

SIXTIETH DAY

Friday, April 18, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Arsene Daenens, SS.CC., of St. Patrick's Church, after which the Roll was called showing all Senators present.

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

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

Senator Chong introduced Audrey Fox Anderson, one of the early community organizers of Waikiki.

Senator Cayetano then introduced The Honorable Raul Manglapus as follows:

"Mr. President, this morning it gives me great pleasure to introduce to this honorable body a very distinguished person. I had the pleasure of meeting him five years ago at the University of Hawaii when I went to hear him speak. At that time, he made such an impression on me in terms of his oratory and what he had to say that I never forgot this gentleman.

"He has a very distinguished background which I'd like to give before I introduce him personally. He is a lawyer, a graduate of Ateneo University in the Philippines which is the equivalent of our Harvard University. He has studied at Georgetown University in Washington, D.C.

"He has a distinguished war record. At the age of 22 he served as radio broadcast commentator for General Douglas MacArthur. He was imprisoned in the Philippines during the war for two years, escaped, became a captain and joined the Hunters Guerrillas which was attached to the U.S. 11th Airborne Division. After the liberation, he served as chief of the radio division to the president of the Philippines, and was the youngest war correspondent attached to General MacArthur's headquarters, and he covered the surrender on the U.S.S. Missouri in Tokyo Bay.

"He is a former Under Secretary of Foreign Affairs under President Ramon Magsaysay, and upon the death of President Magsaysay, he became the youngest foreign minister in Philippine history at the age of 37.

"He served as secretary-general at the first conference of the Southeast Asia Treaty Organization (SEATO). He was awarded the 'Most Outstanding Young Man in the Government' by the leading Philippine daily, the Manila Times.

"He is a tremendous vote getter. He was elected senator to the Philippine Congress with the highest number of votes nationwide. He also served as an elected delegate to the constitutional convention, again acquiring the highest number of votes.

"He is a president of the Christian Social Movement which is affiliated with the World Union of Christian Democratic parties based in Rome.

"And here is a very interesting story because he is an elected official in exile. On September 22, 1972, Mr. President, martial law was declared in the Philippines and soldiers were sent to his home at 1:30 in the morning to arrest him. Fortunately on that day, he was visiting his son who was in training in Japan and therefore he escaped.

"His family was not allowed by the government to leave the country to join him in the United States in spite of humanitarian appeals by Senators Humphrey, Kennedy and Percy. Finally, in 1973 the family managed to escape and are now living in the United States with him.

"He was granted U.S. political asylum and became a visiting professor at Cornell University. Later, he served as a senior associate at the Carnegie Endowment for International Peace in New York City, and is now serving as a Distinguished Adjunct Professor of International Relations at the American University in Washington, D.C. He is a well-known international lecturer and writer and has written six books, two of them published in exile while living in New York.

"He is now president of the Movement for a Free Philippines with headquarters in Washington, D.C., and chapters in the United States, Canada, Australia, Japan and Western Europe.

"Finally, he is an amateur jazz pianist and has had the privilege of having jam sessions with the King of Thailand, Prince Sihanouk of Cambodia, our own Duke Ellington and Lionel Hampton.

"Mr. President, it gives me very great pleasure to introduce to this body The Honorable Raul Manglapus."

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 689 to 749) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 689), informing the Senate that the report of Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1703, S.D. 1, was adopted by the House; and S.B. No. 1703, S.D. 1, H.D. 1, C.D. 3, passed Final Reading in the House of Representatives on April 17, 1980, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

A communication from the House (Hse. Com. No. 690), returning Senate Concurrent Resolution No. 62, which was adopted by the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 691), transmitting House Concurrent Resolution No. 116, H.D. 1, which was adopted by the House of Representatives on April 17, 1980, was placed on file.

By unanimous action on H.C.R. No. 116, H.D. 1, was deferred until later in the calendar.

A communication from the House (Hse. Com. No. 692), returning Senate Bill No. 2439-80 which passed Third Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 693), transmitting House Concurrent Resolution No. 150 which was adopted by the House of Representatives on April 17, 1980, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE EFFORTS OF THE COMMITTEE WHICH GUIDED THE RESTORATION OF ALI'IOLANI HALE", was adopted.

A communication from the House (Hse. Com. No. 694), transmitting House Concurrent Resolution No. 151 which was adopted by the House of Representatives on April 17, 1980, was placed on file.

On motion by Senator Mizuguchi,

seconded by Senator Anderson and carried, H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING AND COMMENDING THE DISABLED AMERICAN VETERANS, A CONGRESSIONALLY CHARTERED ORGANIZATION, FOR ITS COMMUNITY INVOLVEMENT AND ACCOMPLISHMENTS IN AIDING DISABLED VETERANS AND WELCOMING IT ON ITS 59TH ANNUAL CONVENTION IN HONOLULU, HAWAII, FROM JULY 25-28, 1980", was adopted.

A communication from the House (Hse. Com. No. 695), returning Senate Concurrent Resolution No. 4 which was adopted by the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 696), 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. 25, H.D. 1, was adopted by the House; and H.B. No. 25, H.D. 1, S.D. 3, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 697), 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. 501, H.D. 1, was adopted by the House; and H.B. No. 501, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, 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 House to the amendments proposed by the Senate to House Bill No. 687, H.D. 1, was adopted by the House; and H.B. No. 687, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, 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 House to the amendments proposed by the Senate to House Bill No. 1494, H.D. 1, was adopted by the House; and H.B. No. 1494, H.D. 1, S.D. 2, C.D. 2, passed Final Reading in the House of Representatives on April 17, 1980, 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

A communication from the House

(Hse. Com. No. 725), 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. 2672-80, H.D. 1, was adopted by the House; and H.B. No. 2672-80, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 726), 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. 2723-80, H.D. 2, was adopted by the House; and H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 727), 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. 2944-80, H.D. 2, was adopted by the House; and H.B. No. 2944-80, H.D. 2, S.D. 2, C.D. 1, passed Final Reading by the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 728), 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. 118, S.D. 2, was adopted by the House; and S.B. No. 118, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 729), 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. 870, S.D. 2, was adopted by the House; and S.B. No. 870, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 730), 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. 1003, S.D. 1, was adopted by the House; and S.B. No. 1003, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 731), 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. 1516, S.D. 1, was adopted by the House; and S.B. No. 1516, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 732), 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. 1831-80, S.D. 1, was adopted by the House; and S.B. No. 1831-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 733), 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. 1832-80, S.D. 1, was adopted by the House; and S.B. No. 1832-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 734), 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. 1960-80, S.D. 1, was adopted by the House; and S.B. No. 1960-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 735), 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. 2006-80, was adopted by the House; and S.B. No. 2006-80, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 736), 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. 2202-80, S.D. 2, was adopted by the House; and S.B. No. 2202-80, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives

on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 737), 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. 2253-80, S.D. 1, was adopted by the House; and S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 738), 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. 2302-80, S.D. 2, was adopted by the House; and S.B. No. 2302-80, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 739), 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. 2501-80, S.D. 1, was adopted by the House; and S.B. No. 2501-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 740), 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. 2581-80, was adopted by the House; and S.B. No. 2581-80, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 741), 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. 2665-80, S.D. 2, was adopted by the House; and S.B. No. 2665-80, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 742), 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. 2693-80, S.D. 1, was adopted by the House; and S.B. No. 2693-80, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representa-

tives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 743), 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. 2744-80, S.D. 1, was adopted by the House; and S.B. No. 2744-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Reading on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 744), 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. 2977-80, S.D. 2, was adopted by the House; and S.B. No. 2977-80, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 745), 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. 2877-90, S.D. 1, was adopted by the House; and S.B. No. 2877-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 746), 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. 2914-80, S.D. 2, was adopted by the House; and S.B. No. 2914-80, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 747), 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. 3012-80, S.D. 1, was adopted by the House; and S.B. No. 3012-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 748), 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. 3145-80, S.D. 1, was adopted

by the House; and S.B. No. 3145-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

A communication from the House (Hse. Com. No. 749), 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. 3146-80, S.D. 1, was adopted by the House; and S.B. No. 3146-80, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 17, 1980, was placed on file.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 359 to 366) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 359), entitled: "SENATE RESOLUTION HONORING AND RECOGNIZING THE SIGNIFICANT CONTRIBUTIONS TO THE PEOPLE OF HAWAII BY THE LATE VICTORIA KUULEIALOHA HOLT, HAWAII'S FIRST WOMAN TERRITORIAL HIGH SHERIFF", was jointly offered by Senators Ushijima, Yamasaki, Kuroda, O'Connor, Machida, Saiki, Ajifu, Cobb, Yim, Soares, Yee, Mizuguchi, Wong, Anderson, Hara, Campbell, Kawasaki, Carpenter, Abercrombie, Cayetano, Toyofuku, Chong, Young, George and Carroll.

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

A resolution (S.R. No. 360), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE BOARD OF DIRECTORS OF THE HAWAII ASSOCIATION OF CERTIFIED ACUPUNCTURISTS ON THE OCCASION OF THEIR FIFTH ANNIVERSARY", was jointly offered by Senators Chong, Kuroda, Young, Cobb, Ushijima, Ajifu, Yim, Carpenter, Abercrombie, Toyofuku, George, Carroll, Hara, Yamasaki, Campbell, Mizuguchi, Yee, Machida, Kawasaki, Soares, Saiki, O'Connor, Cayetano and Wong.

On motion by Senator Chong, seconded by Senator Kuroda and carried, S.R. No. 360 was adopted.

A resolution (S.R. No. 361), entitled: "SENATE RESOLUTION CONGRATULATING JEAN H. MIYAHIRA ON HER SELECTION AS THE HAWAII BUSINESS EDUCATION ASSOCIATION SECONDARY TEACHER

OF THE YEAR FOR 1979", was jointly offered by Senators Young, Kuroda, Mizuguchi, Cayetano, Carpenter, Machida, Ushijima, Yamasaki, Saiki, Soares, Hara, Abercrombie, Cobb, Carroll, George, Chong, Ajifu, Wong, Toyofuku, Yim, Kawasaki, Campbell, O'Connor, Yee and Anderson.

At this time, Senator Young rose to comment on the resolution as follows:

"Mr. President, before moving on this resolution I would like to introduce the recipient of this resolution.

"Mr. President, Jean Miyahira is a teacher at Waipahu High School who is on leave from the Department of Education volunteering her time here at the Legislature as an observer. This resolution, I'm quite sure, is a surprise to Jean because she's covering this morning's session and sitting in the back row.

"Mr. President, I would like to introduce to you and this body Jean Miyahira."

On motion by Senator Young, seconded by Senator Kuroda and carried, S.R. No. 361 was adopted.

A resolution (S.R. No. 362), entitled: "SENATE RESOLUTION RECOGNIZING IRENE KAICHI, AMERICAN BUSINESS WOMEN'S ASSOCIATION 1980 WOMAN OF THE YEAR", was jointly offered by Senators Young, Kuroda, Mizuguchi, Cayetano, Saiki, Machida, Ushijima, Soares, Hara, George, Toyofuku, Abercrombie, Yamasaki, Carroll, Cobb, Kawasaki, Chong, Ajifu, Wong and Anderson.

On motion by Senator Young, seconded by Senator Kuroda and carried, S.R. No. 362 was adopted.

A resolution (S.R. No. 363), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING HAWAII'S CHAPTER OF THE LUNG KONG ASSOCIATION ON THE OCCASION OF ITS 58TH ANNIVERSARY", was jointly offered by Senators Chong, Wong, Young, Soares, Yamasaki, Carroll, Cobb, Ajifu and Hara.

On motion by Senator Chong, seconded by Senator Mizuguchi and carried, S.R. No. 363 was adopted.

A resolution (S.R. No. 364), entitled: "SENATE RESOLUTION CONGRATULATING ABNER NUNES FOR HIS INVENTION OF THE PLASTIC TRANSPARENT CYLINDER BURIAL CASKET", was jointly offered by Senators Carpenter, Abercrombie, Cayetano and Yamasaki.

Senator Carpenter moved that S.R. No. 364 be adopted, seconded by Senator Abercrombie.

