutor of the City and County of Honolulu are obviously afraid of the political consequences of pursuing former Con Con delegates and/or Con Con staff.

"This situation is the equivalent to not pursuing a robber because the person robbed would like to pretend that the robbery never occurred. In a private instance, there is an understandable fear of retribution. However, in this case there is public money involved and public trust abused. It is my hope, at this point, that former Con Con delegates not involved will come forward, as this now is the sole recourse available.

"I, personally, do not possess the legal authority to command the inventory manifest. I, as any other citizen, have to rely on the appropriate prosecutorial arms of government.

"I consider this a classic civics lesson for every young person who is in this building and for every young person

who reads of this and for every young person who may see this in the Journal, that if you have the political power you can get away with anything, including theft.

"This matter, in my judgment, is a public disgrace which will always cloud the proceedings of the Constitutional Convention which has just passed and of future Constitutional Conventions in the public mind."

Senator O'Connor also rose on a point of personal privilege and stated as follows:

"Mr. President, I would like to respond briefly to an article appearing in the front page of this morning's Advertiser.

"The article had to do with House Bill No. 438 which this Body passed yesterday, which has to do with the offense of rape.

"The article gives the direct impression that something occurred in the conference committee on this particular bill which was either underhanded or nefarious or unusual in some regard. And I'd like to set the record straight as this bill was introduced in January of this year -- both companion bills in the House and Senate.

"At the time of this introduction, the material which is discussed in the newspaper article this morning was in the bill; to wit, a definition was changed which would in fact make the bill no longer applicable in a situation where . . . or would make the law no longer applicable in a situation where husband and wife are involved in a rape circumstance. It would in fact allow a wife for second degree rape to charge her husband with a rape.

"That's the way the bill was introduced in January; it was tracked through both Houses, lots of hearings; it passed from House to Senate in that form; it went back from Senate to House in the same form; the bill went to conference on an entirely different point having nothing to do with that particular issue.

"In that matter, the House and Senate versions were identical and that matter was not a conference item, nor was it discussed. And for the Advertiser this morning to say that something happened in that conference or that things occurred in the conference, is absolutely contrary to the facts. . . and I'd simply like to set the credibility of the conferees before this Body, and at rest as far as any issue on this matter is concerned, because that bill as we voted on it, is exactly the same bill that's been around here on this particular point for three months. Everyone has had a chance to look at

it for three months, including the reporters.

"Thank you very much, Mr. President."

Senator Abercrombie added his remarks and stated as follows:

"Mr. President, in respect of the previous speaker's remarks, I have found myself, this term, this session, in more instances than I care to be, voting in opposition to the desires and to the conclusions as reached by the Chairman of the Judiciary Committee.

"However, I wish to state at this time that, if there is any chairman in this entire legislature who is more open to discussion, more willing to deal with any point, at any time, on any level, no matter how trivial it may seem to some, or how profound it may seem to others, it is the Chairman of the Judiciary Committee.

"It is impossible for me to believe that he would engage in anything other than the most open and searching concern over any item in any bill, in respect of his responsibility as Judiciary Chairman. More especially where the Constitutional Convention items are coming forward, with all the complications that were involved in that, perhaps, one might only have to look back to the changes in the Probate Code which he was involved in and with the Penal Code itself which he was involved in, to find a more complicated series of matters to be dealt with in a short time.

"Under those circumstances, I think he has not only done a remarkable job, but I think that he has provided us with an excellent example of what hard work and clear thinking can provide in a legislature."

At 12:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:51 o'clock p.m.

Senator Kawasaki then rose to comment as follows:

"Mr. President, just a brief comment relative to the points made by the two previous speakers.

"I would say that they not be overly preoccupied and concerned about the inaccurate reporting of the morning paper -- this is only further evidence of their rising profits and deteriorating quality that I've seen in the last ten years."

Senator Abercrombie added his remarks

as follows:

"Mr. President, I wonder whether Senator Kawasaki means by rising profits, that as a result of this law, there will be more work for lawyers."

At 12:52 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess until 8:00 o'clock p.m., this evening.

EVENING SESSION

The Senate reconvened at 9:05 o'clock p.m., with all Senators present.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 484 to 487) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 484), transmitting an annual report of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, prepared by the Department of Health pursuant to Section 329-3, Hawaii Revised Statutes, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 485), transmitting a report on the implementation of the State Plan for Substance Abuse which was prepared by the Department of Health pursuant to Section 2, Act 190, Session Laws of Hawaii, 1975, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 486), transmitting a status report prepared by the Department of Health in response to House Resolution No. 100, H.D. 1 (1979), which requested a progress report on the development of the Health Functional Plan, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 487), informing the Senate of the withdrawal of the nomination of Carl A. Carlson, Jr. to the Board of Regents, University of Hawaii, term to expire December 31, 1982, in accordance with Governor's Message No. 381, was placed on file.

In compliance with Gov. Msg. No. 487, the nomination listed under Gov. Msg. No. 381 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 702 to 723) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 702), informing the Senate that on April 20, 1979, the Speaker had discharged the Managers on the part of the House on the following measures:

House Bill No. 1639, H.D. 1, S.D. 1;
Senate Bill No. 1096, S.D. 2, H.D. 1;
Senate Bill No. 1097, S.D. 2, H.D. 1;
Senate Bill No. 1098, S.D. 2, H.D. 1;
Senate Bill No. 1099, S.D. 2, H.D. 1;
Senate Bill No. 1100, S.D. 2, H.D. 1;
Senate Bill No. 1101, S.D. 2, H.D. 1;
Senate Bill No. 1102, S.D. 2, H.D. 1;
Senate Bill No. 1103, S.D. 2, H.D. 1;
Senate Bill No. 1104, S.D. 2, H.D. 1;
Senate Bill No. 1105, S.D. 2, H.D. 1;
Senate Bill No. 1106, S.D. 2, H.D. 1;
Senate Bill No. 1108, S.D. 2, H.D. 1, and
Senate Bill No. 1742, S.D. 1, H.D. 1,

was placed on file.

A communication from the House (Hse. Com. No. 703), informing the Senate that the amendments proposed by the Senate to House Bill No. 3, H.D. 1, were agreed to by the House; and H.B. No. 3, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 704), informing the Senate that the amendments proposed by the Senate to House Concurrent Resolution No. 79, H.D. 1, were agreed to by the House; and H.C.R. No. 79, H.D. 1, S.D. 1, was Finally Adopted in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 705), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 77, S.D. 3, was adopted by the House; and S.B. No. 77, S.D. 3, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 706), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 694 was adopted by the House and S.B. No. 694, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 707), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1091, S.D. 1, was

adopted by the House; and S.B. No. 1091, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 708), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1373, S.D. 1, was adopted by the House; and S.B. No. 1373, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 709), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1657, S.D. 2, was adopted by the House; and S.B. No. 1657, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 710), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1680, S.D. 1, was adopted by the House; and S.B. No. 1680, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 711), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2, H.D. 1, was adopted by the House; and H.B. No. 2, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 712), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 14, H.D. 1, was adopted by the House; and H.B. No. 14, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 713), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 38, H.D. 2, was adopted by the House; and H.B. No. 38, H.D. 2, S.D. 3, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 714), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 48, H.D. 2, was adopted by the House; and H.B. No. 48, H.D. 2, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 715), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 98, H.D. 2, was adopted by the House; and H.B. No. 98, H.D. 2, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 716), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 732 was adopted by the House; and H.B. No. 732, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 717), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 890, H.D. 1, was adopted by the House; and H.B. No. 890, H.D. 1, S.D. 3, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 718), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1252, H.D. 2, was adopted by the House; and H.B. No. 1252, H.D. 2, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 719), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1473, H.D. 1, was adopted by the House; and H.B. No. 1473, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 720), informing the Senate that the report of the Committee on Conference

on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1642, H.D. 1, was adopted by the House; and H.B. No. 1642, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 721), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1671, H.D. 1, was adopted by the House; and H.B. No. 1671, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 722), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1686, H.D. 2, was adopted by the House; and H.B. No. 1686, H.D. 2, S.D. 3, C.D. 1, passed Final Reading in the House of Representatives on April 20, 1979, was placed on file.

A communication from the House (Hse. Com. No. 723), returning Senate Bill No. 1721, S.D. 2, which passed Third Reading in the House of Representatives on April 20, 1979, was placed on file.

SENATE RESOLUTION

A resolution (S.R. No. 517), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO JONATHAN OTA ON HIS VICTORY IN THE 12TH ANNUAL HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION GOLF TOURNAMENT", was jointly offered by Senators Toyofuku, Hara, Yamasaki, Takitani, Campbell, Kuroda, Anderson, Chong, Mizuguchi, Cayetano, Yee, George, Yim, Carroll, Saiki, Ushijima, Ajifu, Abercrombie, Carpenter, Kawasaki, Soares, Cobb, Young, O'Connor and Wong, and was read by the Clerk.

On motion by Senator Toyofuku, seconded by Senator Hara and carried, S.R. No. 517 was adopted.

ORDER OF THE DAY

MATTERS DEFERRED FROM APRIL 19, 1979

House Concurrent Resolution No. 171:

By unanimous consent, H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ENFORCE REGULATIONS REQUIRING THE CONDUCT OF SAFETY INSTRUCTION PROGRAMS", was placed on file.

House Concurrent Resolution No. 173:

On motion by Senator Hara, seconded by Senator Abercrombie and carried, H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO TAKE NECESSARY ACTIONS TO ENHANCE THE CONSERVATION OF THE 'O'OPU NAKEA'", was adopted.

House Concurrent Resolution No. 177:

On motion by Senator Abercrombie, seconded by Senator Ushijima and carried, H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A GUARANTEED STUDENT LOAN PROGRAM", was adopted.

Senate Concurrent Resolution No. 27, H.D. 1:

Senator Hara moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 27 and S.C.R. No. 27, H.D. 1, be adopted, seconded by Senator George.

At this time, Senator George rose to inquire about the amendment and Senator Hara replied that "the amendment was a correction in the third 'whereas' clause -- there was a typographical error of 1952 instead of 1942, which was the correct date."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.C.R. No. 27 and S.C.R. No. 27, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO TAKE IMMEDIATE ACTION TOWARD THE ACQUISITION AND RETURN OF TERN ISLAND AND ITS FACILITIES TO THE STATE OF HAWAII", was Finally adopted.

Senate Concurrent Resolution No. 52, H.D. 1:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 52 and S.C.R. No. 52, H.D. 1, be adopted, seconded by Senator Yamasaki.

At this time, Senator Toyofuku rose to clarify the amendment and stated that "the resolution has been amended to emphasize the applicability of this resolution to the employees of the University of Hawaii."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.C.R. No. 52 and S.C.R. No. 52, H.D. 1, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING A REVIEW BY THE STATE AND COUNTY GOVERNMENTS OF CERTAIN EMPLOYMENT PRACTICES AND PROCEDURES", was Finally adopted.

Senate Concurrent Resolution No. 57, S.D. 1, H.D. 1:

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 57, S.D. 1, and S.C.R. No. 57, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING IMMEDIATE ACTION ON THE COMPENSATION PLANS OF SECRETARIAL CLASSES WITHIN THE CIVIL SERVICE", was Finally adopted.

Senate Concurrent Resolution No. 60, H.D. 1:

Senator Ushijima moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 60 and S.C.R. No. 60, H.D. 1, be adopted, seconded by Senator Kuroda.