At this time, Senator Abercrombie rose to speak about the honoree as follows:

"Mr. President, I suppose I have a real conflict on interest in this because Mr. Nunes is an old and valued friend. He is a gentleman who has been in these halls for many years and I'm sure well-known to many of us in the Legislature. His sincerity and his efforts, his hardworking efforts throughout all his life, I think, is something that we could all emulate in terms of dedication. I'm very appreciative of his friendship and very, very appreciative of his efforts over all these years. Thank you."

Senator Carpenter then rose to speak on the resolution as follows:

"Mr. President, I'm rising to speak for this resolution. I'm sure that all the members of the Senate here recognize that the health area encompasses quite a broad area, including activities from the cradle to the grave. Not meaning to be facetious, but the gentleman spoken to here has displayed innovative and creative activities recognizing the other end of the spectrum which most other people would not dwell."

The motion was put by the Chair and carried, and S.R. No. 364 was adopted.

A resolution (S.R. No. 365), entitled: "SENATE RESOLUTION HONORING THE MEMORY OF THE LATE CHRISTINE MUKAI, ATTORNEY RESEARCHER OF THE OFFICE OF THE LEGISLATIVE REFERENCE BUREAU", was jointly offered by Senators Toyofuku, Abercrombie, Yamasaki, Soares, Carroll, Anderson, Ushijima, Wong, Young, Carpenter, Kawasaki, Yee, Cayetano, Hara, O'Connor, Saiki, Ajifu, Kuroda, Chong, Cobb, Machida, Yim and George.

On motion by Senator Toyofuku, seconded by Senator Abercrombie and carried, S.R. No. 365 was adopted.

A resolution (S.R. No. 366), entitled: "SENATE RESOLUTION RECOGNIZING AND EXTENDING CONGRATULATIONS TO THE HAWAII INTERNATIONAL YEAR OF THE CHILD (IYC) STEERING COMMITTEE FOR MAKING HAWAII'S 1979 INTERNATIONAL YEAR OF THE CHILD AN OUTSTANDING SUCCESS", was jointly offered by Senators Toyofuku, Abercrombie, Yamasaki, Soares, Wong, Anderson, Ushijima, George, Young, Carpenter, Cayetano, Hara, O'Connor, Saiki, Ajifu, Yee, Kuroda, Chong, Cobb, Kawasaki, Machida, Yim and Carroll.

On motion by Senator Toyofuku, seconded by Senator Abercrombie and carried, S.R. No. 366 was adopted:

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1133-80) informing the Senate that Senate Concurrent Resolution Nos. 63 and 64, Senate Resolution Nos. 351 to 358, Conference Committee Report No. 89-80 and Standing Committee Report Nos. 1102-80 to 1132-80 have been printed and are ready for distribution.

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

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1134-80) recommending that Senate Concurrent Resolution No. 59 be adopted.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted, and S.C.R. No. 59, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE TAX REVIEW COMMISSION TO REVIEW AND REPORT ON CERTAIN SPECIFIC TAX ISSUES", was adopted.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1135-80) recommending that Senate Resolution No. 311 be adopted.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted, and S.R. No. 311, entitled: "SENATE RESOLUTION REQUESTING THE TAX REVIEW COMMISSION TO REVIEW AND REPORT ON CERTAIN SPECIFIC TAX ISSUES", was adopted.

At this time, Senator Cayetano rose to speak on S.C.R. No. 59 and S.R. No. 311 as follows:

"Mr. President, these resolutions were introduced to show the complexities of the tax issues facing the Tax Review Commission.

"However, I'd like to point out for the record the fourth 'whereas' clause and read it into the record, if I may.

"WHEREAS, from the foregoing intent, it is evident that the establishment of a Tax Review Commission does not relieve the Legislature of the responsibility of proceeding to develop tax policy in areas where it believes the issues and solutions are clear."

"Thank you."

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1136-80) recommending that Senate Resolution No. 313 be referred to the Committee on Legislative Management.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted, and S.R. No. 313, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON TAX RELIEF FOR NATURAL DISASTERS", was referred to the Committee on Legislative Management.

Senator Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1137-80) recommending that Senate Resolution No. 113, as amended in S.D. 1, be adopted.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.R. No. 113, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A FILE RELATING TO THE STATE AND COUNTY HOSPITALS OPERATING AND MANAGEMENT SYSTEM", was adopted.

Senator Hara, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1138-80) submitting for consideration and consent to the Fish and Wildlife Advisory Committee, County of Hawaii, the nomination of Alvin M. Inoue, in accordance with Governor's Message No. 277.

By unanimous consent, action on Stand. Com. Rep. No. 1138-80 and Gov. Msg. No. 277 was deferred until later in the calendar.

Senators Carpenter and Hara, for the Committee on Health and the Committee on Ecology, Environment and Recreation, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1139-80) recommending that Senate Resolution No. 281, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1139-80 and S.R. No. 281 was deferred to the end of the calendar.

Senator Chong, for the Committee on Public Utilities, presented a report (Stand. Com. Rep. No. 1140-80) recommending that Senate Resolution No. 234, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Chong, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.R. No. 234, S.D. 1, entitled:

"SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW AND RECOMMEND CHANGES TO CHAPTER 269, HAWAII REVISED STATUTES, PUBLIC UTILITIES COMMISSION", was referred to the Committee on Legislative Management.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1141-80) recommending that Senate Resolution No. 109, as amended in S.D. 1, be adopted.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 109, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE FUTURE PRISON CAPACITY NEEDS OF THE STATE OF HAWAII", was adopted.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1142-80) recommending that Senate Resolution No. 197 be referred to the Committee on Legislative Management.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 197, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY AND PREPARE A PLAN FOR A UNIFORM STATE MEDICAL EXAMINER SYSTEM", was referred to the Committee on Legislative Management.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1143-80) recommending that Senate Resolution No. 295, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 295, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY ON THE BUSINESS CORPORATION LAWS OF THIS STATE", was referred to the Committee on Legislative Management.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1144-80) recommending that Senate Resolution No. 293, as amended in S.D. 1, be adopted.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 293, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO ESTABLISH A HAWAII JUVENILE CRIME PREVENTION PROGRAM COORDINATING OFFICE", was adopted.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1145-80) recommending that Senate Resolution No. 296, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 296, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY ON THE NONPROFIT CORPORATION LAWS OF THIS STATE", was referred to the Committee on Legislative Management.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1146-80) recommending that Senate Resolution No. 298, as amended in S.D. 1, be adopted.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 298, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF PLANS AND DESIGNS FOR JUVENILE INTAKE CENTERS", was adopted.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1147-80) recommending that Senate Resolution No. 300 be adopted.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 300, entitled: "SENATE RESOLUTION CONCERNING THE DEVELOPMENT AND DESIGN OF A PERMANENT PLAN FOR THE KOOLAU YOUTH CORRECTIONAL FACILITY", was adopted.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1148-80) recommending that Senate Resolution No. 301, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 301, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF LAWS RELATING TO GUARDIANSHIP, CIVIL COMMITMENT, AND PROTECTIVE SERVICES", was referred to the Committee on Legislative Management.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1149-80) recommending that House Concurrent Resolution No. 65 be adopted.

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

and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was adopted.

At this time, Senator Abercrombie introduced to the members of the Senate Mr. Abner Nunes for whom a congratulatory resolution (S.R. No. 364) was adopted earlier on the calendar.

ORDER OF THE DAY

MATTER DEFERRED FROM APRIL 15, 1980

Standing Committee Report No. 1056-80 (S.R. No. 163):

By unanimous consent, Stand. Com. Rep. No. 1056-80 and S.R. No. 163 were recommitted to the Committee on Education.

MATTER DEFERRED FROM APRIL 17, 1980

Senate Resolution No. 354:

Senator Abercrombie moved that S.R. No. 354 be adopted, seconded by Senator Mizuguchi.

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

"Mr. President, it's a pleasure to move for the adoption of this resolution. Thank you very much.

"When I said it was a pleasure to do this I not only meant it quite sincerely, but it is an honor as well and indeed a privilege as Professor Stauffer enters a fourth decade of his service to this state and to literally thousands of students throughout the State of Hawaii who have had the opportunity to be in his classes and to have the opportunity in the course of their academic careers to exchange views and to grow not only intellectually and emotionally, but as human beings, as citizens of the territory and this state by being with Professor Stauffer.

"Mr. President, in the past we have honored ladies and gentlemen on this floor who have contributed to the extension of knowledge both in the national and international sense, but I don't think we've ever had anyone here, at least in the time that I have been privileged to serve in the Legislature, who has the affection of the students over the years and the impact on these students over the years that this man has had by virtue of his teaching.

"Often, the people who get most recognized are those who have made, what is deemed by the media, some spectacular advance in the hard sciences or has engaged in some particular aspect of the social sciences or the liberal arts which catches the imagination in some way and a rather notorious or celebrity kind of status that attaches to that individual. In this particular instance you have, I think, a gentleman who is the essence of the teaching academic. The person who year in and year out affects in a very profound and fundamental way the value system -- the characterological process that we all hope that we achieve in a way that a lot of us think of ourselves as complete human beings. The whole idea of the liberal arts education, after all, is to become familiar in a generalized way with the wisdom of the world in a way that further enables us to conduct ourselves as men and women in our adult lives that bring out the best in us as human beings.

"Bob Stauffer is the kind of person who is the catalytic agent in that process. So I would like very much at this time for us to recognize Professor Robert Stauffer, Professor of Political Science of the University of Hawaii."

The motion was put by the Chair and carried and S.R. No. 354, entitled: "SENATE RESOLUTION HONORING PROFESSOR ROBERT B. STAUFFER OF THE UNIVERSITY OF HAWAII, MANOA CAMPUS, ON HIS THIRTY YEARS OF TEACHING EXCELLENCE IN THE DEPARTMENT OF POLITICAL SCIENCE", was adopted.

Professor Stauffer was then presented with a lei by Senator Saiki and a copy of the resolution by Senator Abercrombie.

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

Standing Committee Report No. 1126-80 (H.C.R. No. 124, S.D. 1):

On motion by Senator Yim, seconded by Senator Carpenter and carried, Stand. Com. Rep. No. 1126-80 was adopted and H.C.R. No. 124, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING AN INDUSTRIAL PARK IN NORTH KONA AND IF DEEMED FEASIBLE TO PROCEED WITH THE ESTABLISHMENT OF SUCH A PARK", was adopted.

FINAL READING

Senate Bill No. 209, S.D. 2, H.D. 2:

On motion by Senator Cobb, seconded by Senator Chong and carried, S.B. No. 209, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Standing Committee Report No. 679-80 (S.B. No. 1829-80, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 679-80 and S.B. No. 1829-80, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 695-80 (S.B. No. 1828-80, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 695-80 and S.B. No. 1828-80, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 1095-80 (H.B. No. 1162, H.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 1095-80 was adopted and H.B. No. 1162, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 1096-80 (H.B. No. 3006-80, H.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 1096-80 was adopted and H.B. No. 3006-80, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CHILDREN AND YOUTH", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:35 o'clock p.m.

CONFERENCE COMMITTEE REPORTS

Conference Committee Report No. 7-80 (S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 7-80 and S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 8-80 (S.B. No. 1516, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 8-80 be adopted and S.B. No. 1516, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Carpenter.

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

"Mr. President, I speak against passage of this bill primarily because I think there was a 'cop out' that was decided upon, and I have heard this term used in this body a week ago.

"Time-sharing simply is a device to allow the developer of a condominium unit or a complex to receive maximum profits. What happens is that rather than an ordinary sale of a condominium unit where you sell to a single person or maybe to a person and his wife, a few people, time-sharing is a device that allows the selling of a single unit to as many as 50 people. Fifty different owners ostensibly so that each of these owners could have a 1/50th right in the use of the unit, perhaps, one week out of the year.

"Condominium sales and condominium profits in the State of Hawaii have enjoyed a unique status in which profits sometimes are unbelievable. There have been great profits made out of people developing condominium units. Profits that are made even by the first or second initial buyers on a resale, so I don't think that we have to be concerned about the possibility of some reasonable profit to the owner or buyer of a unit. We should not allow this kind of maximizing of profits for the initial developer.