At this time, Senator Ushijima rose to clarify the amendment and stated as follows:

"The amendment is clearly set forth in paragraph 5 of House Standing Committee Report No. 1198 which states that the House has amended the concurrent resolution to more adequately describe Hawaii's existing planning efforts and that a description of Hawaii's activities and the envisioned role of the proposed Temporary Federal Intergovernmental Planning Commission is also included.

"In other words, the House has improved the resolution."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.C.R. No. 60 and S.C.R. No. 60, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A TEMPORARY FEDERAL INTERGOVERNMENTAL PLANNING COMMISSION FOR HAWAII", was Finally adopted.

At 9:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:15 o'clock p.m.

At this time, Senator Kuroda introduced to the members of the Senate and the ladies and gentlemen in the gallery Governor George R. Ariyoshi and Mrs. Ariyoshi, accompanied by the newly appointed and confirmed Director of Land and Natural Resources, Mr. Susumu Ono.

Senate Concurrent Resolution No. 70,
S.D. 1, H.D. 1:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 70, S.D. 1, and S.C.R. No. 70, S.D. 1, H.D. 1, be adopted, seconded by Senator Yamasaki.

Senator Toyofuku then rose to clarify the amendment and stated as follows:

"Mr. President, there are two amendments involved here. One adds clarifying language and the other amendment names additional recipients of the resolution, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the Minority Leader of the United States House of Representatives."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.C.R. No. 70, S.D. 1, and S.C.R. No. 70, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EXEMPTION FROM THE AVERAGE WAGE PROVISIONS FOR CERTAIN COMPREHENSIVE EMPLOYMENT AND TRAINING ACT PARTICIPANTS", was Finally adopted.

House Concurrent Resolution No. 102,
H.D. 2:

By unanimous consent, H.C.R. No. 102, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSIDER A GENERAL AVIATION AIRPORT AT POAMOHO, OAHU AND TO PURSUE THE JOINT USE OF WHEELER AIR FORCE BASE", was placed on file.

House Concurrent Resolution No. 124,
H.D. 1:

By unanimous consent, H.C.R. No. 124, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING IMPLEMENTATION OF THE BLUE STAR MEMORIAL HIGHWAY PROGRAM IN HAWAII", was placed on file.

House Concurrent Resolution No. 133:

On motion by Senator Carpenter, seconded by Senator Campbell and carried, H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF ESTABLISHING A HEALTH INFORMATION SYSTEM", was adopted.

House Concurrent Resolution 165, H.D.
1:

On motion by Senator Carpenter, seconded by Senator Campbell and carried, H.C.R.

No. 165, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HONOKAA HOSPITAL DEVELOPMENT PROJECT BE ASSIGNED THE HIGHEST PRIORITY AND THAT THE DEVELOPMENT PROJECT PROCEED AS EXPEDITIOUSLY AS POSSIBLE", was adopted.

House Concurrent Resolution No. 168:

On motion by Senator Carpenter, seconded by Senator Campbell and carried, H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO GRANT ADDITIONAL FUNDS TO THE STATE OF HAWAII CRIPPLED CHILDREN SERVICES PROGRAM FOR THE TREATMENT AND CARE OF IMMIGRANT CHILDREN", was adopted.

House Concurrent Resolution No. 162:

On motion by Senator Takitani, seconded by Senator Hara and carried, H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONTINUING OPERATION OF THE KOHALA FEED AND FORAGE RESEARCH PROJECT OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII", was adopted.

House Concurrent Resolution No. 169:

By unanimous consent, H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PERSONNEL SERVICES TO SPEED RECRUITMENT PRACTICES AND THE RELEASE OF FUNDS TO STIMULATE EMPLOYMENT", was placed on file.

House Concurrent Resolution No. 172:

By unanimous consent, H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF FEDERALLY REQUIRED SECURITY PROGRAMS AT STATE TRANSPORTATION FACILITIES", was placed on file.

Standing Committee Report No. 1184
(Gov. Msg. No. 293):

By unanimous consent, action on Stand. Com. Rep. No. 1184 and Gov. Msg. No. 293 was deferred to the end of the calendar.

Standing Committee Report No. 1185
(Gov. Msg. Nos. 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365,

366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, and 377):

Senator Kuroda moved that Stand. Com. Rep. No. 1185 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Kuroda then moved that the Senate advise and consent to the nominations of the following:

Junedale U. Hashimoto, Elizabeth D. Menor and James T. Miyahara, Ph.D., to the Advisory Commission on Drug Abuse and Controlled Substances, terms to expire December 31, 1982;

John R. Penebacker to the Advisory Commission on Drug Abuse and Controlled Substances, term to expire December 31, 1979;

Robert M. Gibson, D.D.S., Amelia R. Jacang, M.D., and Thomas Y. Kobara, M.D., to the Board of Health, terms to expire December 31, 1982;

Cayetano Gerardo, Jerrold M. Michael, Ronald I. Taketa, Ira Vanterpool and Pauline W. Yim to the Statewide Health Coordinating Council, terms to expire December 31, 1982;

Leland K. W. Chang to the East Honolulu Subarea Health Planning Council, term to expire December 31, 1982;

Donald I. Dunn to the East Honolulu Subarea Health Planning Council, term to expire December 31, 1980;

Faith Lee, Winifred S. Thompson, Mary D. Vergara and Gerald H. B. Wong, D.D.S., to the East Honolulu Subarea Health Planning Council, terms to expire December 31, 1982;

Carolyn K. Yamada to the East Honolulu Subarea Health Planning Council, term to expire December 31, 1980;

Ted Adres and Sandra L. Chung to the West Honolulu Subarea Health Planning Council, terms to expire December 31, 1980;

Judith A. Hartner, M.D., Angeline Heffner, Lynn K. Murakami, J. Abraham, R. Pasadaba and Janice L. Rios to the West Honolulu Subarea Health Planning Council, terms to expire December 31, 1982;

Ralph Elikan to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1980;

Wallace T. Hirai to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1982;

Karen S. Isobe and Haulani Croft Leal to the Central Oahu Subarea Health Planning Council, terms to expire December 31, 1979;

Reginald S. Lee to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1981;

Shirley B. Matutino, Theodore A. Remaly and Ira Vanterpool to the Central Oahu Subarea Health Planning Council, terms to expire December 31, 1982;

Mary Jane Amundson to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1980;

Carl T. Hamada to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1981;

Ronald T. Hayashi, Nancy T. Higa and Kuhio Mahaulu, Sr., to the Windward Oahu Subarea Health Planning Council, terms to expire December 31, 1982;

Clifford E. Miller to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1980;

Mary K. Salter to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1979;

Myron L. Tong and Rebecca L. Uu to the Windward Oahu Subarea Health Planning Council, terms to expire December 31, 1982;

John H. Wooley to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1979;

Marion A. Metz to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1982;

Barbara E. Miguel to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1980;

Gregory Solomon to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1982;

Mary Evangelista to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1982;

Mildred M. Guerrero and Gennie L. Kinney to the Hawaii County Subarea Health Planning Council, terms to expire December 31, 1979;

Ellen I. Kusano to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1982;

Nellie Metcalf to the Hawaii County Subarea Health Planning Council,

term to expire December 31, 1979;

Reynold Mishina and Steven L. Raiser, D.V.M., to the Hawaii County Subarea Health Planning Council, terms to expire December 31, 1982;

Harland R. Reed to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1981;

Mimi B. Warsh to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1982;

Virginia Beck to the Kauai County Subarea Health Planning Council, term to expire December 31, 1982;

Josephine C. Duvauchelle to the Kauai County Subarea Health Planning Council, term to expire December 31, 1979;

Cayetano Gerardo, Hilda H. Inouye, Gilbert N. Fernandes, Malcolm Fernandez and Saturnino Medrano to the Kauai County Subarea Health Planning Council, terms to expire December 31, 1982;

Virginia A. Rapozo to the Kauai County Subarea Health Planning Council, term to expire December 31, 1981;

Virgilio R. Agcolicol and Sidney B. Clark, M.D., to the Maui County Subarea Health Planning Council, terms to expire December 31, 1982;

Kathleen R. Johnson to the Maui County Subarea Health Planning Council, term to expire December 31, 1979;

Corazon E. Masicampo and Masaichi Ono to the Maui County Subarea Health Planning Council, terms to expire December 31, 1982;

Jo-Ann T. Ridao to the Maui County Subarea Health Planning Council, term to expire December 31, 1979;

Dorothy Romson to the Maui County Subarea Health Planning Council, term to expire December 31, 1982;

Laureen Tanaka-Sanders to the Maui County Subarea Health Planning Council, term to expire December 31, 1980;

Pauline Torrecer to the Maui County Subarea Health Planning Council, term to expire December 31, 1979;

Maurice L. Brodsky, M.D. and Rachel S. Chang to the County Hospital Management Advisory Committee, City and County of Honolulu, terms to expire December 31, 1982;

Charles H. Hustace, Jr. and Moon Soo Park, M.D., to the County Hospital

Management Advisory Committee, County of Hawaii, terms to expire December 31, 1982;

Donna M. Schulze to the County Hospital Management Advisory Committee, County of Kauai, term to expire December 31, 1982;

Joseph E. Andrews, M.D. and Norman H. Muranaka to the County Hospital Management Advisory Committee, County of Maui, terms to expire December 31, 1982;

Paul A. DeMare, M.D., to the Board of Radiologic Technologists, term to expire December 31, 1982, and

Edith LaRae Clements, Kathleen E. Gartrell, George H. Green, D.D.S., Nellie T. Hiyane, Clifford M. Horita, Roy F. Kuboyama, M.D., Carol Matsuzaki, Ralph M. Murakami, Gay M. Okada, Patricia K. Osgood, R.N., Dean J. Tajima, O.D., Gilfred Tanabe, Ph.D., Stephanie A. Terlep, Henry K. Tominaga, Ed.D. and William Y. Yamada to the School Health Services Advisory Committee, terms to expire May 31, 1980,

seconded by Senator Cayetano.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1187 (Gov. Msg. Nos. 459, 460, 461, 462, 463, 464, 465, 466, 467 and 468):

Senator Mizuguchi moved that Stand. Com. Rep. No. 1187 be received and placed on file, seconded by Senator Yim and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations of the following:

Alan D. Beldin, James J. Fujita, Isamu Kaneda, Yuzuru Kanno, Elizabeth H. Rossall, Samuel S. Suzuki and Wayne K. Tsukiyama to the State Highway Safety Council, terms to expire December 31, 1982;

James E. Oda, M.D., to the Medical Advisory Board, term to expire December 31, 1980;

Dorothy Wells Lum to the Commission on Transportation, term to expire December 31, 1981, and

Mark K. Tanaka to the Commission on Transportation, term to expire December 31, 1982,

seconded by Senator Yim.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1202 (Gov. Msg. Nos. 123, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 220):

Senator Cobb moved that Stand. Com. Rep. No. 1202 be received and placed on file, seconded by Senator Chong and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Efrain Andrews, Jerome H. Ongies and Phyllis N. T. Shea to the Board of Public Accountancy, terms to expire December 31, 1982;

Larry S. Tamanaha to the Board of Public Accountancy, term to expire December 31, 1980;

John T. Nakajima to the Board of Acupuncture, term to expire December 31, 1982;

Clinton K. Akana to the Board of Barbers, term to expire December 31, 1981;

Virginia M. Lau to the Board of Barbers, term to expire December 31, 1980;

Patsy Yorimoto to the Board of Barbers, term to expire December 31, 1982;

Seiji Naya, Ph.D., to the Boxing Commission, term to expire December 31, 1982;

Richard A. Sanderson and Jack C. Wada to the CATV Advisory Committee, terms to expire December 31, 1982;

Patrick V. Caires to the Cemetery and Mortuary Board, term to expire December 31, 1982;

Clifford H. Dodo to the Cemetery and Mortuary Board, term to expire December 31, 1981;

Alice K. Hahn and Mervyn E. Masumura

to the Cemetery and Mortuary Board, terms to expire December 31, 1982;

Mavelyn Kim to the Board of Chiropractic Examiners, term to expire December 31, 1980;

Francisco V. Mariano to the Board of Chiropractic Examiners, term to expire December 31, 1981;

Brian M. O'Brien, D.C., to the Board of Chiropractic Examiners, term to expire December 31, 1982;

Roy H. Tanaka, D.C., to the Board of Chiropractic Examiners, term to expire December 31, 1979;

Alan G. Meyers, Sr., Kenneth S. Shioi and Harry M. Ushijima to the Contractors License Board, terms to expire December 31, 1982;

Warren J. Makalii to the Board of Cosmetology, term to expire December 31, 1981;

Louise K. McKee to the Board of Cosmetology, term to expire December 31, 1982;

Betty Kernaghan and Masao Nakashima to the Credit Union Review Board, terms to expire December 31, 1982;

Dan W. Anderson, Ph.D., and Philip J. Bossert, Ph.D., to the Advisory Committee on Degree Granting Institutions, terms to expire December 31, 1981;

Robert L. Cushing to the Advisory Committee on Degree Granting Institutions, term to expire December 31, 1982;

Jeanne N. Michael to the Advisory Committee on Degree Granting Institutions, term to expire December 31, 1980;

Rev. David H. Schuyler, S.M., to the Advisory Committee on Degree Granting Institutions, term to expire December 31, 1982;

Lionel Y. Tokioka to the Advisory Committee on Degree Granting Institutions, term to expire December 31, 1980;

Chatt G. Wright to the Advisory Committee on Degree Granting Institutions, term to expire December 31, 1982;

Christ P. Zivalich, Jr., to the Advisory Committee on Degree Granting Institutions, term to expire December 31, 1980;

Edward T. K. Au, D.D.S., and Ben H. Hirano, D.D.S., to the Board of Dental Examiners, terms to expire December 31, 1982;

Naomi R. Correa to the Board of Dental

- Examiners, term to expire December 31, 1981;
- Thomas J. Jelf to the Board of Dental Examiners, term to expire December 31, 1980;
- George K. Hall, Pedro E. Racelis, Jr., and George R. Rodrigues, Jr., to the Board of Electricians and Plumbers, terms to expire December 31, 1982;
- Robert Y. Mito and Alfred S. L. Yuen to the Elevator Mechanics Licensing Board, terms to expire December 31, 1982;
- John Primacio to the Board of Registration of Professional Engineers, Architects, and Surveyors, term to expire December 31, 1981;
- Walter K. Tagawa and Aileen S. Tokujo to the Board of Registration of Professional Engineers, Architects, and Surveyors, terms to expire December 31, 1982;
- Alan T. Doi and Russell M. Solomon to the Board of Hearing Aid Dealers and Fitters, terms to expire December 31, 1982;
- Richard W. Melton to the Board of Massage, term to expire December 31, 1982;
- Kenneth Nakamatsu to the Board of Massage, term to expire December 31, 1981;
- Sharon M. Young to the Board of Massage, term to expire December 31, 1980;
- Malcolm K. Crosby and John H. C. Kim, M.D., to the Board of Medical Examiners, terms to expire December 31, 1982;
- Edward I. Cleveland to the Motor Vehicle Industry Repair Board, term to expire December 31, 1982;
- David S. DeLuz, Sr., and Clarence H. Oka to the Motor Vehicle Industry Licensing Board, terms to expire December 31, 1982;
- Randall D. Souza to the Motor Vehicle Repair Industry Board, term to expire December 31, 1981;
- Alan S. Totoki to the Motor Vehicle Repair Industry Board, term to expire December 31, 1982;
- Pacita A. Aguila and Edward J. Madison, N.D., to the Board of Examiners in Naturopathy, terms to expire December 31, 1982;
- Roxeanne C. Clark to the State Board
- of Nursing, term to expire December 31, 1981;
- Ralph J. King to the State Board of Nursing, term to expire December 31, 1980;
- Virginia S. K. Kam to the Board of Dispensing Opticians, term to expire December 31, 1982;
- Rev. Robert F. Meyer to the Board of Dispensing Opticians, term to expire December 31, 1981;
- Ronald H. Nagano to the Board of Dispensing Opticians, term to expire December 31, 1980;
- Glenn T. Shigemura to the Board of Dispensing Opticians, term to expire December 31, 1982;
- David R. DeCosta to the Board of Examiners in Optometry, term to expire December 31, 1981;
- Stanley M. Kuriyama to the Board of Examiners in Optometry, term to expire December 31, 1980;
- Ronald R. Reynolds, O.D., to the Board of Examiners in Optometry, term to expire December 31, 1981;
- Stanley J. Yamane, O.D., to the Board of Examiners in Optometry, term to expire December 31, 1982;
- Alan R. Becker, D.O., to the Board of Osteopathic Examiners, term to expire December 31, 1982;
- Douglas H. Kaya, Jr., to the Board of Osteopathic Examiners, term to expire December 31, 1981;
- Stella Satake to the Board of Osteopathic Examiners, term to expire December 31, 1980;
- James E. DeMello to the Board of Pharmacy, term to expire December 31, 1982;
- William G. Joor, Jr., to the Board of Pharmacy, term to expire December 31, 1981;
- Walter W. Oshima to the Board of Pharmacy, term to expire December 31, 1982;
- Finn Anonsen to the Board of Pilot Commissioners, term to expire December 31, 1981;
- James K. Dowling to the Board of Pilot Commissioners, term to expire December 31, 1982;
- David B. K. Lyman, III, to the Board

of Pilot Commissioners, term to expire December 31, 1980;

Jack S. Annon, Ph.D., to the Board of Certification for Practicing Psychologists, term to expire December 31, 1982;

Janet S. Ishikawa, Ph.D., to the Board of Certification for Practicing Psychologists, term to expire December 31, 1980;

Patricia N. Reile to the Board of Certification for Practicing Psychologists, term to expire December 31, 1981;

Ramon M. Tanaka to the Board of Certification for Practicing Psychologists, term to expire December 31, 1982;

Francis N. Kauhane, Jr., to the Real Estate Commission, term to expire December 31, 1980;

George A. Morris to the Real Estate Commission, term to expire December 31, 1982;

Gregg T. Yamanaka to the Real Estate Commission, term to expire December 31, 1981;

Gladys Park and Gaile A. Sykes to the Board of Speech Pathology and Audiology, terms to expire December 31, 1981;

Lester G. Naito, D.V.M., to the Board of Veterinary Examiners, term to expire December 31, 1982;

Joyce L. Oblow to the Board of Veterinary Examiners, term to expire December 31, 1981;

Al K. Takayama, D.V.M., to the Board of Veterinary Examiners, term to expire December 31, 1982, and

Letitia N. Uyehara to the Board of Veterinary Examiners, term to expire December 31, 1980,

seconded by Senator Chong.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1230 (Gov. Msg. Nos. 256, 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279):

Senator Campbell moved that Stand. Com. Rep. No. 1230 be received and placed on file, seconded by Senator Young and carried.

Senator Campbell then moved that the Senate advise and consent to the following nominations:

Ramona H. Hao to the Hawaii Educational Council, term to expire December 31, 1982;

Edward K. Hasegawa to the Hawaii Educational Council, term to expire December 31, 1982;

Leatrice T. Kakesako to the Hawaii Educational Council, term to expire December 31, 1982;

Stephen A. Werbel, Ph.D., to the Hawaii Educational Council, term to expire December 31, 1982;

Brian T. Tamamoto to the Filipino 75th Anniversary Commission, term to expire December 31, 1981;

Candace K. Lee to the King Kamehameha Celebration Commission, term to expire December 31, 1982;

Sidney K. E. Leong to the King Kamehameha Celebration Commission, term to expire December 31, 1982;

Naomi R. N. Losch to the King Kamehameha Celebration Commission, term to expire December 31, 1982;

Nancy L. Kemp to the Library Advisory Commission, City and County of Honolulu, term to expire December 31, 1982;

Lillian A. Lum to the Library Advisory Commission, City and County of Honolulu, term to expire December 31, 1982;

Katherine S. Hanley to the Library Advisory Commission, County of Hawaii, term to expire December 31, 1982;

Sandra G. Shiroma to the Library Advisory Commission, County of Hawaii, term to expire December 31, 1982;

Barton H. Nagata to the Library Advisory Commission, County of Kauai, term to expire December 31, 1982;

Marina Pascua to the Library Advisory Commission, County of Kauai, term to expire December 31, 1982;

Elizabeth Ann Aulsebrook to the Library Advisory Commission, County of Maui, term to expire December 31, 1981;

Barbara F. Kusuda to the Library Advisory Commission, County of Maui, term to expire December 31, 1982;

Jitsuo Matsubara to the Library Advisory Commission, County of Maui, term to expire December 31, 1982;

Kenichi Nakata to the Library Advisory Commission, County of Maui, term to expire December 31, 1981;

Mildred Okuda to the Library Advisory Commission, County of Maui, term to expire December 31, 1982;

Mikio Sato to the Library Advisory Commission, County of Maui, term to expire December 31, 1980;

Karen L. Ah Mai to the Hawaii Public Broadcasting Authority, term to expire December 31, 1984;

Luann S. Dawson to the Hawaii Public Broadcasting Authority, term to expire December 31, 1984; and

Myra H. Meatoga to the Hawaii Public Broadcasting Authority, term to expire December 31, 1984,

seconded by Senator Young.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1246 (Gov. Msg. Nos. 379, 380, 382, 383, 384, 385 and 386):

Senator Abercrombie moved that Stand. Com. Rep. No. 1246 be received and placed on file, seconded by Senator Ushijima and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nominations of the following:

Herman J. Gerber, S.M., to the State Post-Secondary Education Commission, term to expire December 31, 1981;

Robin F. Loomis to the State Post-Secondary Education Commission, term to expire December 31, 1982;

Robert M. Fujimoto to the Board of Regents, University of Hawaii, term to expire December 31, 1981;

Gerard A. Jervis to the Board of Regents, University of Hawaii, term to expire December 31, 1980;

Michael J. Moriarty to the Board of Regents, University of Hawaii, term to expire December 31, 1980, and

Stanley Y. Mukai and Ambrose J. Rosehill to the Board of Regents, University of Hawaii, terms to expire December 31, 1982,

seconded by Senator Ushijima.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1247 (Gov. Msg. No. 146):

By unanimous consent action on Stand. Com. Rep. No. 1247 and Gov. Msg. No. 146 was deferred to the end of the calendar.

Standing Committee Report No. 1250 (Gov. Msg. No. 51):

Senator Yim moved that Stand. Com. Rep. No. 1250 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Yim then moved that the Senate advise and consent to the nomination of Hideto Kono to the position of Director of Planning and Economic Development, term to expire December 6, 1982, seconded by Senator Carpenter.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

At 9:23 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:25 o'clock p.m.