"I used the word 'cop out' because there was a great concern on the part of many people living in the Waikiki area, for example, and we would be permitting the proliferation of a lot of time-sharing buildings in that entire area.

"The Senate and House Conference Committee did not take the responsibility of prohibiting this kind of use because of objections of the majority of the people there. They say, 'well, let's leave the counties to administer the county zoning laws.' Right now we don't have a specific zoning law that forbids time-sharing units to be built in these areas.

"They say, 'well, let the counties handle that.' This is a 'cop out' of sorts.

"I realize that there are many time-sharing units today in existence and we could do nothing about these units so why not grandfather these in, but specifically prohibit in the future the use of time-sharing concepts in the sale of condominium units. I think that this is in order because this State of Hawaii, unlike other areas in the country, does almost assure without exception, reasonable, if not big profits to people developing these condominium units.

"I think the outlawing of time-sharing completely in the future is in order. For this reason I speak against this bill."

Senator Carroll then rose on a point of clarification as follows:

"Mr. President, I rise on a point of clarification.

"I'm going to read into the record a statement of my understanding of this bill and I'd like to ask for either an affirmative or negative comment from the chairman of the Consumer Protection and Commerce Committee. I'm asking for clarification on several points.

"The following is a statement of my understanding of the legislative intent with respect to S.B. 1516, C.D. 1, with respect to Section 5, Geographic limitations, which states:

'Except as provided in this section, time share units, time share plans and transient vacation rentals are prohibited.'

"Subsection (2) thereunder states:

'(2) Time share units, time share plans and transient vacation rentals are allowed:

'(A) in hotels, or

'(B) where designated for hotel use, resort use or transient vacation rentals, pursuant to county authority under Section 46-4, Hawaii Revised Statutes, or where the county, by its legislative process, designates hotel, transient vacation rental or resort use.

"According to the research which I have done, there is no designation in any county, nor is there any designation in state law which creates a transient vacation rental use or designation. With the passage of this measure, it is my understanding that the state will recognize

that there may be a use known as 'transient rental.' There may be, pursuant to the passage of this measure, designation by the county of this use.

"It is well-known that this use as generally described in the definition section of this measure exists at the present time in areas such as the North Shore, Hauula, Kaneohe Bay, Lanikai Beach, Hawaii Kai condominiums, Kahala Beach, as well as in the apartment precinct of the Waikiki Special Design District.

"It is my understanding that this measure as noted in the Conference Committee Report 8-80, page 2, in the last paragraph is that there are, and I quote:

'... areas of non-enforcement of their own zoning ordinances by some of the counties. In this regard, it is not the present character of the neighborhood, but its intended use by the county that is also important. The legislature intends by this Act that the counties will be guided by the notion that time sharing and transient vacation rentals should not be permitted where the life styles of the permanent residents will be disrupted in an unreasonable manner. Any zoning code is only as good as its enforcement by a county.'

"The counties have the power to re-designate certain areas for other types of use in accordance with HRS 46-4, and in accordance with Section 4 of this measure. However, it is my understanding that this provision for transient vacation rentals shall not be interpreted by any court at any level in the State of Hawaii--District, Circuit, or Supreme--to mean that the designation of transient vacation rentals or time-sharing in any area just because there is a de facto use which fits the description of this proposed statute.

"Further, it is noted that in Section 5, sub-paragraph 1, sub-paragraph (b), the word 'designate' precedes a reference to Section 46-4, HRS. The use of the word 'designated,' according to Black's Law Dictionary, is 'to indicate or set apart for a special purpose.'

"The Waikiki Special Design District was created by Ordinance No. 4573, and was passed into law on April 1, 1976. Under the provisions of this ordinance, four precincts were created: Apartment, Resort Hotel, Resort Commercial, and Public. Studies have been done on Waikiki since 1906, and the ordinance was the ultimate result. They clearly indicate that the apartment precinct--as opposed to resort hotel and resort commercial--is the residential area that should be

preserved and protected under that ordinance.

"The provisions of the ordinance reduce density by decreasing the maximum floor area ratio for new apartments and for new hotels. The principal purpose of the ordinance was to control density, improve the urban environment, optimize community benefits, and coordinate developments with traffic and utility capabilities. This purpose cannot be achieved if time-sharing is allowed within the apartment precincts.

"Therefore, it is my understanding that we are voting for this measure in order to protect residents in apartment precincts such as Waikiki and in areas such as Kahala, Lanikai, and all areas where time-sharing may be attempted and I glean that from the language of the Standing Committee Report.

"With respect to Section 6, sub-paragraph (a), of the measure it is my understanding that this provision provides that any additional unit in existing units may not be used for time-share unless they are approved in the same manner as is required with respect to projects without time-sharing. The 100% approval requirement will be diminished to whatever the bylaw requirements dictate, that is, in reading paragraph (b), rather than having the project instruments amended by the percentage required in the bylaws for that particular building, 75%, 82% as the case may be.

"If any member of this honorable body has any objections to my understanding, may they say so at this time, or accept this statement as an indication of this Legislature's intent.

"Mr. President, I'm submitting this on behalf of myself and the chairman of the Senate Higher Education Committee. This reflects both of our understanding after conferences with several lawyers on this subject matter.

"That is my question."

The Chair then stated, "Senator Cobb, you have equal time to answer that question."

Senator Cobb then answered as follows:

"Mr. President, thank you. I'm not sure if I'll need equal time, but it may be necessary.

"First of all, I think the thrust of the question misses the thrust of the bill which is to place the zoning responsibility clearly upon the counties, giving them certain guidelines to observe. This statement seems to be moving further

in the direction of de facto zoning, beyond what the framers of the bill and the committee report indicated.

"I'd like to call the attention of the members to page 3, paragraph 2, of the committee report where it is stated very clearly:

'Your conferees elected not to pre-judge where in an appropriate area time sharing and transient vacation rentals should be allowed or prohibited, but to leave that decision to each county as a logical part of its zoning or designation functions. Your Committee expects that the counties will act expeditiously to clarify the propriety of these uses under the zoning ordinances.'

"There are several other responses that I'd like to go into with reference to some of the other geographic areas mentioned because the definition of transient vacation rental in this case, with the insistence of the House conferees, was limited to multi-unit buildings. Furthermore, Mr. President, in discussions of the entire subject of time-sharing, it's become very apparent if a ban were enacted on time-sharing only then it would be a very easy process, given the right to use the configuration of many of these so-called vacation clubs, for those in the industry to simply transfer that configuration to a vacation rental club and be totally exempt from the provisions of any bill or law pertaining to time-sharing.

"It's been my feeling for quite some time that since the counties recognize time-sharing to be an identical use with transient vacation rental that both subjects should be addressed. Further, all of the research that we've done with the counties over the last year has pointed out very clearly that the counties make decisions on land without regard to ownership, but only with regard to the use of that land, and that since time-sharing and transient vacation rentals have an identical use for county purposes of land use decisions that both subjects should be addressed.

"There are couple of errors in the statements that I would like to address further, and that is on page 2 of the statement. We had deleted the term de facto use in our conference committee draft of the bill after several days of discussion because we felt that would be prejudging an issue one way or another, relative to what the counties had permitted and what they are going to subsequently have to zone on. By the same token, we avoided prejudging an area where the county should or should not zone within a designated area, although it's

very clearly established within Section 4 of the bill that the counties may further limit or designate areas where time-sharing and transient vacation rental uses may or may not be permitted. In effect, it would force the counties to address this issue in each area and decide whether they want a resort use including time-sharing and transient vacation rentals in an area or whether they do not.

"Further, with respect to Section 6, subparagraphs (a) and (b), the bylaws of an association will govern existing time-sharing units in present buildings and a 100% approval will be required for any time-sharing in new buildings.

"Further, Mr. President, the existing bylaws may be amended to prohibit further expansion and such an amendment to any building's bylaws shall have the full force and effect of state law."

Senator Carroll further questioned as follows:

"One last question, Mr. President. Is it the chairman's understanding then that in the buildings which time-sharing does not exist, unanimous consent is required before time-sharing would be allowed according to subparagraph (b)?"

Senator Cobb replied as follows:

"Mr. President, that goes even further than the bill last year where we went on...and this year's hearings...to define an owner as anyone with a five-year or greater proprietary lease interest in the building; that it shall require, where there is no time-sharing in the building today, the unanimous, 100%, approval of the building owners in that building for it to be permitted."

Senator Carroll again asked as follows:

"Mr. President, that is the first half. The second half is with respect to those buildings in which the time-share units do exist, is it the understanding of the chairman that the project bylaw requirement will require consent for further use or will it require a prohibition in order to prohibit further time-share use?"

Senator Cobb answered: "Yes, Mr. President, it is the latter case since there are existing property rights on both sides, and it is a clear provision in that sub-section that the bylaws may be amended in a prohibitory manner."

Senator Carroll continued to inquire as follows:

"Mr. President, then are we to understand that if there are, say, 10 units now in time-share use and 60% of the people in the building do not want time-share use but they do not have enough to get 75% in order to disapprove future time-share use that they will be continued, that is, time-share use will be allowed from that point on without any further approval being gotten from the 60%?"

Senator Cobb answered as follows:

"Mr. President, in a case where there are such conflicting property rights, the fact situation as outlined would obtain with additional proviso that additional maintenance fees may be imposed up to an additional 50% and that would obtain for both time-sharing and transient vacation rental units within that building since there is an identical use."

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

"Mr. President, well, then I rise to speak in favor of this bill with grievous reservations.

"Mr. President, I know it's going to be a long day and I've already been urged not to speak very long, but this subject matter is one that is of intense interest in the Sixth Senatorial District, not just because of Waikiki but also because of Makiki, lower Manoa, and elsewhere in McCully.

"The impact of time-sharing has already been discussed considerably here. We have a situation where there are residents within buildings who are impacted upon because of the vacation rental aspect of what amounts to a hotel use aspect in the various buildings--the increased rates, the decreased security, and so forth. All of these matters have been discussed at length.

"We are faced with an alternative today of either accepting a bill which in its present form and in the absence of the complete concurrence of the Consumer Protection Committee chairman leaves me doubt because, I think, in ways, this is going to open up time-sharing more than it's going to kill it off or limit it.

"Unfortunately, the alternative is to let it run wild, to let it run unchecked as it has for the past five years, to leave the agencies, the real estate commission to shrug their shoulders and twist their hands in chagrin that there is no state law even so much as defining time-sharing.

"It really is with a heavy heart that

I ask now that we do vote for this bill and I ask that we do so with the idea of getting a handle on the time-share industry, bring it under control, seeing what the counties will do, and perhaps some of us are more optimistic about the counties' future activities on this subject than I am, but I feel that not to vote for this bill now will be to do a disservice to the people who potentially may be impacted upon.

"I'm sorry that we do not have a clear-cut bill which we can stand up and be 100% behind. At this point, it's the best we've got, as they say, and on that basis I'm going to ask that we vote 'aye.'"

Senator Soares then rose and stated as follows:

"Mr. President, my question will not be as long as Senator Carroll's. I shouldn't say my question, I think most of the concerns that I have have been expressed by the previous speaker because two of the areas mentioned concern me very much and those of us in the Seventh Senatorial District -- Kahala and Queen's Beach which are shown on the county plans as resort.

"I feel the same as my colleague here does that you are between a rock and a hard plate and that if you don't vote for this measure you don't have any direct control of what's happening. But, I'm also very concerned that maybe it is the county's discretion to decide whether or not to proceed with time-sharing in all resort areas on the county plan bother me greatly.

"I do hope that we, in voting for this measure, begin to step forward and maintain this control because I certainly have my constituency at stake. We don't want any time-sharing nor resorts in either Kahala or in Queen's Beach. So I have a heavy heart along with my colleague in voting for this measure."

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, my heart is light today as I ask the members to vote against this bill.