At this time, Senator Kuroda introduced to the members of the Senate Mayor Herbert T. Matayoshi of the County of Hawaii.

Standing Committee Report No. 1251 (Gov. Msg. No. 47):

By unanimous consent, action on Stand. Com. Rep. No. 1251 and Gov. Msg. No. 47 was deferred to the end of the calendar.

Standing Committee Report No. 1252 (Gov. Msg. No. 292):

By unanimous consent, action on Stand. Com. Rep. No. 1252 and Gov. Msg. No. 292 was deferred to the end of the calendar.

At 9:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:29 o'clock

p. m.

Standing Committee Report No. 1204
(S.R. No. 265, S.D. 2):

Senator Carpenter moved that Stand. Com. Rep. No. 1204 be adopted and S.R. No. 265, S.D. 2, be adopted, seconded by Senator Campbell.

At this time, Senator Saiki rose to ask the Chairman of the Committee on Health to yield to a question and Senator Carpenter replied in the affirmative.

Senator Saiki then stated and inquired as follows:

"Mr. President, this resolution requests development and formulation of patient's rights standards.

"On page 2 of the resolution, in one of the 'Be It Resolved' clauses, the Department of Health, Mental Health Division, is directed by this Senate to develop and recommend standards, including patient's rights in regard to electroconvulsive therapy and associated medications -- that means, of course, shock therapy.

"I'd like to ask the Chairman of the Committee on Health whether he feels that by September 1st of this year we are indeed going to develop standards to allow for patients to be able to give permission to their physicians as to whether they can be treated in this fashion, a method, by the way, Mr. President, which is a mode of medical practice?"

Senator Carpenter replied as follows:

"Mr. President, by way of responding to Senator Saiki's question, I believe that we had a great deal of discussion on this resolution in committee. The resolution comes forth in S.D. 2 which is a modification of S.D. 1 and the original resolution.

"I recognize that the words may seem a little bit sticky, but I also recognize, Mr. President, that the recommendation to require the Department of Health, in this case, to come up with standards is one that certainly is not within the purview of the legislature. We cannot order them directly to come up with any particular set of criteria.

"I believe the resolution essentially directs itself to determine whether or not there can indeed be standards developed, whether or not there can indeed be recommendations forthcoming from the various individuals and organizations concerned with the possible development of rights and the ascertaining of rights, and whether or not they can be concised in a short period of time because it is a pressing

subject before the entire state and particularly the medical community.

"Mr. President, I do believe that in this resolution going forth, there can be an amicable resolve and if it is incomprehensible, that if the department in complying with the request before it cannot deliver the product that is essentially asked for, I believe that they can so state. That can be made known to us prior to delivery before the next session."

Senator Saiki then asked a further question of the chairman as follows:

"Mr. Chairman, don't we have another resolution which was adopted to ask the Legislative Reference Bureau to do a complete study of this matter, just as you have explained it?"

Senator Carpenter replied as follows:

"That's correct.

"Senator Saiki, you were right there when we made . . . that you, I believe, made several of the motions speaking to three resolutions on the general subject matter of patient's rights, on the general subject matter, speaking on the very concerns which we are asking about right now."

Senator Saiki thanked the chairman then spoke against the resolution as follows:

"Mr. President, after getting these answers from the committee chairman, I still feel very concerned about the three resolutions we have, all on the same topic.

"I do agree that patients should have rights and that we must develop rights for patients so that they will be treated fairly and adequately and be given quality care in our medical system.

"I do support the resolution asking the Legislative Reference Bureau to look into the entire matter of shock therapy and patients' rights. However, this resolution that is before us is premature in that we're asking the Department of Health to go ahead and develop the very standards that we're asking the Legislative Reference Bureau to develop or to study, I should say. So, I feel that this resolution, basically, is not necessary and is going to burden the Department of Health into examining an area in which they really do not have the expertise, in that they must come up with recommendations by September of this year.

"The whole matter arose, Mr. President, when a bill was before us -- and I know I'm not supposed to discuss a bill, but I think the contents or the intent of that bill is very important.

"We had testimony that there is a small segment within the psychiatric community that feels that electroconvulsive shock therapy is not a correct mode of medical practice. It is a minority voice within the psychiatric community. And this gentleman who is a psychiatrist, who came in from California by the way, testified and admitted before the Committee on Health that the best way to do away with this mode of medical practice or a technique within the medical area is to have patients' rights developed and informed consent be mandated, because you and I know very well, just by logic, that a person who is in need of electroconvulsive shock therapy certainly will not be in a position to give informed consent.

"Rather than fight the pros and cons of the essence of the legislation to do away with a mode of medical practice by law by those of us in the legislature, rather than allowing the medical community to face up to this subject, this gentleman wanted to pursue this subterfuge, this manner of going around the subject in order to accomplish his personal concern.

"This resolution, I think, follows that kind of intent and I certainly don't want the Senate to be in support of obviating an issue and mandating that a professional group must follow a mode of practice that we set in law.

"I can support the study of the entire matter, but I would like very much if we were to defer this resolution and allow the other one to come forward. And so I would like to vote 'no' on this resolution."

Senator Carpenter in rebuttal stated as follows:

"Mr. President, the resolution is addressed to the Department of Health. The resolution that the Senator speaks to as being the more desirous one is addressed to the Legislative Reference Bureau for study.

"Mr. President, the Department of Health is the cognizant state agency representing the entire State of Hawaii in all matters related to medical affairs, medical activities, and must be given the charge that is set forth in this particular resolution. To remand it to a Legislative Reference Bureau study is to give it other than the cognizant agency treatment that is requested in this particular resolution to this very vital subject.

"If the Department of Health is incapable of handling this particular subject matter then I suggest that this state is in dire trouble."

The motion was put by the Chair and carried and, Roll Call vote having been requested, Stand. Com. Rep. No. 1204 was adopted and S.R. No. 265, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT AND FORMULATION OF PATIENT'S RIGHTS STANDARDS", was adopted on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Anderson, George, Saiki, Soares and Yee).

Standing Committee Report No. 1232 (S.R. No. 85):

By unanimous consent, action on Stand. Com. Rep. No. 1232 and S.R. No. 85 was deferred to the end of the calendar.

Senator George moved that House Concurrent Resolution No. 5 on the Clerk's desk be adopted, seconded by Senator Anderson.

Senator George then stated:

"Mr. President, I think the first thing I'd like to say is that 81% of the people of this country in a succession upholds Roper, Gallup and other varieties, and they have expressed their support of this particular issue that is before us now. I am referring, for the benefit of those who do not have--I hope I can assume that people have--a copy of (Representative) Jack Suwa's resolution in front of them. It's a resolution calling for the Congress to prepare an amendment to send to the states, a balanced federal budget..."

Senator Yamasaki then rose on a point of order and stated, "Mr. President, my point of order is that that resolution, as I understand it, is still in one of the committees..."

The President then stated:

"Senator Yamasaki, earlier today we passed a resolution returning all bills and resolutions back to the Clerk's desk; and the matter that Senator George raised is correct. The resolution should have been on the Clerk's desk."

Senator Yamasaki then answered, "Mr. President, if you are referring to the resolution to recall all bills and resolutions to the Clerk's office, that would be for after the adjournment of the session."

The President retorted, "No, the wording

did not speak and address itself to the adjournment date. So therefore, the resolution is properly on the Clerk's desk and we're proceeding with allowing Senator George to adopt this resolution."

Senator O'Connor then rose on a point of order and stated:

"Mr. President, I rise on a point of order and also on a point of inquiry. I wonder if the chairman of the committee to which this resolution was referred, has in fact returned the resolution to the Clerk's desk."

The President answered, "Not in fact, but all committee chairmen were told via the resolution that all bills and resolutions be returned to the Clerk's desk."

Senator O'Connor continued, "Mr. President, do I understand then that it is the ruling of the Chair that this resolution is presently on the Clerk's desk?"

The President answered in the affirmative.

Senator Ushijima then rose and stated, "Mr. President, point of order, please. I am chairman of the committee to which that resolution had been referred. I don't think the resolution is on the Clerk's desk... it's locked up in my office. I was wondering why Senator George is speaking about a resolution that is supposed to be in my committee. You need three keys to get into that particular file to get it down here. I am saying that the official jacket is not here and is not before us on the Clerk's desk. I'm just pointing out the truth."

Senator Mizuguchi then rose on a point of order and stated:

"Mr. President, I rise on a point of order. Since the Chairman of the Intergovernmental Relations Committee has stated that this resolution is still in his committee, I believe that the motion to act on this resolution is out of order at this time. The resolution is not on the Clerk's desk and I feel that the speaker is out of order."

The President then answered, "Senator Mizuguchi, the Chair will rule that the motion is out of order."

Senator Anderson then asked, "Mr. President, I rise on a point of information on the point of order. I would like to know what Senate Resolution No. 508 means. This morning we adopted this resolution which, legally, when adopted, called all bills, resolutions and concurrent resolutions back to the Clerk's desk. Mr. President, the bill and the resolutions

of this Body are on the Clerk's desk."

The President answered, "Senator Anderson, there is a point of order which the Chair has sustained that the motion is out of order. If you are dissatisfied with the ruling of the Chair, you can appeal the ruling of the Chair."

Senator Anderson retorted, "Mr. President, I'm not dissatisfied with you. I'm merely trying to clarify a legal question. I'm not arguing for or against the resolution, Mr. President. I would just like to know what this resolution, which we passed this morning, is all about. If the resolution called all bills, resolutions and concurrent resolutions back to the Clerk's desk, then what the speaker is talking about is out of order."

The President then stated, "Senator Anderson, before we take a recess, the Chair has ruled that the motion is out of order. If it is the desire of Senator George or yourself to appeal the ruling of the Chair, you can take that route."

At 10:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:07 o'clock p.m.,

Senator George then inquired, "Mr. President, will you yield to a question?"

The President replied, "No, I will not."

Senator Anderson then moved to appeal the ruling of the Chair, seconded by Senator Yee.

The President then stated that the question before the Body was "Shall the decision of the President stand?", and Roll Call vote having been requested, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Anderson, Carroll, George, Saiki and Yee).

MATTERS DEFERRED FROM THE MORNING CALENDAR

FINAL READING

Conference Committee Report No. 40 (S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 40 and S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 48

(H.B. No. 1432, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Takitani and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 1432, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 52 (S.B. No. 1091, S.D. 1, H.D. 1, C.D. 1):

Senator Cayetano moved that Conf. Com. Rep. No. 52 and S.B. No. 1091, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hara.

At this time, Senator Mizuguchi rose to speak in favor of the measure and stated as follows:

"Mr. President, I rise to speak in favor of Senate Bill No. 1092, specifically, in the area of the mass transit funding and I'd like to thank the Chairman of the Ways and Means Committee for supporting the appropriations for the mass transit system because I believe that this was contrary to his personal feelings about the mass transit fixed guideway system for the City and County of Honolulu.

"We need not pass any resolutions, via this particular Body, that we are holding the City and County of Honolulu and the City Council of Honolulu to bring forth the financial data and the financial requirement that will be needed to make a decision in 1980.

"Thank you, Mr. President."