"If this is the best that we can have then it's the worst that we can do. And I'll say that again; if this is the best that we can have then it's the worst that we can do. Because, if our premise is going to be we don't want to prejudice something then what are we passing the bill for, because the bill is, in fact, a judgment upon public policy, and if the Legislature is unprepared to make a judgment on public policy then what

is it voting, why are members urging that a vote be given to the bill?

"If we are unable to tell the public that, in fact, time-sharing will be regulated as follows, a, b, c, in the following areas, a, b, c, d, then why are we being urged to pass the bill? On the contrary, what's being told to us and the answer to the very important document that was read into the record by Senator Carroll on behalf of both of us, the answer was that we don't want to prejudge anything or leave it up to the county. If we are going to leave it up to the county then why are we passing this legislation? Let's go to the county and get the legislation from the county. And I ask you also, my friends, to think about the fact that we just passed legislation yesterday taking authority away from the county.

"If the Governor signs the bill that passed yesterday, we're going to be able to build harbors anywhere in this state regardless of what any county thinks about it and regardless of any kind of zoning. Yesterday, the zoning powers of the county were not only sacrosanct, they were tossed aside literally to the sea. Today, suddenly the county's zoning powers have become next to saintliness. We now have a new St. Peter's Basilica in every county council chambers throughout the state, most especially here on the island of Oahu.

"The plain fact of the matter is that not a single senator will be able to stand, if this bill passes, and be able to tell the people of the North Shore, in Hauula, in Kaneohe Bay, Lanikai Beach and Hawaii Kai and Kahala Beach, as well as anywhere in the Waikiki Special Design District that they will not be threatened by time-sharing, regardless of what the confusing, ambiguous language says in this bill. Not a single one of us will be able to do it.

"I have been told by at least three different lawyers that it can be interpreted the exact opposite; that, in fact, it invites time-sharing. And I pose this for your contemplation as we think about voting on this. I pose it with utmost seriousness.

"Do you think for a moment, with the kind of quick money, the up-front money that can be made from time-sharing that the time-sharing people would not get together the legal facilities and personnel to try and do exactly what I just described? You think it matters to them one wit that they invade the North Shore or Hauula or Kahala or Hawaii Kai or Waikiki, thus leaving it to the neighbors or the community association involved where the time-sharing takes place to try and take them on?

"Are we really saying, if we pass this bill, my friends, start saving your money or ban together collectively because we know it's well worth the interest of any time-sharing outfit to put together a hundred thousand, a quarter of a million, a half-million or a million dollars in lawyers' fees in order to try and shove time-sharing into your area, into your neighborhood, next door to you? Because, let me tell you, with the kind of profits that can be made on a time-sharing unit and the kind of money that can come up-front on this, that kind of money is peanuts; it's chicken-feed; it's an investment by them and yet we would find ourselves and urging our neighbors, after having passed a bill that ostensibly regulates time-sharing, to have to go to court to try and take it on to see what in fact the real situation is. No, maybe, just maybe, the time-sharers will lose, but it's worth their interest to take us on to find out. That's the thing that frightens me.

"Then we get an answer such as we just received that we don't want to just prejudge anything and yet I look at the committee report because the language of the bill is so ambiguous, so vague, that I have to look at the committee report to try and find out what it means. I look on page 2 and I look at the bottom and it says, 'Your committee further notes several areas of non-enforcement of their own zoning ordinance by some of the counties.'

"Now, if the counties are not doing their jobs and we think that this is so bad that we have to pass legislation now, then why are we not doing the de facto zoning for them? If it is an issue of statewide concern, if it is an issue that needs legislation at the state level because the counties have not done their job, then why are we not doing exactly that; and I don't care what the phrase is that you attach to it--de facto zoning, violating home rule, whatever kind of bromide or cliché you want to attach to it. Otherwise, there is no sense in passing any legislation at the state level.

"It goes on, 'In this regard, it is not the present character of the neighborhood, but it is intended use by the county that is all so important.' That's terrific; tell that to everybody in all the neighborhoods that I just mentioned when time-sharing moves in. You can tell them how bad the council is. You know what the council is going to say? 'We didn't pass that law, the state did.' Any councilperson who's got half a political brain is going to say, 'Our hands are tied by the legislature.' And what are we going to do? Go in to our neighborhoods, go in to our meetings

when it's election time or otherwise, and say to them, 'No, we didn't do that; let me tell you what we did,' and try and read all this stuff to them. They'll throw rocks at you, and they should because you can't give anybody a simple answer, yes or no, to whether time-sharing is coming into your neighborhood or not. Are we going to say, 'well, maybe, maybe not; it all depends on what those guys in the county do.' And the guys are gonna say, 'Now, wait a minute, hold it. What do we have to do with that? The state passed this law.'

"Now even if it isn't true, even if the case can be made that this is not in fact the realities of it, any councilman or any councilwoman who wants to avoid getting caught in that crash is going to say so. And then what are you going to do? Have a debate on ETV? What good is that going to do to the persons having to deal with the time-sharing?

"Then it goes on to say, 'The legislature intends...' and this is one, I think, one of the great phrases I have read in the entire time that I have been in the Legislature; this is beautiful... 'The legislature intends by this Act that the counties shall be guided by the notion that time-sharing and transient vacation rentals should not be permitted where the lifestyles of the permanent residents will be disrupted in an unreasonable manner.' I submit that's one of the most absurd sentences that has ever been put into any state legislation since the Texas state legislature passed a resolution congratulating the Boston Strangler for his efforts on behalf of population control. That resolution was submitted in the State of Texas to prove to the people of the State of Texas that the legislature wasn't paying attention to what it was doing when it passed various items and it succeeded all too well.

"How can we possibly go in front of our constituents and say that we should be guided by notion? We have here a specific ordinance, 4573, for the Waikiki Special Design District, which I might say to those who didn't go through the agony of trying to get this thing out, was a tortuous a process as I've ever seen in government of trying to come to grips with all the various problems that exist because of Waikiki being a tourist destination area and the place where so many of our people live, and the economic hub of our tourist industry.

"We have spent many hours in committee discussing, disputing with one another, as to what the best thing might be on behalf of tourism because all of us are interested in seeing it work the right way. We may have disagreements as

to how that should come about but nonetheless there is, from my understanding, a unanimous agreement that what is done in tourism is vital to all of our interest. That's why we have the kinds of discussion and sometimes intense differences on tourism, because we're all so concerned about it. And yet we're here almost blithely inviting an invasion of this tourist circumstance by the time-sharing.

"Any zoning code is only as good as enforcement by a county. Don't you think we should say here that any legislation is only as good as what is written in the act that's passed by the Legislature?

"Let's not go and look at the counties to do our job for us. If we want the counties to do the job then pass a resolution not a bill. Pass a resolution just like we're passing this morning. We're asking the DSSH to do something; we're asking the DOE to do something; we're asking the United States government to do something. Ask the counties to go and do their job on time-sharing. Don't pass a bill like this. This is an invitation to time-sharing; it doesn't regulate anything. The only thing it regulates is letting the freebooters in here to go and carry on what I consider nothing but economic piracy and, please, let's not think for a moment that we're going to stop these hustlers on the beach and all the rest of it with this business. We pass this kind of thing, we'll be in court tomorrow and they'll have it all thrown out on the grounds of interstate commerce, on the grounds of their right to do business, all kinds of activities such as that.

"If you can't stop the selling of junk on the streets next to the Waikiki Theater, if you can't stop the hustling that goes on right now on Kuhio Avenue, on Kalakaua Avenue, to get people into what Senator Kawasaki calls 'clip joints,' and all the rest of it, how do you seriously propose to the people of the state that we're going to stop this kind of hustling. And it's going to be bad for tourism. I'll be willing to vote money for the HVB right now if they'll put out a warning to the visitors coming here, 'please do not be deceived by these quick-buck artists that are trying to take advantage of you here to sell you a time-sharing unit; we want you to enjoy your vacation here, not to be suckered in by somebody who's trying to take advantage of your enthrallment, if you will, with Hawaii now that you've been here a few days.'

"The fact of the matter is that there is no strict governmental regulations indicated at top of page 2... 'Your committee concludes that it is necessary and timely for time-sharing to be placed in strict governmental regulation...' Now let's be honest with

ourselves. There's no regulation in this bill; it's about as strict as cotton candy. It's in the interest of the state, the time-sharing industry, the purchasers of time-sharing units and last but not least the people of Hawaii. I don't think it's a coincidence that the people of Hawaii appear last in that sentence, and it says, 'to be served.' I think they're being served up.

"Accordingly, it's the intention of your committee that careful regulatory oversight of time-sharing in the State of Hawaii be provided.' Careful regulatory oversight of time-sharing, and what are we saying... 'go take it to the county after we've passed this bill.' That's not careful oversight.

"We've dealt with time-sharing for at least the six years that I've been here and, probably, there are members here who have had to deal with it longer than I've been familiar with it in the legislative sense, and if there was anything as universally regarded as a bad thing to do, even in those hellish days when we used to meet in caucus with some forty-odd Democrats under the present Speaker in the other chamber, time-sharing was one of those instances where even when the votes were there it didn't come out because the people who might have had the votes didn't want to do it because of the fear they had of the economic consequences.

"I can't think of another issue, regardless of the emotional impact that may be involved with some of the things that we're going to be dealing with today, that can have as long-range an effect, Mr. President, on the economy, on the stability of the economy of this state. I don't believe this is just an argument over procedure or anything else. I think we're making the decision here today on this time-sharing bill that's going to have profound and immediate consequences of a long-range nature on the kind of economy that we have, not only with respect to our own housing needs, but with respect to the tourism industry that we have and the kind of atmosphere that can be created especially for replete business where tourism is concerned.

"I don't believe I have any instances where there has been a positive circumstance where people have rejected the idea of buying a time-share unit. The circumstances under which it takes place is high-pressured. It's gold dust time. It's land rush time. The people who sell it, the people who sell it aside from those who are trying to take advantage of it now, who live here now, the principal forces for pushing this kind of thing and the people that they bring in to do it are the same kind of people that

try to sell you land that's under water in Florida. They try to sell you desert in Arizona. They try to tell you the volcano lands are going to bloom over on the Big Island. They want you to come up to Montana to the good life. They are going to be selling time-sharing units and when they've wrung every single nickle they can out of that they'll go into the next hustle in some other state. These people are the real carpetbaggers, and, are these the kind of people that we want to represent us to the tourist who come into our state who will be taking that kind of message back home? 'How did you have a good time in Hawaii...ye, all except for the morning when they stole my credit card and wouldn't give it back to me so they could high-pressure me into selling me some condominium some place.' The anguish that this causes to people individually, economic chaos, believe me, is what we're dealing with here today.

"So I ask this, if in fact it is a cloudy proposition and we have struggled as best we can, okay, let's put it on that basis. Let's not put anything down about motivations and all the rest of it. I'm just dealing with what's here in front of us. If this is the best we can do and the best we can do doesn't do anything at all except further confuse the situation, then let's vote it down and let's, in fact, go to the counties then. Let's individually or collectively as it is, vote this thing down, go to the City Council or the County Council in any given county and say, 'okay, this is on your shoulders and here is what we'd like to see done.' I'd let them argue it out and let them vote it out there. Let's do it at the county level.

"If they want to have time-sharing on the Big Island let them do it. If they want to have time-sharing on Maui let them do it. If they want to have it on Kauai, let 'em do it. If they want to do it here on Oahu, then let the county do it. Let's not try to pretend we're passing state legislation and in fact have nothing at all other than an invitation to the county to do something, maybe, because if we do pass this today I think it will be an open invitation to the time-sharers to go full speed ahead in all the areas that I mentioned and take their chances in court and to hell with the consequences. They have nothing to lose and it gives an opportunity for the councils in every single county to keep referring to a state law which nobody would be able to understand as their reason for their inaction.

"On that basis, I ask that we vote 'no' on this bill and take up the matter with the county."

Senator Chong added his opposition to the measure as follows:

"Mr. President, in the interest of time, I'd like the comments of the previous speaker as well as those of Senator Duke Kawasaki's entered into the record as my own."

Senator Cobb then rose to comment as follows:

"Mr. President, I'm going to have to disagree with a number of the previous comments."

"The bill is replete with a number of very strict regulatory features, not only in terms of the definition, not only in terms of taxation which has been addressed, not only in terms of the county authority and the time-sharing projects, but also the maintenance charges, the mutual right to cancel--five days--a very detailed disclosure statement including the filing with the Real Estate Commission, the filing required by the developer, the sales agent, the acquisition agent and the plan manager. Continuing a long list of prohibitive practices and bonding required, \$10,000 individually, \$20,000 collectively, to prevent any of the abuses that have taken place in the past, the penalties on the contract, the authority of the director, even to the pre-existing time-share units and plans."

"Mr. President, we agreed in conference committee that time-sharing should not be permitted in residential areas. The areas where the conferees allowed it is where designated for hotel or resort use by the counties and we're asking the counties to address this question because of the newer form of transient vacation rentals that have emerged. Furthermore, the definition of transient vacation rentals has been limited to multi-unit buildings because it recognized that this is the type of configuration that it goes into, and it's the identical use, the land use of transient vacation rentals and time-sharing that requires addressing by the county."

"There was issued last year an opinion within the City and County of Honolulu, a legal opinion, that said the county would constrain from acting on the subject of time-sharing until it had clear legislative authority to do so. Mr. President, this bill provides that and I ask for the members' support."

Senator Cayetano then asked the chairman of the Conference Committee to yield to a question and Senator Cobb replied in the affirmative.

Senator Cayetano asked: "Mr. Chairman

could you tell me why the bill does not provide for any limitation on the size of the units?"

Senator Cobb asked for clarification of the question: "Size in terms of what--number or square footage?"

Senator Cayetano replied: "Size in terms of time."

Senator Cobb answered: "That issue was never discussed in the conference committee."

Senator Cayetano further inquired: "Was that issue ever brought up to you by your fellow senators?"

Senator Cobb replied: "No, not that I can recall."

Senator Cayetano then asked: "Then you may have forgotten what I told you?"

Senator Cobb replied: "As to the time limit?"

Senator Cayetano then stated and asked: "Let me clarify this. Under this bill, what is the shortest in terms of time period a time-sharing unit can be sold for?"

Senator Cobb answered: "If it were defined as a transient vacation rental unit, it would be a one-year period. If it was a time-share unit, there's no minimum, no maximum. It was not an area of discussion in the conference committee."

Senator Cayetano further asked: "Does that mean that possibly you can sell a unit at one day or 365 units in a building?"

Senator Cobb replied: "I think that if you look in the definition, theoretically, that would be possible although I think it's much more likely in the case of transient vacation rental units where there is a daily use. Normally, a time-share will be on a division of one or two weeks."

Senator Cayetano again asked: "Are you telling me that limitation on the size of the unit was never under consideration in the conference, either this session or last session?"

Senator Cobb answered: "In terms of the temporal of division, that was not an area that was discussed in conference, Mr. President."

Senator Cayetano further inquired: "Okay, the second question I have is with respect to the provision relating to unanimous consent. How would this apply in the case of a developer who

owns the whole building?"

Senator Cobb replied: "First that developer would have to have county approval, then would have to disclose that explicitly and prominently in the project instruments and it would have to be sold as either a transient vacation rental or time-share club, if the developer in question owns the whole building so both of those requirements would obtain."

Senator Cayetano then inquired: "So, in other words that provision does not really serve its purpose with respect to units which are owned entirely by one person or one organization?"

Senator Cobb answered: "Primary thrust of the 100% requirement, Mr. President, is to protect the existing buildings."

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

"Thank you, Mr. President.

"I'd like to speak against this bill.

"Mr. President, I share the concerns of the previous speakers. I do not believe, however, that everyone who is involved in time-sharing is someone who is out for a hustle. I think that there are many decent people, respected people involved in time-sharing, and frankly, I was willing to agree with some kind of compromise if the concerns that I addressed in my questions to the chairman were answered. Unfortunately, they were not.

"It's incredible to me that after two years of conference on this bill this is the best we can come up with. I think the definition of describing this bill as a 'cop-out' is accurate. I simply do not understand why there was no discussion on limiting the size of the time-share unit because common sense leads one to believe that that's one way to control it. If the size of units were limited to two weeks or a month, that would be one manner of controlling time-sharing, and it would have been a manner that was acceptable to me. Under this bill, and according to the answer of the chairman to my question, there really is no control in that respect.

"Furthermore, the chairman mentioned that a ban on time-sharing would have been ineffective because then the market would transfer to transient vacation rental. That argument to me is absurd. If that is the case, then maybe we should deal also with transient vacation rentals because we are not solving the problem.

"Those who have had a chance to travel within Europe or throughout the United States, I think, have had the opportunity to see how time-sharing impacts on the tourist industry.

"Some years ago a bill was passed and our Governor vetoed the bill for the very reasons stated earlier by some of the previous speakers.

"Time-sharing will hurt our tourist industry. It will detract or reduce the employment opportunities available to our people and I expect that what we will be seeing in the future, if this passes, would be a shifting of the market in the visitor industry from hotels to time-sharing units. It's simply just profitable to do so, and profits guide the market. It's just as simple as that.

"At this stage, to 'cop-out' and say that this matter should be left with the counties, I wonder what all the hours in conference were spent for? I regret that I was not a member of this committee, and I think I just want to express my concern.

"I hope that Senator Carroll will reconsider his vote for the reasons stated by Senators Abercrombie and Kawasaki. To have this bill is to have no bill at all. I urge the members to vote against it."

Senator Cobb briefly responded as follows:

"Mr. President, just one brief response. Page 2, item 10, does define a time-share plan for less than a sixty-day period."

Senator O'Connor then asked the chairman to yield to a question and Senator Cobb replied in the affirmative.

Senator O'Connor asked as follows:

"Mr. President, historically, in Hawaii vacation homes have been purchased by two or three families, four families, on other islands, beaches or mountains, and used by those families on a time basis over a year period. Do I understand this bill in its present form to terminate that practice so that this practice, unless it were in one of the areas that has been designated, would no longer be able to go forward?"

Senator Cobb replied: "No, Mr. President, it does not. The definition of a transient vacation rental is for a 30-day period in a multi-unit building. It does not address that question, although I think my colleagues's question raises a valid point in that that kind of use is in effect identical to time-sharing although for

a longer period of time and has been going on for quite some time, but it does not address that type of unit."

Senator O'Connor further inquired: "Another question, Mr. President. Do I understand then that what I have described as a transient vacation rental, the ownership of a home by four or five families, is the division up of time in their home over a year period?"

Senator Cobb replied: "Not unless it is, one, in a multi-unit building; two, with a duration of occupancy of less than 30 days for the transient occupant."

Senator O'Connor then asked: "Then, it's not a transient vacation rental. As I understand it, it will fall directly under the provisions of time-sharing as in this bill, is that correct?"

Senator Cobb replied: "No, because time-sharing is defined as a 60-day provision and that was a difference the conferees, particularly the House conferees, insisted upon. But, it does not include the individual's private residence when it's co-owned by two, three or four individuals."

Senator Cayetano then rose to ask the chairman to yield to a question and the Senator Cobb replied in the affirmative.

Senator Cayetano asked: "Senator Cobb, would you show me where in the bill it says what you just said?"

Senator Cobb replied: "Yes, Mr. President, on page 2, item (10), line 19, and then again on page 4, starting with line 3, contained are the definitions."

At 1:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:38 o'clock p.m.

At this time, Senator Abercrombie rose to ask the chairman to respond to some questions as follows:

"Mr. President, I find that as a result of the discussion, I must rise and again request the chairman to respond to a question or two."

Senator Cobb replied as follows:

"Mr. President, I've had a number of members indicate to me that we should vote on the issue, up or down. I'm inclined to do that."

The Chair then stated that "the chairman will not yield to a question."

Senator Abercrombie rose in rebuttal

as follows:

"Mr. President, I must rise in rebuttal then and I shall make a case and I shall take it that the members here assembled will recall then that at the end of the case that I'm making that the chairman did not wish to answer questions on the situation and I hope that they will accept the proposition I'm putting forward."

"Mr. President, as a result of the discussion, I took a further look at the bill, especially in respect to transient occupancy on page 4, 'Transient Vacation Rentals,' these rentals in a multi-unit building."

"I was going to ask the chairman what a multi-unit building is. I have the Comprehensive Zoning Code before me; I have the supplement of the Comprehensive Zoning Code, and I think the point I am about to raise directly affects the questions raised by Senator O'Connor and others."

"You are going into a situation where the ambiguity is such that you do not know what a multi-unit building means, and inasmuch as this bill allows time-sharing in areas for transient vacation rentals, I can assure you that the Comprehensive Zoning Code, when it speaks of dwelling units, indicates only a building, and I'm looking at their definition. Now, dwelling, two families, for example, or multiple family... 'a multiple family dwelling as a building or a group of attached buildings other than a hotel; other than a hotel containing three or more dwellings or lodging units.' The lodging or dwelling units is merely defined by the number of people who are there by family. You don't have to have more than one toilet; you don't have to have refrigerators; you don't have to have stoves; you don't have to have any of the amenities ordinarily associated with it; you just have to designate it by virtue of how many people are there."

"That means that if you have a four-bedroom home somewhere in Lanikai or in the North Shore and you want to time-share it, be my guest. That's what this bill is going to do, and to say in the end that the counties are the ones that are going to do it, I'll tell you what's going to happen right now. The county councils are going to say the state has mandated us to do the following, and there'll be a few lonely voices raised saying, 'Oh, no, that's not what we did; we really didn't mean that,' and that's exactly what's going to happen, or that's exactly what can happen. If the councils want to move in that direction and enough pressure is put on them and the old lobby routine comes down and the average person can't figure out how to get in

the door of the council and the rest of it, that's exactly what's going to happen.

"We don't know any more on page 4 what a multi-unit building means in terms of visitors, and that's the next question. What in fact is a visitor? Is that someone from outside the state, or is that someone from inside the state, possibly from another island, or is it somebody who lives on the same island but goes to two different sections on the same island? Do you visit the North Shore and live somewhere else, are you a visitor? None of this is defined. Transient occupancy is in there.

"Does that mean that if in fact you do go to a place for the weekend or several families in the state get it that you are allowed to time-share that then? Does it or doesn't it? We can't give a solid answer.

"I think I know what the answer is. I think it means that it can be time-shared and I know that if I was in the time-share business I'd bet money on it, and I'd put money behind it with the attorneys in the legal game that I could get into to see whether I could succeed or not; well worth the investment.

"I think enough questions have been raised here, the thrust of the bill is such, the report is such, and the answers of the chairman have been such that we are much better off taking our chances at the county level with no bill.

"I do not, in conclusion, think, Mr. President, that it's better to have a bill than no bill at all. I am convinced that no bill at all offers us the best chance to go to the counties and try to get something that really will deal with the question of time-sharing."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 8-80 was adopted and S.B. No. 1516, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Campbell, Cayetano, Chong and Kawasaki).

Conference Committee Report No. 24-80 (H.B. No. 2826-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 24-80 was adopted and H.B. No. 2826-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNERS",

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

Ayes, 24. Noes, 1 (Chong).

Conference Committee Report No. 29-80 (H.B. No. 1911-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 29-80 was adopted and H.B. No. 1911-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION; AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE AND CORRECTING REFERENCES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 30-80 (H.B. No. 1915-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 30-80 was adopted and H.B. No. 1915-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 31-80 (H.B. No. 2058-80, 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. 31-80 was adopted and H.B. No. 2058-80, H.D. 1, S.D. 1, 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, 25. Noes, none.

Conference Committee Report No. 32-80 (H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 32-80 was adopted and H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading on the following

showing of Ayes and Noes;

Ayes, 25. Noes, none.

Conference Committee Report No. 33-80 (H.B. No. 2241-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Campbell and carried, Conf. Com. Rep. No. 33-80 was adopted and H.B. No. 2241-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 34-80 (H.B. No. 2944-80, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Conf. Com. Rep. No. 34-80 was adopted and H.B. No. 2944-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Anderson, Carpenter, Carroll, George, Hara, Saiki, Soares and Ushijima).