Senator Abercrombie also rose to speak in favor of the measure and stated as follows:

"Mr. President, speaking in favor of the bill, I would like to indicate that such reservations as I had in respect of certain capital improvement funds have been laid aside in my mind due to the kind consideration that I have received from Mr. Ono, the new Director of the Department of Land and Natural Resources and I'm very grateful for that."

Senator Cayetano then added his remarks as follows:

"Mr. President, with respect to the remarks of the Chairman of the Transportation Committee, I might add, the question

of the fixed guideway has been studied, in my opinion, to death by the legislature.

"We spent \$30,000 in 1978 looking at the matter. I hope that by setting a definite lapsing date on this bill come June 30, 1980, that this will be the last that we'll see of this project."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 52 was adopted and S.B. No. 1091, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 54 (S.B. No. 1657, S.D. 2, H.D. 1, C.D. 1):

Senator Takitani moved that Conf. Com. Rep. No. 54 be adopted and S.B. No. 1657, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hara.

At this time, Senator Carpenter rose to ask for a ruling of the Chair as to a possible conflict of interest as he is an employee of a subsidiary of C. Brewer and Company, and the President ruled that Senator Carpenter was not in conflict.

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 54 was adopted and S.B. No. 1657, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUGAR PRODUCERS CROP LOANS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 57 (H.B. No. 421, H.D. 1, S.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 57 be adopted and H.B. No. 421, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ushijima.

At this time, Senator Abercrombie stated: "Mr. President, I hope the Chairman of the Judiciary Committee will remember my remarks this morning as I vote 'no'."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 57 was adopted and H.B. No. 421, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA", having been read

throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 78 (H.B. No. 1642, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hara, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 78 was adopted and H.B. No. 1642, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 1184 (Gov. Msg. No. 293):

Senator Carpenter moved that Stand. Com. Rep. No. 1184 be received and placed on file, seconded by Senator Campbell and carried.

Senator Carpenter then moved that the Senate advise and consent to the nomination of James L. Swenson to the position of Administrator, State Health Planning and Development Agency, term to expire December 6, 1982, seconded by Senator Carpenter.

At this time, Senator Kawasaki stated, "In view of the conflicting testimony that I've received on this nominee, I will have to vote 'no'."

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Kawasaki and Yee).

Standing Committee Report No. 1247 (Gov. Msg. No. 146):

Senator Cobb moved that Stand. Com. Rep. No. 1247 be received and placed on file, seconded by Senator Chong and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Derl W. Green to the Board of Cosmetology, term to expire December 31, 1980, seconded by Senator Chong.

At this time, Senator Kawasaki stated that, "Likewise, I received very conflicting testimony at great disparity with each other on this nominee, I will have to vote 'no'."

Senator Yee also rose to speak against the nominee and stated as follows:

"Mr. President, very briefly, I know the Chairman of the Consumer Protection Committee has had two hearings on this matter and because of the personality here involved -- I do not know him but evidently there is a strong split within the cosmetology association, among its members -- that I feel that anyone who serves under a divisive group of that nature would not help their particular business.

"As a result, I am compelled to vote 'no' on this appointment."

Senator Cobb then rose to state as follows:

"Mr. President, just one brief observation.

"The two days of hearings and further on to other bills relating to cosmetology this session, it's been my observation and discovery that the split within the cosmetology group goes far beyond one individual and extends into many areas other than the confirmation of a single individual.

"I would further note that the Board of Cosmetology in a meeting held on April 19th unanimously endorsed Mr. Green for the board."

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Ajifu, Carroll, Kawasaki, Toyofuku and Yee).

Standing Committee Report No. 1251 (Gov. Msg. No. 47):

Senator Campbell moved that Stand. Com. Rep. No. 1251 be received and placed on file, seconded by Senator Mizuguchi and carried.

Senator Campbell then moved that the Senate advise and consent to the nomination of George A. L. Yuen to the position of Director of Health, term to expire December 6, 1982, seconded by Senator Mizuguchi.

At this time, Senator Carpenter rose to speak on the nomination and stated as follows:

"Mr. President, under our democratic system of checks and balances, the Constitution has set up a mechanism through which the Senate may consent to a nomination, if there is adequate justification for such action.

"Gubernatorial nominations have never

before undergone the close and rigorous scrutiny which is now the rule rather than the exception. Make no mistake, Mr. President, my motivation has been neither arrogance or the furtherance of any political vendetta. My motivation is to fulfill the duties I swore to carry out on Opening Day.

"Mr. President, one witness who testified before the Senate Committee on Health hearing on this Governor's Message ideally framed the underlying issue. To paraphrase that statement, I quote, 'No one here is in a position to question the honesty and integrity of this nominee for I have no doubt that he is an honest, sincere and compassionate human being. Of that in itself is not a qualification to serve as Director of the state Department of Health.'

"Just so there's no mistake, Mr. President, I repeat, that my course of action is not the result of questions regarding the nominee's honesty, integrity or humanity, because I, too, am convinced that he possesses these attributes. But there's more -- I'm not here to cite charges or accusations.

"Briefly, good health, healthy health, changing and improving health which we do not have, I believe, is a must for the continuing good health of our children, their children and their children's children. And in order to attain this healthy tomorrow, I believe that changes are needed, that they are a must in these areas -- hospital administration throughout the state, the staffing situation at Leahi Hospital, at Kalaupapa and the almost total lack of preparedness to implement statutory provisions relating to the establishment of statewide emergency medical services system in all counties.

"Also, Mr. President, I would be dishonest to claim that the Hale Mohalu situation was not a part of my decision, but it was not the major factor. In fact, there is no single overriding reason for my action.

"The Department of Health is a \$100 million-a-year operation employing an army of 5,000 capable and well-intentioned persons who need to be lead, motivated and inspired. This can happen if the person who is eventually confirmed as director and if the entire Department of Health accepts challenges, not with reluctance but with relish, not through reaction but through initiative, not by acquiescence but by innovation.

"I've told these things to the Governor and I've told these things to Mr. Yuen. It's what we need, it's what the people of Hawaii deserve, and it's the only resolution that I will accept.

"Mr. President, though we will not all agree tonight, I am convinced that we will vote our consciences. And in accordance with my conscience, I cast my vote against the confirmation of Mr. George Yuen."

Senator Abercrombie also rose to speak against the nomination and stated as follows:

"Mr. President, I think it would be disingenuous of me not to rise and speak my mind in respect of that nomination before us, because my name and that of the nominee have been linked so much for the past 18 months, especially over the issue of Hale Mohalu.

"I do not wish it said that I was, when the situation called for, stood mute and did not explain nor give an explanation further to in public that which I gave to Mr. Yuen when I first learned of his renomination and which I reiterated at the public hearing, and I should say public hearings, that were held in respect of his nomination.

"It is no secret to anyone who has paid any attention to the circumstances surrounding the Hale Mohalu issue, that his vision of what is in the best interest of the patients and my vision of what is in the best interest of the patients as citizens and human beings in this state differ. They differ to a degree that I now find myself in an irreconcilable position with him over that.

"I had hoped for some time, for the better part of a year and a half, that some reconciliation might come. I received my answer in the Ways and Means Committee when Mr. Yuen indicated to us that he had never waived in his desire to move the patients from the Hale Mohalu site in Pearl City to Leahi Hospital, Trotter Wing.

"Under those circumstances, I felt, and I indicated to him at that time, that I felt bad faith had been exercised on his part. I have told him and I have spoken in previous times, some time back with the Governor and Mr. Yuen in attendance, that he has not served the Governor well in this respect.

"I believe, that the advice that has been given the Governor in this matter has been more to the service of the decision that had been made in terms of bureau interest, in terms of a fear that a decision which might be altered in some direction, might indicate rightness or wrongness or winning or losing, as opposed to a reconsideration based upon facts not previously in possession of the Department of Health or in an attitude or an orientation not previously acknowledged by the

Department of Health as being legitimate.

"I rise and speak on these matters because if it was that alone, if it was that alone, I felt that I could not deny Mr. Yuen the opportunity to continue to serve, nor could I cast a negative vote.

"I told that to him at the beginning of the session that my decision would not be made based upon our relationship in respect of Hale Mohalu. He acknowledged that that was the case in the sense that he indicated to me quite clearly that he believed me on that and I meant it sincerely, and I reiterated that at our public hearing and I reiterate it now, for the record.

"I have not changed my mind in that respect one bit. However, I also indicated to him that I had never served on the Health Committee previously. My time in the House was such that the committees I served on did not allow for that to take place. I had had an abiding interest in various and sundry health matters as a peripheral interest in terms of my official responsibilities, but not officially.

"Under the chairmanship of the previous speaker whom I have the greatest admiration for, especially in terms of his willingness to work and dig down to the roots of an issue regardless of the possible consequences of what they might be in terms of politics or in terms of personalities, under the able guidance of the chairman, we pursued the budgetary orientation, in particular, of the Department of Health.

"In that process, Mr. President, it was determined in my mind that the leadership activity in the Department of Health, in which the Hale Mohalu issue is but an aspect, an important aspect to be sure, one which I freely admit, engages my emotions to almost the exclusion of all else in terms of that which I most deeply believe, but does not engage my emotions to the degree that I would give up, nor blank out, nor obscure in my mind, my duty and obligation towards the Governor's nomination.

"I have spoken previously on this floor in terms of what I conceive to be the proper role of advise and consent in respect of a nomination and a subsequent appointment. I need not repeat that tonight. I need reiterate only from that discussion that I held with you previously that it is extremely important that respect be given to the nomination, the choice by whoever the executive is, be it the President of the United States or the Governor or a mayor or any official of executive capacity in the United States of America.

"In turn, it is our duty to comment upon hearings which examine the contest within which that leadership has taken place; and I think, in this instance, it has been made clear by our Governor that he relies in great measure not upon his individual ideas, in respect of what should take place within a department but upon that department head himself or herself, that once having been chosen, that he has granted them, and I think wisely so, such latitude as they think necessary to carry on the proper conduct of their business. He relies upon them, in other words.

"As a result of my examination of that effort as opposed to the question of whether or not there is individual loyalty, whether there is individual preferences, whether there is an appeal to popularity, whether there is an appeal to friendship or any of those possible connotations, it can always be associated if people want to do it, if they wish to obscure the realities of a conscientious effort in respect of a person's nomination.

"Setting all those aside, it is within the purview and the obligation of the Senate to examine then that leadership as has been given in trust by the executive to the department head.

"In that respect then I indicate the following -- the State Hospital in Kaneohe remains in a sad condition that it does not even have accreditation -- that condition has not changed. To be sure, there have been attempts, sporadic attempts, to alter some of the physical conditions there, especially with respect to criminal patients and criminal assignment of criminal inmates, but on the whole, the circumstances which prevail there have not been altered. Leadership has been lacking.

"With respect to the situations as outlined by the previous speaker, I will not go into further, other than to say there has not been serious examination of the role of the personnel in the Department of Health in respect of their emission.

"There has been far too much centralizing of decision-making and then subsequent delay in decision-making which has resulted in circumstances that do no service to the state nor to the mission that the Governor has outlined for the nominee.

"Time after time after time, when questions have been put to the Director of the Department of Health, either in Ways or Means or in Health, he has literally been unable to answer the questions.

"Time after time after time, clarification upon clarification was necessary, in

order to try to arrive at what was even the policy of the Department of Health with respect to many, many matters, including such fundamental situations as the cost of health care. We wrestled with this question in the Ways and Means Committee to a considerable degree and to the great frustration of myself and, I daresay, of other members, in terms of the capacity for the nominee to be able to adequately be able to handle the task.

"Mr. President, it is not an easy thing to request of other people that in a public circumstance they deny the nomination to someone. I think that was also the subject of previous remarks that I have made so I will not continue with that other than to say it is with regret that I urge this course of the rejection of the nomination. But, it is with a clear conscience that I do it, as directed by the previous speaker, because I believe it as sincerely as anything that I have put forward for the consideration of my colleagues here on the floor of this Body of which I am privileged to serve.

"I believe this as sincerely as I ever have, that we need new leadership in that department that will better serve not only executives but the people of this state. To do otherwise, I believe, would be a dereliction of my responsibility and obligation to advise and consent to the Governor of the state in terms of what I believe to be not only in his best interest, where his nominees are concerned, but in our best interest as the people of the State of Hawaii."

Senator O'Connor then rose to speak in favor of the nomination and stated as follows:

"Mr. President, Mr. George Yuen is the first non-M.D. to be the head of the Department of Health of this state.

"Many of us were participants to the change which has affected the law in 1972 which led to Mr. Yuen's appointment. Prior to that change in law, it was the mandate of the laws of this state and of the territory before, that the head of the Department of Health be a medical doctor.

"The review of this Body and of the House, in the years immediately prior to 1972, indicated that the administration of that department had reached such a low ebb that it was time for a change; and at that time, after fierce debate and much blood-letting on the floor of both Houses, the law was changed.

"Mr. Yuen was brought in in 1974 as the first non-M.D. administrator with a tremendous record behind him, primarily as the forthright, able administrator

of the Board of Water Supply for the City and County, where his expertise as an engineer led him to great ability and great stead, and his ability as administrator was forthrightly shown.

"I do not deny some of the comments of my able and knowledgeable colleague from Manoa. The Department of Health in many aspects needs tremendous aid and reorganization. Mr. Yuen has labored for four years in a stable which was created for him over fifty years and his efforts continue. To say that the present situation, in many of the circumstances he's found himself, is a result of his administration is unfortunate because it certainly is not. It is the result of years of administration by people who were simply not administrators. They were good and able doctors but they were not administrators.

"I fully understand the difficulty that the Chairman of the Health Committee finds in reviewing that particular department. I suspect it will take another eight years before that department responds appropriately to able administration.

"I would like to fully commend the Chairman of our Health Committee. I think he is just an outstanding person for having brought this nomination before us despite his own personal feelings on the matter, but by the same token, I believe that Mr. Yuen, given the ability to administer another four years, might well bring that department which needs every ounce of his talent and maybe talent that we just simply don't possess in this state, but every ounce of everyone's talent, to bring it from a terribly dark situation into the brightness of the new politics.

"Therefore, I would urge that all vote for Mr. George Yuen as Director of the Department of Health."

Senator Yee also rose to speak in favor of the nomination and stated as follows:

"Mr. President, I have known George for a great many years and I've known him when he was director of the Board of Water Supply. In that position, which was a nonpolitical office and was run like a semiprivate business, he did an outstanding job. He's brought the water department to a height that it was the envy throughout the United States. He has gained recognition, not only statewide but nationally as well.

"There's no question that he is an outstanding man and he's the first nonprofessional to step into the shoes of director of the Department of Health.

"The Department of Health is one of

the most complicated departments in the state. I know personally -- I served as deputy attorney general for the Department of Health for four years, and I had to advise them on legal matters during the early administration of the territory and early statehood. It's a complicated department in which there are federal funds, state funds, private funds and you're concerned with the entire health and welfare of this state, even down to the county level and the public schools. It's not an easy task.

"It's easy to criticize, gentlemen. It's the easiest thing to do in the world -- to criticize somebody's work -- but try to do something constructive yourself and you'll find that's the most difficult task you've ever faced in your life. He's done it well."

"I've talked to many employees in our public hospitals and the Department of Health and the sanitation officers and they all speak very highly of George Yuen, with great regard and respect."

"Hale Mohalu is an emotional issue. He followed the dictates of the legislature, of the administration, in finding the best means to take care of the health of those people. Hence, they were asked to go to Leahi. At that time, most of the patients had agreed to go. There are some there today and they're happy. A few wish to remain where they are and this is the cause of part of the problem. It's not easy to ask all the people to leave, it's a tough job but it has to be done by somebody. Mr. Yuen has had the courage to do it."

"This is the kind of man we need, one who lives by his convictions and for the welfare of the state. I urge you to vote in his behalf."

Senator Cayetano then rose to speak against the confirmation and stated as follows:

"Mr. President, this is not an easy decision for me. In fact, up until the last two weeks of the session, I was of a mind to vote for Mr. Yuen's confirmation. However, the two previous speakers, the Chairman of the Health Committee and the Senator from Manoa, point out my concerns."

"In the Ways and Means Committee, the time we had the budget hearings, I came to the conclusion that Mr. Yuen was not sufficiently apprised of the fiscal condition of the Department of Health."

"In my opinion, the Department of Health is much too important an organization to allow this kind of situation to continue."

"I have high regard for Mr. Yuen as a person, as a man. I like him, I think he's an honest man. But as the previous speaker said, it's sometimes difficult to do constructive things... and I feel that I would be shirking my duty here as a Senator to vote for his confirmation."

Senator Ushijima then rose to speak in favor of the nominee and stated as follows:

"Mr. President, you know I've been around here for quite some time and I've seen administrators come and go. I'd just like to reiterate what my colleague in front of me already stated. That four years ago we changed the law to allow a non-M.D. to be the administrator of the public health area."

"Now, this department, there's no question, is one of the bigger departments of the administration. The problem of health has been of great concern recently -- hospital costs, facilities and everything else and, certainly, just speaking of these matters would just give you an idea as to the tremendous responsibility a man would have in this position."

"George Yuen has served for four years only and I think that he has proven to be an adept administrator, a fellow who can learn, who's had experiences. And I think it's incumbent for us to give him an additional four years to do the kind of job that is necessary, and I think the kind of criticisms that some of the Senators stated on the floor today are the concerns that he takes care of provided he is given the opportunity because he has had the experience, he has the ability, and I'm sure that if we back him up, we certainly will see better health facilities throughout the state."

"I think there will be better communication between the legislature and some of the elected officials. I think there will be a better understanding of the problems that this administration faces and that four years is not sufficient time to give this man the chance for the kind of job that he wants to do. And I'm sure that being the man he is, if we give him the confidence, our advice and our consent tonight, he certainly will be able to do the job. And I'm very confident that he can do it."

"I urge all of you to vote in favor of the nomination of George A. L. Yuen as Director of Health. Thank you."

Senator Abercrombie then rose to state as follows:

"Mr. President, inasmuch as these remarks are part of the official Journal, I feel incumbent that I rise and make a correction in respect of previous commentary, where the situation of Hale Mohalu was concerned.

"I can assure this Body and can document that the exact opposite is true in respect of the case of Hale Mohalu, where patients were concerned in terms where more the overwhelming majority of patients, in fact, literally, all save one did not want to leave there.

"The overwhelming majority do not want to do so today in terms of where they are, Kalaupapa and Hale Mohalu. And it's unfortunate that this kind of situation has been allowed to drag on and on, in terms of misinformation and the constant and incessant defense of statements and positions which have no basis. In fact, because there is an assumption that to do otherwise would somehow put one in the position of having backed down, backed off, backed away, rather than having come to terms and come to grips with a real situation involving human beings in a dynamic circumstance which requires leadership, which requires the kind of dynamic thinking which can cut through to a conclusion and a synthesis of opinion which will have everyone finding themselves with, if not everything that they wish and want to have, but at least the satisfaction that their input was listened to and that a conclusion was reached that could satisfy the fundamental needs and desires of all the parties involved. This, I think, is at the heart of the matter."

Senator Chong then stated as follows:

"Mr. President, as the former chairperson of the Senate Health Committee, I'd like to agree with what the previous speaker just said about Hale Mohalu. I have always been strongly at variance and opposed to Mr. Yuen's stance on this issue. I have noted that in recent weeks he has been or indicated that he would be more flexible and may change some of his viewpoints on that particular issue.

"However, especially in the past two weeks when we're coming down the line on this thing, I had to look at his performance as a whole and he did display tremendous courage over the past four years by going against the medical establishment on many issues. What comes to mind especially, five years ago, he was strongly, in fact it was his bill, in support of the rubella bill which we passed earlier this evening, over the overwhelming, almost solid opposition from the medical association.

"He also strongly supported a much stronger minors' rights bill which we passed in watered down form. But, five years ago, everybody was against this. We had demonstrations at our hearing and he still, forthrightly, came forth and laid his reputation on the line and provided very strong testimony for it.

"In the area of the marijuana study, again a controversial issue, he supported the study which was completed by the School of Public Health.

"A statement was made blaming him for the sorry state of the State Hospital which has not been accredited, this is true; however, they are certified to operate as a mental health facility and, also, most states' hospitals in the mainland, continental United States, might not be accredited but are certificated.

"Lot of the blame on the State Hospital, and I agree with the previous speaker about it, and I'm sure Mr. Yuen would also agree there's lot of problems with it, but a lot of the blame is ours. We simply did not appropriate sufficient funds to bring that facility up to HEW standards.

"So with mixed emotions that I personally had about this issue, I felt he was dead wrong and still feel he's dead wrong with the Hale Mohalu issue, but looking at the big picture over the past five years, I think that I agree with Senator Ushijima -- I think we should let him proceed his fine momentum for it."

Senator Saiki also rose in support of the nomination and stated as follows:

"Mr. President, I guess I'm another one of those people who have been around here a few years and, unlike some of my younger colleagues, I have had the pleasure of serving on the Health Committee in both the House and the Senate -- six years in the House and four years in the Senate. And through those years of sitting on the Committee on Health, I have seen the changes occurring within the Department of Health. These changes have been alluded to by previous speakers.

"To put it very bluntly, the Department of Health, before Mr. Yuen became the administrator, was a scattered kind of a department, with people going in their own directions.

"The department is a large one, it encompasses areas from mental health, the state hospital systems, even down to vital statistics, emergency medical services system, health education, dental

education. There's a myriad of subject areas that we get the Department of Health involved with.

"Since Mr. Yuen has become the administrator, I have seen a sense of cohesiveness developing within the department. I think Mr. Yuen is a capable administrator. He needs our support. He needs to have the money to implement many of his ideas.

"We have all been through difficult fiscal constraints over the past few years and, even here in the legislature, we have not funded the Department of Health as much as we would have liked to and, under those circumstances, it has been difficult for Mr. Yuen to comply with all of the legislative wishes and all of the directions of the administration, meaning the Governor.

"I do share the frustrations, to some extent, of the Chairman of the Committee on Health and some previous speakers in that I too want everything done yesterday, but I know that it cannot be done in that manner. So I would like to ask this Body to endorse George Yuen. Give him the help he needs, support him to build a viable department because, by far, of all of the departments, it is within the area of health care that we are going to be facing some of the more difficult decisions. Health care costs, health delivery systems are going to be of top concern, not only to us but across the nation, and I would like to see George Yuen at the helm of the Department of Health."

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Carpenter, Cayetano, Kawasaki and Yim).

Senator Carpenter then rose to state as follows:

"Mr. President, I hope, by the end of my term, that I can honestly say to Mr. Yuen that I made a mistake this evening and, I hope, that off in the future at that time, the opportunity presents itself for me to do it publicly. Congratulations, Mr. Yuen!"