Conference Committee Report No. 35-80 (S.B. No. 1831-80, 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. 35-80 was adopted and S.B. No. 1831-80, S.D. 1, H.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, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 36-80 (S.B. No. 2501-80, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Machida and carried, Conf. Com. Rep. No. 36-80 was adopted and S.B. No. 2501-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSOLUTE LIABILITY OF ANIMAL OWNERS: PENALTIES FOR VIOLATIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chong).

Conference Committee Report No. 37-80 (S.B. No. 2581-80, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Ushijima and carried, Conf. Com. Rep. No. 37-80 was adopted and S.B. No. 2581-80, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASED OR RENTED PERSONAL PROPERTY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 38-80 (S.B. No. 2744-80, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 38-80 was adopted and S.B. No. 2744-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSANITY DEFENSE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 39-80 (S.B. No. 2877-80, 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. 39-80 was adopted and S.B. No. 2877-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:51 o'clock p.m.

Conference Committee Report No. 40-80 (S.B. No. 3146-80, S.D. 1, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 40-80 be adopted and S.B. No. 3146-80, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Machida.

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

"Mr. President, I shall again speak

against this bill. It is an unfortunate circumstance when you find yourself speaking against a bill because of one section in it.

"This is a great difficulty for the Judiciary chairman probably more than virtually anyone else who has to put legislation before the body by the nature of the comprehensiveness often that accompanies bills which he of necessity puts forward. Nonetheless, there are occasions when something contained in the bill which is so abhorrent to my sense of what the Constitution provides for us, or to the sense of fair play, usually both, that it necessitates one's inherent standing to oppose the bill, and I have discussed this with the chairman of Judiciary before and I think he understands my motivation here.

"The reason for this is page 13, para (d), 'Any candidate who knowingly receives in the aggregate more than \$2,000 in any primary, special primary, special or general election from a person, shall be required to return any excess over \$2,000 to such a person.'

"I've said it before and I will say it again, if this bill passes and becomes law and if I am ever fortunate enough...I have had once in my life in politics a contribution over \$2,000 in the aggregate...I look forward to that again sometime; I don't know whether that will ever happen...the person may have come to his senses, but in any event, it's quite possible that there are people even with a sense of humor who would like to be involved in it. I can assure you, I hate to say this ahead of time, but I consider that an act of civil disobedience that would be involved. If that ever happens I will accept the contribution. I will not return the contribution and I expect that whatever penalties attached to this, by way of being arrested or whatever would take place, and I will do so on the ground that I would like to go before a body of twelve fellow citizens to be able to present to them that I intend...I think that the Constitution intends that all of us are to be equal in opportunity with the millionaires.

"I think it is ridiculous that contributions can be made to campaigns from private sources and family sources and so on, and yet if someone who is willing to put their name and address and expose to public scrutiny wants to give you a campaign donation in excess of \$2,000, under those circumstances, I think it's ridiculous that someone is disabled from being able to receive such a contribution. If there was a campaign spending limit, fine, I agree with that because we're all equal under that, whether millionaires or paupers, we're all equal

under that. If there was a circumstance in which such a limitation could be, and I wouldn't care exactly how you raise that money; you could write to yourself if you're fortunate in life and could do that for yourself, very well, all well and good. If you have to struggle and get the money otherwise that come up to the limit, that's all well and good too. That doesn't bother me because what we're talking about here is the quality of opportunity.

"Nobody is demanding, at least not I, and I don't conceive the Constitution is saying that I have to receive or be able to get what someone with access to more adequate means financially is able to give. I'm not entitled to that, and I'm not trying to take anything away from anybody.

"When somebody tells me that the millionaire and myself are now equal because no one can contribute more than \$2,000 to a millionaire and no one can contribute more than \$2,000 to me and call that equality of opportunity, it's rank nonsense. And not only is it nonsense, it's anathema to a system of government which has as its base citizen participation and standing for election as a citizen.

"What this kind of thing does is take a step toward insuring that only those with very more than adequate financial means will be able to have the edge on other people. This doesn't mean, obviously, Mr. President, that if someone has a great number of friends and you're able to organize yourself in what we all know on this floor as almost debilitating manner that is required to try and accrue funds for a campaign. It's probably the most devastating thing in terms of time and effort and requirement that even your closest friends and most ardent supporters find burdensome after a time. When we're in a situation like that, what is happening then in this country is that people of established means are more and more likely to want to enter the political arena and it's more and more discouraging to people who are not able to get this.

"Don't forget, Mr. President, that this section of the bill says, '...receives in the aggregate more than \$2,000 in any primary,...' I have contributors, and I presume some of the members here may, and those who are not on this floor but may wish to run against us may be in the same situation...people who have given money over a period of time, not all at once, don't write a check for \$2,000 or \$200 or something like that, but have contributed to my campaign over a period of time for which I am very grateful, and they, once they

go over the hundred dollars become part of the public scrutiny that takes place. Anyone can go up to the campaign spending office and see who it is and if they want subsequently to make anything out of it they're perfectly entitled to do so, whether it's true or not. That's part of the political process.

"So, under these circumstances we have arrived after years and years of attempt to campaign reform, I think this is one of the reasons why a lot of the reforms go so badly and why I'm opposed to it in so many instances is that the cure is worse than the disease. After all these years of trying to come to some kind of conclusion about making campaigning more fair on a fiscal basis, what we arrived at is that I'm not going to have one penny's worth of opportunity over any other millionaire who wants to run for office."

Senator O'Connor then rose to state as follows:

"Mr. President, as I earlier indicated to the senator from Manoa, he has misread this section.

"The \$2,000 contribution limit has been in effect for many years and is contained in Section A of the provision that we're looking at.

"The new Section B simply gives to the candidate and to the contributor an out if there is an inadvertent contribution over \$2,000. It allows the candidate to turn the money back over to the person after the campaign, or sometimes he finds he's got more than \$2,000 from the person and it also allows the excess to be turned over to the Hawaii Election Campaign Fund, if you can't find the person, and this relieves prosecution.

"Under the existing law, the pre-existing law, if there was a contribution of aggregate over \$2,000 both the candidate and the contributor might be held up for prosecution and be found guilty under the penalty section of this overall campaign spending law. This section provides an out and allows, by the repayment or the payment of the fund, both the candidate and the individual who made the inadvertent payment, to be placed in a situation where there'll be no prosecution."

Senator Abercrombie rose to reply as follows:

"Mr. President, not so much by way of rebuttal, but clarification. I did read this section and the reason I cited the section is that I can't imagine anybody giving me \$2,000 inadvertently."

The motion was put by the Chair and Conf. Com. Rep. No. 40-80 was adopted and S.B. No. 3146-80, S.D. 1, H.D. 1, 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, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 41-80 (H.B. No. 1873-80, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 41-80 was adopted and H.B. No. 1873-80, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 42-80 (H.B. No. 1919-80, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Ushijima and carried, Conf. Com. Rep. No. 42-80 was adopted and H.B. No. 1919-80, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUNG ADULT DEFENDANTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 43-80 (H.B. No. 1985-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 43-80 was adopted and H.B. No. 1985-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 44-80 (H.B. No. 2091-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Machida and carried, Conf. Com. Rep. No. 44-80 was adopted and H.B. No. 2091-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO FAMILY COURT PROCEEDINGS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 45-80 (H.B. No. 2175-80, S.D. 2, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 45-80 was adopted and H.B. No. 2175-80, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 46-80 (H.B. No. 2359-80, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 46-80 was adopted and H.B. No. 2359-80, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTNERSHIPS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 47-80 (H.B. No. 2669-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Campbell and carried, Conf. Com. Rep. No. 47-80 was adopted and H.B. No. 2669-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 48-80 (H.B. No. 2930-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 48-80 was adopted and H.B. No. 2930-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 49-80 (H.B. No. 2532-80, S.D. 1, C.D.

1):

On motion by Senator Campbell, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 49-80 was adopted and H.B. No. 2532-80, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE PLACEMENT OF THE SCULPTURE 'THE SPIRIT OF LILIUOKALANI' AT THE STATE CAPITOL COMPLEX", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cobb).

Conference Committee Report No. 50-80 (S.B. No. 118, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Yim and carried, Conf. Com. Rep. No. 50-80 was adopted and S.B. No. 118, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND OCCUPATIONAL BOARDS AND COMMISSIONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 51-80 (S.B. No. 1960-80, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Chong and carried, Conf. Com. Rep. No. 51-80 was adopted and S.B. No. 1960-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 52-80 (S.B. No. 1832-80, S.D. 1, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 52-80 be adopted and S.B. No. 1832-80, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ushijima.

At this time, Senator Abercrombie rose to ask the chairman of the Conference Committee to yield to a question and the chairman replied in the affirmative.

Senator Abercrombie then asked: "Mr. Chairman, on page 2, under item B-2, is the customer liable, as liable as the prostitute?"

Senator O'Connor replied: "No. This

bill is not a bill having to do with prostitution. This bill has to do with whether or not a criminal should be treated as a career criminal by the prosecutors of the various counties."

Senator Abercrombie remarked:
"I wondered whether that had to do with solicitation."

The Chair then stated: "Senator Abercrombie, I think the chairman answered in the negative."

Senator O'Connor added: "Only where the prosecutor is soliciting the criminal, they treat them as a career criminal."

The motion was put by the Chair and carried and Conf. Com. Rep. No. 52-80 was adopted, and S.B. No. 1832-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREER CRIMINALS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 53-80 (S.B. No. 2693-80, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Campbell, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 53-80 was adopted and S.B. No. 2693-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORICAL OBJECTS AND SITES; CULTURE AND ARTS; AND HISTORY AND THE HUMANITIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 54-80 (H.B. No. 1758, H.D. 2, S.D. 3, C.D. 1):

Senator Cayetano moved that Conf. Com. Rep. No. 54-80 be adopted and H.B. No. 1758, H.D. 2, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawasaki.

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

"Mr. President, I'm voting for this bill; I would just like to indicate my concern that the transfer of the Commission on the Status of Women to the DSSH, in my opinion, is not warranted; however, because it includes close to 17 or 18 transfers, I think this bill should go through."

The motion was put by the Chair and

carried and Conf. Com. Rep. No. 54-80 was adopted and H.B. No. 1758, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF PROGRAMS AND ORGANIZATIONAL SEGMENTS IN THE STATE GOVERNMENT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Carroll and Yamasaki). Excused, 1 (Mizuguchi).

Conference Committee Report No. 55-80 (S.B. No. 3012-80, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Machida and carried, Conf. Com. Rep. No. 55-80 was adopted and S.B. No. 3012-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF LOBBYISTS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hara). Excused, 1 (Mizuguchi).

Conference Committee Report No. 56-80 (H.B. No. 501, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 56-80 was adopted and H.B. No. 501, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 57-80 (H.B. No. 2059-80, S.D. 2, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 57-80 was adopted and H.B. No. 2059-80, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAND JURY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 58-80 (H.B. No. 2357-80, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator O'Connor and carried, Conf. Com. Rep. No. 58-80 was adopted and H.B. No. 2357-80, 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, 24. Noes, none. Excused, 1 (Mizuguchi).

Conference Committee Report No. 59-80 (H.B. No. 1782-80, H.D. 2, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 59-80 be adopted and H.B. No. 1782-80, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading.

At this time, Senator Kawasaki requested that the chairman of the Consumer Protection and Commerce Committee yield to a question and the chairman replied in the affirmative.

Senator Kawasaki asked as follows:

"Mr. President, this question that I am going to pose to the chairman has relevancy to the next two bills that we're going to act upon.

"I recall last week, Senator Cobb, that you said in a question that I posed regarding the lifting of the interest payable by the various financial institutions to depositors on their deposit that Congress that day lifted the ceiling on the interest payable on deposits. I find out, subsequently, that is not the case. What is the status today?"

Senator Cobb answered as follows:

"Mr. President, as I understand it, it was not by Congress but by federal regulation and they are addressing it in Federal Regulation 'Q' that the question of the interest on deposits payable to depositors is being adjusted."