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

"Mr. President, I'd like to stand on a point of personal privilege in recognizing a gentleman and a statesman.

"Mr. President, two years ago, a committee

chairman held on to an issue and wouldn't release it although the majority of the members of his committee wished the issue to be brought out of committee. Yesterday, last night, we honored a committee chairman for recognizing the wishes of the majority of the people and we honored him -- Senator Yim.

"Tonight, we should honor another gentleman, the chairman of a committee who, realizing that the majority members of his committee wished the issue to come forward on the floor, relented. And I think that we should recognize this gentleman, this statesman, Senator Carpenter, and I'd like to have Ruth Ann (Suzuki) present a lei and recognize Senator Carpenter for being a statesman and a real gentleman."

At 10:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:53 o'clock p.m.

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

"Mr. President, I don't wish to dishonor the chairman. I don't wish to demean, to be disrespectful, but the word 'honor,' I really find hard to swallow.

"As the chairman of the committee, like many of you, you have a role and you have a responsibility under the Rules of the Senate, under the Constitution of the State of Hawaii in which you were elected. This idea, this nonsense, that because you released a man to the full Body for a full vote is to be honored. We're supposed to have hearings on the people or the bill or the resolutions sent to us. We're supposed to discuss them.

"Please, don't rule me out of order. You have been doing this for fourteen days now, let me finish, once, please.

"I would like to say once and for all, Mr. President, that for the last two or three weeks, we're all getting uptight, but this nonsense about honoring and leis because we're doing our job is getting just a little heavy.

"It should get to the floor. I would like to vote on all issues for my constituency. I represent some 40,000 people in Windward Oahu and I would like to cast my vote for George Yuen, aye or nay on any other issue, and I don't like the chairman blocking it or denying me the right on philosophical difference or irreconcilable disagreement with the people. It's our job and our role to bring the people here and to discuss them and have full

dialogue. And this is really getting a little heavy, Mr. President, in this new politics where we present leis and honor and TV cameras . . ."

Senator Cayetano then rose on a point of personal privilege and stated as follows:

"Mr. President, the Senator from the Windward area is correct. But may I say this -- this was not Senator Carpenter's idea. I would hope that you would show more charity, Senator Anderson, than you have in the past few days, to the members of this Senate."

Senator Anderson then responded as follows:

"Mr. President, I've had charity 'up to here'. I've had charity 'up to here' and I give what I receive.

"I didn't mean to be disrespectful of Senator Carpenter in any way, means or fashion. It wasn't his fault, it wasn't his idea, I'm sure.

"We've pushed and we've tugged and if I've been disrespectful, or if some of you think so, I apologize.

"I think I've been forceful, I think I've been honest, and I think I've been fighting equally as hard for what I believe in as right. I think I'm entitled to my day and my say. We've listened to arguments against people, but we've talked and forgotten about cooperation.

"Mr. Yuen -- I've heard that man sworn at, I've heard him called a liar, I've heard him called every verbal abusive name you can imagine. If I were Mr. Yuen I would tell you to take that job and 'shove it in your ear'."

Senator Abercrombie then rose on a point of order and asked, "... has not Mr. Yuen been confirmed?" and the President replied in the affirmative.

At 10:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:57 o'clock p.m.

Standing Committee Report No. 1252 (Gov. Msg. No. 292):

Senator Carpenter moved that Stand. Com. Rep. No. 1252 be received and placed on file, seconded by Senator Campbell and carried.

Senator Carpenter then moved that the Senate advise and consent to the nomination of George A.L. Yuen to the Statewide Health Coordinating Council,

term to expire December 31, 1982, seconded by Senator Campbell.

Roll Call having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 10:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:06 o'clock p.m.

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

"Mr. President, I wish to thank the good Senator, the Majority Leader, for the lei and for the commendation and I wish to also acknowledge the comments of Senator Anderson.

"I would also like to thank Senator Cayetano and I hope that as a result of this effort, that yielding to the wisdom and maturity of the learned Senators in this Body, that I do not indeed become a charity case. Thank you."

Senator Cayetano also rose on a point of personal privilege and stated as follows:

"Mr. President, the hour is getting short. The last two sessions we ... I have seen Senators trade insults in one way or another ... I hope this matter will end ... now. Otherwise, I say this to the Minority, otherwise, we're going to talk about committee attendance, we're going to talk about absences from the legislature and we're going to talk about a lot of things."

Senator Anderson replied: "You let me know where it is, sir, and I'll be there to discuss it with you."

Senator O'Connor then rose on a point of order and stated:

"Mr. President, I rise on a point of order, to change the subject. This is a technical point.

"Earlier, this Body passed Senate Bill No. 181, S.D. 2, H.D. 1, C.D. 1. It had to do with the career criminal program. The matter contained a statement that an individual who is a career criminal shall be the subject of career criminal prosecution if one of many criteria are met.

"For the legislative history of this bill, I would like to enter into the Journal, the fact that the prosecuting attorneys'

offices of the various counties are not mandated to handle in their career criminal areas, in their career criminal divisions, those criminals that fall in this area. And the Attorney General, when he provides monies for this program, can provide monies to those career criminal programs, as he has, without that mandate being in existence.

"In other words, any prosecutor can handle the prosecution of any case at any time, despite this particular measure.

"This is an important measure which will greatly enhance the prosecution of career criminals in this particular jurisdiction."

Standing Committee Report No. 1232
(S.R. No. 85):

Senator Carpenter moved that Stand. Com. Rep. No. 1232 be adopted and S.R. No. 85 be adopted, seconded by Senator Cobb.

At this time, Senator Ushijima rose on several points of inquiry on the measure as follows:

"Mr. Chairman, looking at the title of this resolution, is this about heroin? Is that what we are on? Why limit it only for medical purposes?"

Senator Carpenter answered as follows:

"The question is 'Why limit it to medical purposes?' That happens to be the intent of the resolution -- to use heroin or allow the use of heroin for the use of patients who have terminal illnesses, which would probably last from three to six months, during which time the intractable pains would be eased formidably."

Senator Ushijima then remarked, "I just thought that it might be a good idea to delete 'for medical purposes' . . . it might make lots of people happy." And Senator Carpenter replied that the point is well taken.

Senator O'Connor then rose to speak against the measure as follows:

"Mr. President, I'm going to vote against this measure and I'd like to explain my 'no' vote.

"This is purely a technical one. This resolution asks that the U.S. Attorney General consider shifting heroin from Schedule I of dangerous drugs to Schedule II. Because our Uniform Controlled Substances Act is so tightly tied to the Penal Code and because the Schedule I drugs are the most serious drugs and their abuse is the most serious in the community, I oppose the shifting of

heroin entirely from Schedule I to Schedule II.

"I might say that I have no opposition to the intent of the resolution which is, evidently, to use heroin under certain circumstances for cancer patients who are terminally ill, for medical purposes. But the method which is indicated in the resolution is to shift heroin entirely from Schedule I to Schedule II; therefore, I'm going to vote against it."

Senator Abercrombie then rose to state as follows:

"Mr. President, not speaking in rebuttal but rather, I hope, in a measure of clarification to speak to the concerns of the Judiciary Chairman.

"If one will note under the resolution, 'Be It Resolved' clause, that the Attorney General of the United States, Mr. Griffin Bell, is requested to consider removing heroin from Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and place it on Schedule II.

"The reason for the word 'consider' is that some of the very concerns that the Senator has raised, in terms of what the considerations may be in terms of Penal Act changes, to the extent that they might be necessary, would be involved in any activity that the attorney general undertakes.

"The medical side of this situation is well documented in research and was presented in detail in committee. That is the reason for having this.

"I also want to indicate to the Body that the reason for it being presented in this fashion is that the Justice Department itself would require the activity of the attorney general in this respect, if it was to take it under consideration.

"We have it before us now because there now is a nationwide effort, again, which was indicated in extensive testimony in the Health Committee -- a nationwide effort underway to attract the attention of the attorney general by such resolutions as these.

"Quite frankly, Mr. President, the rest of the people across the country who have become involved in this movement are watching what is happening here tonight. We have been pioneers in this area. Legislators from all over the country have requested of my office the resolution and are waiting the vote tonight to see whether or not they will have the opportunity to be able to refer to another state which has taken a step in this direction, which is to have the attorney general address

his attention to the problem.

"There's no question that the circumstances alluded to by the Judiciary Chairman will have to have attention paid to them, but it's precisely for those reasons that we need to move this kind of a resolution forward, so that we can come to grips with those very items.

"In the absence of such a resolution, we'll be forever prevented from dealing with the real issue that's involved, which is the relief of intractable pain for those people who cannot otherwise find any relief under any other circumstances other than to obliterate their very sense of existence."

Senator Cobb then rose to state as follows:

"Mr. President, I had signed this resolution with reservations and the reservations that I have are primarily those expressed by the Judiciary Chairman; namely, that if we do achieve, by requesting the attorney general to consider this matter, a change in schedule of control of the substance of heroin.

"It is, first, vitally important that we amend the Hawaii Revised Statutes with respect to the Penal Code because it is tied so closely to that schedule of controlled substances.

"I would add a caveat before supporting this resolution; that we should ask the Attorney General of the United States in such consideration to notify the State of Hawaii sufficiently in advance for us to achieve such a change in the statutes. Otherwise, the effect of such a change done nationally would be to reduce the degree of control that would exist in heroin.

"It is for this reason that I had signed with reservations and I add this remark as a caveat to be addressed to the attorney general, should this take place.

"Medically, I have no objections to the use of any drug or substance to reduce pain as long as it's controlled under medical circumstances. Today, in Hawaii, we allow doctors to prescribe many controlled substances. It's done under very careful control of law and medical training being required.

"The point that has to be addressed to the U.S. Attorney General, in any correspondence accompanying this resolution, is that sufficient degree of notification in advance of such a change, before it is brought about, so that we in Hawaii would have time to change our laws and any other state would have time to change their laws when they're based

on the substances enumerated. Thank you."

Senator Yamasaki also rose to speak on the measure and stated as follows:

"Mr. President, I'm voting against this resolution because I believe that during the last session of the legislature, this Body rejected the resolution proposed by the Health Committee on marijuana. The resolution proposed that marijuana be used for medical purposes and I think that this Body recommitted the bill."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 1232 was adopted and, Roll Call vote having been requested, S.R. No. 85, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL OF THE UNITED STATES TO ALLOW THE USE OF HEROIN FOR MEDICAL PURPOSES", was adopted on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Anderson, George, Hara, O'Connor, Saiki, Soares, Toyofuku, Ushijima, Yamasaki and Yee).

Conference Committee Report No. 40 (S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 40 and S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1, be recommitted to the Committee on Conference, seconded by Senator Campbell.

Senator O'Connor then rose to speak on the motion as follows:

"Mr. President, by brief explanation, the constitutional amendment, part of it suggested in this particular bill, has been duplicated in another bill earlier passed, which sets a different percentage for the amount of voters that are required to authorize a constitutional amendment. Therefore, due to that conflict, we have a legal opinion that this matter should not be acted upon."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 40 and S.B. No. 1703, S.D. 1, H.D. 1, C.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", were recommitted to the Committee on Conference.

Senator Abercrombie then rose to make the following announcement:

"Mr. President, I have been through sixty days now, virtually sixty days,

we'll reach it shortly, and we have had indications of some of our weariness in the last couple of days that has resulted in some differences of opinions, and I have had the opportunity to have put together something here which can indicate the differences between Republicans and Democrats and I'd like to read it into the record before we adjourn so that we can all be in very strict appraisal of one another as to where these differences are. So this is how to tell Republicans from Democrats:

'Although to the casual glance Republicans and Democrats appear to be almost indistinguishable, here are some hints that should result in positive identification:

'Democrats buy most of the books that have been banned somewhere. Republicans form censorship committees and read them as a group.

'Republicans consume three-fourths of all the rutabaga produced in this country. The remainder is thrown out.

'Republicans usually wear hats and almost always clean their paint brushes.

'Democrats give their worn-out clothes to those less fortunate. Republicans wear theirs.

'Republicans employ exterminators. Democrats step on the bugs.

'Democrats name their children after currently popular sports figures, politicians and entertainers. Republican children are named after their parents or grandparents, according to where the most money is.

'Democrats keep trying to cut down on smoking, but are not successful. Neither are Republicans.

'Republicans tend to keep their shades drawn, although there is seldom any reason why they should. Democrats ought to, but don't.

'Republicans find the financial pages of the newspaper. They read and study the financial pages of the newspaper. Democrats put them in the bottom of the bird cage.

'Most of the stuff you see alongside the road has been thrown out of car windows by Democrats.

'Republicans raise orchids, pure-breeds and eyebrows. Democrats raise poi dogs, kids and taxes.

'Democrats eat the fish they catch. Republicans hang them on the wall.

'Republican boys date Democratic girls. They plan to marry Republican girls, but feel they're entitled to a little fun first.

'Democrats make up plans and then do something else. Republicans follow the plans their grandfathers made.

'Republicans sleep in twin beds -- some even in separate rooms. That is why there are more Democrats.'

"Thank you."

Senator Anderson then remarked, "That was very nice and that should be entered into the Journal." And asked, "What was the last one -- the very last one?"

Senator Ambercrombie replied, "I hesitate to say it because I'm afraid what might come back."

Senator Anderson said, "No, no, please. I just didn't hear it right."

Senator Abercrombie then answered, "Republicans sleep in twin beds -- some even in separate rooms. That is why there are more Democrats."

Senator Anderson then replied, "There are more Democrats, Mr. President, because the Republicans preserve them."

Senator Ajifu then remarked, "Mr. President, a rose is a rose is a rose!"

At this time, Senator George rose to make an announcement and stated as follows:

"Mr. President, in spite of events which transpired here a little bit earlier, I really would like to take this opportunity to say that this is my fifth year in this particular Body. I'm in a somewhat different chair, but I've been here for five years now and I want to say that this has been a thoroughly enjoyable session for me.

"I have felt, really, a sense of a fair participatory democracy for the first time and I want to thank you and my colleagues across the aisle for it."

Senator Carpenter then rose to state as follows:

"Mr. President, being the only member of this Body that was not either a carryover from the House or here before, I'd just like to say that it's been a sincere pleasure for me to be part of this Body. I'm not trying to set any records, but I think we did devise 'the order of the iron okole' as a matter of the formal proceedings, going late into the hour of the ceremonies

on our agenda, and I want to say that I've enjoyed this experience extremely.

"I enjoyed the comradery of many; I've enjoyed the ire and insults of a few and I look forward to more next year. Thank you very much."

The President then addressed the members of the Senate as follows:

"With your indulgence, I would like to say a few words.

"Very shortly, the 1979 Regular Session of the Tenth Legislature will adjourn sine die and pass into history. As I think about the activities over the last sixty legislative days, I feel a great sense of pride over the dedication, commitment and hard work put in by all of you; a great sense of satisfaction over your accomplishments in terms of meaningful, substantive legislation that have been passed and a great sense of confidence in your ability to continue on addressing some of the still unresolved issues and problems before the legislature.

"I am deeply honored to serve as your President.

"As you know, the session did not begin auspiciously. We had some organizational difficulties at the beginning which took some time to resolve. This, in turn, prevented us from doing any pre-session work and forced us to work overtime to catch up on our hearings. During the early days of the session, there were some who predicted that the Senate would be unstable, fractious and unproductive. By and large, this has not turned out to be the case.

"To be sure, we have had our share of debates, disagreements and other difficult moments. This is normal and to be expected in the give-and-take of the legislative process. The Senate has been united and a hardworking Body. Full credit must be given to you all - Democrat and Republican, Oahu and Neighbor Island, old-timer and newcomer, one and all - for taking such a positive, cooperative and statesmanlike approach to working together.

"In my Opening Day remarks, I referred to a 'new politics' in the Senate. I promised that the Senate would be a more open, more accessible and a more independent Body. I promised that we would make a special effort to reach out to communicate with and get input from the various sectors of the community. I promised greater fairness in the treatment of minority members and their ideas. I promised that the Senate would be a creative and productive Body.

"At the beginning of the session, I

asked that we be judged at the end for our actions and our accomplishments. With my faith in you, I promised that we would do well.

"You have enabled me to deliver on those promises for which I am grateful.

"This session, the 1979-81 Biennial Budget Session, has given us the opportunity to assert greater fiscal restraint and responsibility and a strict delineation of the legislative intent in the state budgetary and expenditure process.

"We have also passed significant legislation for campaign spending controls, for generic drug substitution, for the establishment of the Office of Hawaiian Affairs, for the updating and conforming of our election laws with the revised State Constitution, for further refinement in our Code of Ethics, for the assistance of our beleaguered sugar industry. The list of accomplishments are long and creditable.

"We have had a good session, a productive session.

"Looking ahead, I see the issues that we will have to address in the coming 1980 session. We will have to face the issue of the proposed rapid transit system; we will have to develop legislation on time-sharing; we will have to deal with the mandates of the revised State Constitution on water and land use. Our greatest challenges still lie before us.

"During the coming interim, work to monitor the implementation of our work, to keep abreast of the new developments and to prepare for the next session will be necessary. Your continued dedication will be required so we can be thoroughly prepared to meet the great challenges ahead.

"I see also an evolving relationship between the legislative and the executive branches of state government, a relationship where we will be more coequal and less dependent and where the constitutional checks and balances will be brought more into play. However, I do not see this necessarily as an adversary relationship as I also see a greater spirit of cooperation and coordination between us and the executive. In this spirit, there have been some very frank and open discussions with the Governor. I look forward to strengthening this relationship between us.

"I would be remiss if I did not acknowledge the hard work and dedication of our Senate staff - the researchers, the secretaries, the messengers, the printshop crew, the custodians, everybody. Needless to say, we would have not been able to function effectively without them.

I'm sure I speak for the whole Senate in extending appreciation to them.

"Finally, in closing, please accept my sincere appreciation for the cooperation, assistance and understanding you have given me during the first session as your President. I've enjoyed this great experience, my Aloha goes to you all and I look forward to working with you in the coming months.

"Thank you very much."

Senator Mizuguchi then rose to express his remarks as follows:

"Mr. President, I would like to thank you for your excellent leadership in the State Senate. It's been a rather new and unique style of leadership. I would like to also thank you and all the members of this Honorable Body for the work and decisions that you have made this session.

"In your closing night remarks, Mr. President, you alluded to our Senate organization, a process that was long and arduous. This made us late in starting. But we overcame many problems, we have forged new alliances under your leadership. We have bridged many of the gaps created among us during the organizational period. And we have refused to allow our late start to interfere with the quality of our legislation.

"In addition, we have been charged with the heavy responsibility of implementing the many new Con Con amendments. At some points, it seemed that the Constitutional Convention had created an entirely new Constitution. We have developed and passed much important legislation in other areas as well. I feel that it has been a fruitful session. I think that we can all be proud to have been a part as Senators in this 1979 Regular Session. I hope that next year, Mr. President, we, Majority and Minority Senators, can continue to work together to create legislation that will improve our state of Hawaii and work for the best interest of the people of this great state.

"Finally, I think that we should not forget, and thank our staffs, as you have done. To the staff, I say, Mahalo Nui Loa for the splendid work and support.

"Thank you, Mr. President."

Senator Anderson added his remarks as follows:

"Mr. President, I had an opportunity to read the 'new politics' tonight while I was sitting here listening to Senator Abercrombie.

"I really find your closing speech and your 'new politics' Opening Day speech pretty much in line.

"It has been a hard session. I think you forecasted that pretty clearly some sixty days ago. You had the foresight to say a number of our members in the Senate are known to be independent legislators, uncommitted, stubborn, etc., etc. It has been a hard session. You have twenty-five very strong, independent individuals in one room, tugging and pushing for legislation, challenging philosophies, ways of life, bringing up total differences in so many ways, trying to find common ground on sometimes very compound and basic and important legislation.

"People on the outside, it's easy to throw stones and ridicule and comment, but they really ought to try this process. It's got to be one of the most difficult in the world -- to bring twenty-five people together. I think you've managed pretty nicely to keep this group working in direction.

"It's our commitment, on this side of the aisle, that we're going to continue to learn to work with the newcomers and the opposing personalities, asking for forgiveness on both sides. When you put people like Cayetano and Abercrombie and Kawasaki and Soares, into Ajifu and Anderson into rooms, into arguments, it sometimes looks like a dog and pony show.

"There is much work to do.

"This session has strained my relationship with you to some degree, for that, I apologize.

"We have a role on this side but sometimes I think the Majority forgets and fails to remember what we're here for -- to advocate and keep you in check and Senator George's incident tonight -- while that may have aggravated, it was fair game, it was fair play. That's what we're here for, Mr. President. We have to, because we aren't in the majority, sometimes take measures and do things to bring to the forefront and to the attention and for a vote, any means or measure that we have to.

"We look forward to working in the interim with you. We're going to continue to strive to understand and ask forgiveness on both sides to better understand your philosophies and to work with you and we hope the interim and the next session will be more smoother and more fruitful for all of us.

"Thank you."

Senator Yee then rose to remark as follows:

"Mr. President, as spokesman for the Minority of the Senate here we thank you for your cooperation. We thank you for your effort in trying to balance a juggling game which was not very easy. I think we all admit you had the most difficult job out.

"I also want to thank all of the various committee chairmen for the cooperation that they have shown the Republicans in their committees.

"I'm also very pleased that many Republican ideas, resolutions and bills have passed this Body.

"There's only one thing I regret, many of you former House members that have come over with the first wave and then the second wave, in my twelve years of experience, we always adjourned sine die before the House. Now we're the last to go home.

"Thank you."

At this time, Senator Cayetano rose to make an introduction and stated as follows:

"Mr. President, as you know, this session was my first as Chairman of

the Ways and Means Committee and indeed it was my first of the five sessions I've spent in the legislature on any finance committee.

"We wrapped the budget in record time, I believe. The old-timers tell me that it was probably the shortest budget conference in the history of the legislature. And all of this would not have been possible if it had not been for my colleague on the other side of the House. He's here tonight and I'd like to introduce him to this Body and publicly thank him for his spirit of cooperation and his wisdom, Representative Jack Suwa."

Senator Anderson then rose to express special thanks to Senate Sergeant at Arms Ben Villaflor.

ADJOURNMENT

Senator Mizuguchi moved that the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, adjourn Sine Die, seconded by Senator Anderson and carried.

At 11:38 o'clock p.m., the President rapped his gavel and declared the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, adjourned Sine Die.