Senator Kawasaki further inquired: "Being lifted completely for savings and loans, for industrial loan companies, all financial institutions receiving deposits?"

Senator Cobb replied: "Mr. President, at the present time, it's involved in the money market certificates. I'm not aware if they've completed action with respect to regulations on the other deposits as yet, but I know it's coming under the auspices of the diminishment of Regulation 'Q'."

Senator Kawasaki then further inquired: "Fine, so I take it then that there really is no lifting of the ceiling on interest payable on deposits to these financial institutions, specifically the banks, the savings and loans, and the industrial

loan companies. Is that correct?"

Senator Cobb answered: "I don't think we can say there is no lifting, Mr. President. The money market certificates and other types of financial instruments have been lifted."

Senator Kawasaki then asked: "What about the deposits, specifically, deposits... passbook deposits, for example?"

Senator Cobb answered: "The deposits, Mr. President, as I understand it, are under review by federal regulation and we're expecting some additional federal regulations to come out; perhaps Senator Yee who's associated with a financial institution could further address that."

Senator Yee then remarked: "Mr. President, in answer to Senator Kawasaki's question, if I remember correctly, about the first of the month President Carter permitted, over a period of six years a gradual increase for each year and then no limit after the sixth year."

Senator Kawasaki then asked: "Six years and the maximum allowable in lifting is 2½%, is that correct?"

Senator Yee replied: "Something similar to that amount; I don't know the exact amount."

Senator Kawasaki stated: "This is quite different from saying that there is no ceiling on the interest payable by institutions to depositors. This is quite another thing and this, I think, materially affects how we view the proposed legislation on hand."

Senator Cobb added: "Mr. President, there is no interest on the money market certificates that are deposited; there's no ceiling on that whatsoever."

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

"Mr. President, I speak against passage of this bill primarily because, first of all, to indicate the turn in the trend of constantly increasing interest rates today, only this morning, the prime rate has been reduced by half a percent by the leading banks in New York to 19½%, which I think indicates that there is some credence to the opinion held by many people in the financial world that we've reached the peak in interest rates. This being the case, I do anticipate that possibly interest rates affecting all kinds of loans and all kinds of institutions will start to turn down as the peak has already been reached.

"As I said last week, we find that

in states, certain areas of the Mainland, where interest rates on mortgages have exceeded 13-3/4% or 14%, there is a natural resistance by possible borrowers of mortgage loan funds...that they do resist. For that reason, interest rates on mortgages that exceed 13-3/4% and 14% are not being used.

"That being the case, I see no reason for us to have to lift the interest ceiling of mortgage loans here because the natural trend and resistance on the part of the market will take care of this and there will be a measure of control and, for this reason, I feel that we should not vote for this bill."

Senator Cobb then rose to state as follows:

"Mr. President, a point of fact--the realities of the situation is that we have had no ceiling on mortgage interest rates in the State of Hawaii since December 28, 1979 when Congress passed Public Law 96-161, which constituted a federal preemption of the entire usury rate of every single state in the nation for a three-month period.

"Subsequent to that event, Mr. President, Congress reenacted a three-year lifting of the rates and provided further that if the states took no action to specifically and affirmatively override that provision then that law will be in permanent effect.

"The provisions of House Bill No. 1782-80 do provide that override, Mr. President; however, there are five specific differences between the Hawaii override of the federal law and the existing federal law that is in fact being overridden.

"First, the state bill that we have before us provides for agreements of sale; the federal law does not.

"Secondly, this state bill allows for vendors and developers; the federal bill does not.

"Third, the state bill has a disaster clause for a person whose home is destroyed by fire, tidal wave, or other natural events; the federal bill has no such clause.

"Fourth, the state helps lessees, who have a prior agreement with a lessor, in terms of keeping their interest rates at a point where they had signed it by prior agreement; the federal bill does not address that question at all.

"Fifth, this bill limits credit cards to 18% and the federal statute does not.

"There are significant differences,

Mr. President, and I further point out that if we fail the override, we are then leaving ourselves entirely at the mercy of the legislation as it exists in Washington, without taking into account the very peculiar local needs in Hawaii, particularly, with respect to lessees and agreements of sale. By making a state statute out of this matter gives us the ability to further legislate on the subject at any time in the future, and that the second two parts of House Bill No. 1782-80 do contain a five-year drop-dead clause which will insure timely legislative action.

"It is further my intent, as chairman, to review this matter periodically and I've received support on that from a number of members of my committee. Thank you."

Senator Kawasaki then rose to inquire as follows:

"Mr. President, I have a question again to propose to the chairman.

"Whatever happened to your contention that you will not relinquish the three-year drop-dead limitation that you mentioned earlier?"

Senator Cobb replied as follows: "Mr. President, my feeling was that we should have a three-year drop-dead clause. When the House came back, they proposed no drop-dead on the subject at all, but the compromise was settled at five years, and the House proposed no drop-dead provision on any of the parts of this bill."

Senator Abercrombie, in opposition of the bill, rose to state as follows:

"Mr. President, if it wasn't so sad, it would be amusing. Now, we have the federal government as the villain while we set about to do our tasks here. We got the county earlier, now we have the federal government.

"Here we are crushed between the two victims of forces outside ourselves and I would simply pose this to the members. If the federal government, in fact, has preempted the situation, why are we kidding ourselves that we're doing something with five-year drop-dead clauses and all the rest of it. Because, if the federal government, the Congress in its wisdom, taking the national picture into account, wants to continue it whether we have a five-year drop-dead clause or not isn't going to make the slightest damn bit of difference. We would then find ourselves coming back with another little sermon from the teeny little mount that we have here about the protections and additions

that we've put in, all of which amounts to nothing as far as the consumers are concerned here.

"The plain fact of the matter is that we're going to allow, and not only allow, but, we're going to extend our congratulations to those forces who want to promote inflation in this country and ask everybody to get right in to that ever-widening pool; and, as Senator Cayetano has told me many times, many times this year already, when he has seen me walk into the chambers with my little bag here, he's said, 'I see you've brought your inflation wallet with you again today.' If this keeps up, Mr. President, I can see us getting into a minor league version of the Weimar Republic.

"So, as far as I am concerned, all of the high-flown rhetoric that surrounds this and all the rest of it, where this interest business is concerned, is nothing but our small but, nonetheless, vital contribution to the very forces which are wrecking our economy today."

Senator O'Connor then asked as follows:

"Just a technical comment, Mr. President, which I better frame it as a question to the chairman.

"Page 3 of the committee report says that Section 8 is a very important part of the bill. There is no Section 8 in the bill. There are two Section 7's; I anticipate the second Section 7 is Section 8?"

Senator Cobb replied as follows:

"That is correct. Mr. President, I would like to make a journal entry correction on that.

"On page 8, line 1, Section 7 should read: 'Section 8.' The House Majority typists are not as fast as those in the Senate."

The Chair granted the foregoing correction.

Senator Abercrombie then commented as follows:

"Mr. President, one final comment. I'm now glad to find out that the last possible branch to blame for anything has now been included."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 59-80 was adopted and H.B. No. 1782-80, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Abercrombie, Campbell, Carroll, Kawasaki and Young). Excused, 2 (Ushijima and Yee).

Conference Committee Report No. 60-80 (H.B. No. 1871-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 60-80 was adopted and H.B. No. 1871-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Kawasaki and Young).

Conference Committee Report No. 61-80 (H.B. No. 1925-80, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 6180 be adopted and H.B. No. 1925-80, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kuroda.

At this time, Senator Kawasaki asked the chairman of the Committee on Consumer Protection and Commerce to yield to a question and the chairman replied in the affirmative.

Senator Kawasaki then asked: "What does 14% block interest amount to in simple interest?"

Senator Cobb replied: "The equivalent would be 28%; it's roughly a doubling."

Senator Kawasaki further inquired: "28%?"

Senator Cobb replied that that is correct.

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

"Mr. President, I just want to say, this is a bad bill. It's going to hurt the people least able to be hurt in this fashion, and for that reason I speak against it with one comment: 'Ignorance must be bliss.'"

The motion was put by the Chair and carried and Conf. Com. Rep. No. 61-80 was adopted, and H.B. No. 1925-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Kawasaki and Young).

Conference Committee Report No. 62-80 (S.B. No. 2006-80, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, Conf. Com. Rep. No. 62-80 was adopted and S.B. No. 2006-80, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAYS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 63-80 (H.B. No. 2286-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Carpenter, seconded by Senator Abercrombie and carried, Conf. Com. Rep. No. 63-80 was adopted and H.B. No. 2286-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 64-80 (H.B. No. 1775-80, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Yim, seconded by Senator Yamasaki and carried, Conf. Com. Rep. No. 64-80 and H.B. No. 1775-80, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE PLANNING", were recommitted to the Committee on Conference.

Conference Committee Report No. 65-80 (S.B. No. 870, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Chong and carried, Conf. Com. Rep. No. 65-80 was adopted and S.B. No. 870, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND TRANSPORTATION SYSTEM", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 66-80 (H.B. No. 2172-80, S.D. 1, C.D. 1):

On motion by Senator Machida, seconded by Senator Hara and carried, Conf. Com. Rep. No. 66-80 was adopted and

H.B. No. 2172-80, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NONDOMESTIC ANIMAL QUARANTINE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 67-80 (H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Yamasaki and carried, Conf. Com. Rep. No. 67-80 was adopted and H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 68-80 (S.B. No. 2665-80, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 68-80 was adopted and S.B. No. 2665-80, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 69-80 (S.B. No. 2302-80, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 69-80 was adopted and S.B. No. 2302-80, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PROGRAM COMMISSION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 70-80 (H.B. No. 2672-80, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Campbell and carried, Conf. Com. Rep. No. 70-80 was adopted and H.B. No. 2672-80, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STUDENT TRANSPORTATION PROGRAM", having been read throughout, passed Final Reading on the following

showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 71-80 (H.B. No. 687, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Kuroda and carried, Conf. Com. Rep. No. 71-80 was adopted and H.B. No. 687, 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. 72-80 (H.B. No. 1684-80, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 72-80 was adopted and H.B. No. 1684-80, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 73-80 (H.B. No. 2071-80, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 73-80 was adopted and H.B. No. 2071-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE OF INDEPENDENT GROUP RESIDENCES FOR ELDERLY, HANDICAPPED OR DISABLED PERSONS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 74-80 (H.B. No. 2647-80, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 74-80 was adopted and H.B. No. 2647-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 75-80

(H.B. No. 1494, H.D. 1, S.D. 2, C.D. 2):

On motion by Senator O'Connor, seconded by Senator Toyofuku and carried, Conf. Com. Rep. No. 75-80 was adopted and H.B. No. 1494, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 76-80 (S.B. No. 3145-80, 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. 76-80 was adopted and S.B. No. 3145-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:55 o'clock p.m.

Conference Committee Report No. 77-80 (H.B. No. 25, H.D. 1, S.D. 3, C.D. 1):

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 77-80 was adopted and H.B. No. 25, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 78-80 (S.B. No. 2329-80, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Chong and carried, Conf. Com. Rep. No. 78-80 was adopted and S.B. No. 2329-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 79-80

(S.B. No. 2927-80, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Carpenter and carried, Conf. Com. Rep. No. 79-80 was adopted and S.B. No. 2927-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson and George). Excused, 1 (Yim).

Conference Committee Report No. 80-80 (S.B. No. 1827-80, S.D. 1, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 80-80 be adopted and S.B. No. 1827-80, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading.

At this time, Senator O'Connor rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this measure.

"As is obvious from its appearance, this is one of the major bills of this session. This measure codifies Rules of Evidence for use in the trial courts of this jurisdiction. Its primary purpose is to clarify those rules and we hope, in that clarification, to shorten trials, make trials easier to handle, and, hopefully, keep litigation of certain varieties out of the courts so that matters can be handled and settled away from the litigation aspect.

"In considering this measure, I would like to publicly thank several key and instrumental people who have worked on this project over the last two years. First is former Circuit Court Judge Masato Doi who headed a committee impaneled by the Judicial Council to first work through the bill to submit it to the Legislature. Secondly, I'd like to thank Professor Addison Bowman of the University of Hawaii Law School who was the reporter for that committee, then acted as reporter for an interim committee of the House and Senate Judiciary Committees that met all through last summer and fall working through this measure.

"I would like to also thank the Senators who were participants in that effort and I would like to thank members of my staff who worked so hard on this measure this year. It was truly a long and arduous effort which, hopefully, will make Hawaii a better place.

"I would urge all to vote in favor of the measure."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 80-80 was adopted and S.B. No. 1827-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 81-80 (S.B. No. 1161, S.D. 1, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 81-80 be adopted and S.B. No. 1161, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Campbell.

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

"Mr. President, I urge we vote against this measure on the grounds that this is frivolous, completely frivolous."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 81-80 was adopted and S.B. No. 1161, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES AND COSTS AND EXPENSES OF LITIGATION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 82-80 (S.B. No. 2784-80, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Ushijima and carried, Conf. Com. Rep. No. 82-80 was adopted and S.B. No. 2784-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 83-80 (S.B. No. 2741-80, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator O'Connor, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 83-80 was adopted and S.B. No. 2741-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO FITNESS TO PROCEED", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 84-80 (S.B. No. 1851-80, S.D. 2, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 84-80 be adopted and S.B. No. 1851-80, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cobb.

At this time, Senator O'Connor rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this measure.

"This could well be one of the most significant pieces of legislation that comes from this session of the Legislature. This bill constitutes a Master Plan for the Juvenile Justice System in Hawaii. For the first time it pulls together the different agencies that have responsibility for juvenile crime and criminals and for juvenile delinquents and for status offenders. It pulls together into one agency, which will sit as a guiding group for the different components of the Juvenile Justice System, representatives of the Family Court, the DSSH, the Youth Correctional Facility, the Prosecuting Attorneys Offices, and the Police Departments.

"It creates a new agency called an Intake Agency for Juveniles where criminals, juveniles who have committed crime and juveniles who are simply status offenders, will be separated and, through this agency, placed in different organizations or diverted to shelter homes.

"It recognizes the shelter home concept for diversion and the shelter home concept for treatment of juveniles, something which we have not done in Hawaii before.

"It also redrafts and completely changes the provision of the law having to do with the youth correctional facility, aiming the youth correctional facility not simply toward a place where juveniles are kept in an incarcerated situation but also toward a facility which will have programs to engage them while they are there and to turn them out as better citizens for our community.

"In all, it establishes the responsibilities for the various sections of the Juvenile Justice System, sets out their duties and their authority and should make

of that entire system a better one for this state.

"I would urge all to vote in favor of this measure."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 84-80 was adopted and S.B. No. 1851-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE SYSTEM", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 85-80 (H.B. No. 2558-80, H.D. 1, S.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 85-80 be adopted and H.B. No. 2558-80, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading.

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

"Mr. President, I'd like to ask that my remarks, with respect to House Bill 2558-80, H.D. 1, S.D. 1, be incorporated by reference and made a part of today's record with respect to this measure. I would also like to note that for five years I have been trying to get this measure through and it's a joy to see it, even without my name on it. Thank you."

Senator Abercrombie then rose to speak against the measure as follows:

"Mr. President, speaking against the bill gives me no joy to see this bill passed. I think it does offense to the whole concept of bail and I think it does offense to the system of justice that we espouse in this country.

"I've made my remarks at considerable length and in detail previously. I did not prevail; I do not expect to prevail today. It doesn't alter in any sense whatsoever from my point of view, that the circumstances under which bail is being defined in this bill does violence to the conceptualization of bail where it has been developed over many centuries of struggle and effort in the cause of communities and societies becoming free."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 85-80 was adopted and H.B. No. 2558-80, H.D. 1, S.D. 1, C.D. 1, entitled: "A

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

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

Conference Committee Report No. 86-80 (H.B. No. 1784-80, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 86-80 and H.B. No. 1784-80, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 87-80 (H.B. No. 2720-80, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 87-80 and H.B. No. 2720-80, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 88-80 (S.B. No. 1838-80, S.D. 3, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 88-80 and S.B. No. 1838-80, S.D. 3, H.D. 1, C.D. 1, was deferred to the end of the calendar.

At this time, Senator Chong introduced to the members of the Senate Representative Ike Sutton who was sitting in the Senate gallery.

MATTERS DEFERRED FROM APRIL 17, 1980

Standing Committee Report No. 1102-80 (Gov. Msg. Nos. 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210 and 252):

Senator Carpenter moved that Stand. Com. Rep. No. 1102-80 be received and placed on file, seconded by Senator Campbell and carried.

Senator Carpenter then moved that the Senate advise and consent to the nominations to the Board of Health as follows:

Donald F.B. Char, M.D., term to expire December 31, 1980;

Erika Eberly, term to expire December 31, 1983;

Hester V. Cox, term to expire December 31, 1983; and

Rose Ann Poyzer, term to expire December 31, 1983,

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.

Senator Carpenter then moved that the Senate advise and consent to the nomination of Marion A. Metz 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.

Senator Carpenter then moved that the Senate advise and consent to the nominations of John M. Ohtani, M.D., Leonard P. Paresa, Sr., Robert T. Kunichika, Marvin B. Hall, Manuel Buenconsejo, Susan Y. Fujihara and Kimie Lane to the Statewide Health Coordinating Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Mark B. Perlmutter to the Statewide Health Coordinating Council, term to expire December 31, 1983, 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, 23. Noes, 1 (Abercrombie). Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Mark M. Hamasaki 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, 24. Noes, none. Excused,

1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Shirley T. Akita to the State Planning Council on Developmental Disabilities, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of R. Warwick Armstrong, Ph.D., to the State Planning Council on Developmental Disabilities, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Kathleen Campbell to the State Planning Council on Developmental Disabilities, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Andrew I.T. Chang to the State Planning Council on Developmental Disabilities, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Angie Connor, M.D., to the State Planning Council on Developmental Disabilities, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Eileen Dempster to the State Planning Council on Developmental Disabilities, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Miles S. Kawatachi to the State Planning Council on Developmental Disabilities, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Dianne M. Miyamoto to the State Planning Council on Developmental Disabilities, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Dixon Mugiishi to the State Planning Council on Developmental Disabilities, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that

the Senate advise and consent to the nomination of Allan C. Oglesby, M.D., to the State Planning Council on Developmental Disabilities, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of John K. Porter to the State Planning Council on Developmental Disabilities, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Leonard F. Takamura to the State Planning Council on Developmental Disabilities, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Lambert K. Wai to the State Planning Council on Developmental Disabilities, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Garret H. Yanagi, Ph.D., to the State Planning Council on Developmental Disabilities, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of G. Terry Young to the State Planning Council on Developmental Disabilities, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations to the Advisory Commission on Drug Abuse and Controlled Substances as follows:

Matthew S.K. Pyun, Jr., term to expire December 31, 1982;

Carol M. Strait, term to expire December 31, 1983;

W. Thomas Finley, term to expire December 31, 1983;

John R. Penebacker, term to expire December 31, 1983;

Robert C. Marvit, M.D., term to expire December 31, 1980; and

Harry H. Kanada, term to expire December 31, 1983,

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

Senator Carpenter then moved that the Senate advise and consent to the nomination of William Blanchard to the State Emergency Medical Services Advisory Committee, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Merle D. Crow to the State

Emergency Medical Services Advisory Committee, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Jeffrey C. Goodman, M.D., to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Glenn R. Hamberg to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Alwyn G. Hansen to the State Emergency Medical Services Advisory Committee, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of John H. Ide to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1983, 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, 24. Noes, none. Excused,

1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Barbara K. Ideta to the State Emergency Medical Services Advisory Committee, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Djon Indra Lim, M.D., to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Campbell then moved that the Senate advise and consent to the nomination of Natalie L. Pfeifer to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Shirley K. Takahashi to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Sakae Uehara, M.D., to the State Emergency Medical Services Advisory Committee, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Livingston M.F. Wong, M.D., to the State Emergency Medical Services Advisory Committee, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Sumiko K. Tanouye and Roy A. Forbes to the Hawaii County Hospital Management Advisory Committee, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations to the County Hospital Management Advisory Committee, City and County of Honolulu, as follows:

Allen B. Oblow, term to expire December 31, 1981;

Norman E.P. Aweau, term to expire December 31, 1983; and

Benedict L. Ho, term to expire December 31, 1983,

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

Senator Carpenter then moved that the Senate advise and consent to the nomination of Goro Hokama to the Maui County Hospital Management Advisory Committee, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Patsy S. Kinoshita to the Maui County Hospital Management Advisory Committee, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Kenneth Asato, Gerald M.H. Lau, John A. Imoto, Ralph T. Miyashiro, Jr., Stephen Howard Tenby, M.D., and Fern V. Clark to the East Honolulu Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Vernon Y.N. Chock to the East Honolulu Subarea Health Planning 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Ronald F.M. Lee, Richard T. Kato, Hazel Akim-Naone, Harry H. Imy, Herita Agmata and Faaagi Taufete'e to the West Honolulu Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Richard C. Courson, D.D.S., 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Sergio N. Domondon, Ruby L. Hargrave, Russell Sowers, Haulani Leal and Melvin Y. Nishimoto to the Central Oahu Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Sandra Baers, Constance M. Stalker, Earle H. Nakagawa, O.D., Kayo R. Chung and Edward Tsukasa to the Windward Oahu Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of June I. Takenaka to the Windward Oahu Subarea Health Planning 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Virginia M. Burchett to the Windward Oahu Subarea Health Planning Council, term to expire December 31,

1980, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of John J. Volanti, Katie Moa, Yvonne H. DeCanto, Vicki-Ann Barros, Reverend Charles A. Wothke and Anita A. Moore to the Waianae Coast Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of James E. Roscher to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Gennie Ana Lenuani Kinney, Paul N. Tallett, Mildred Guerrero, Nellie A. Metcalf and Ruth A. Kunimura to the Hawaii County Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Mark B. Perlmutter to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1983, 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, 23. Noes, 1 (Abercrombie).

Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Hannah K. Springer to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Betty June Bell, W. Ulu Breen, Mabel Fujiuchi, Josephine C. Duvauchelle and Chiyoze Joe Shiramizu to the Kauai County Subarea Health Planning Council, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of George Kanna, D.D.S., and William R. Flanders to the Kauai County Subarea Health Planning Council, terms 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations of Glenn S. Izawa, Kimie Lane, Jo-Ann T. Ridao, James L. Stoll and Kathleen R. Johnson to the Maui County Subarea Health Planning Council, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nomination of Audrey Rocha Reed to the Maui County Subarea Health Planning

Council, term to expire December 31, 1981, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Carpenter then moved that the Senate advise and consent to the nominations to the Kauai County Hospital Management Advisory Committee as follows:

Angela M. Morehead, term to expire December 31, 1983;

Manuel Maxie Moreno, term to expire December 31, 1983; and

Tamotsu Hiraoka, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1103-80 (Gov. Msg. No. 213):

Senator Toyofuku moved that Stand. Com. Rep. No. 1103-80 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 Richard S. Dumanas 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, 24. Noes, none. Excused, 1 (Yim).

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Robert B. Ranases to the Civil Service Commission, term to expire December 31, 1983, 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, 23. Noes, 1 (George). Excused,

1 (Yim).

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Edward S. Kushi, Jr., to the Civil Service Commission, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1104-80 (Gov. Msg. No. 215):

Senator Toyofuku moved that Stand. Com. Rep. No. 1104-80 be received and be placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nomination of Renton L.K. Nip to the Hawaii Employment Relations Board, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1105-80 (Gov. Msg. No. 216):

Senator Toyofuku moved that Stand. Com. Rep. No. 1105-80 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nominations of Jamie McCormick, Emir Berg, M. Beth Godley Arruda and Roy A. Williams to the Commission on the Handicapped, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1106-80 (Gov. Msg. No. 217):

Senator Toyofuku moved that Stand. Com. Rep. No. 1106-80 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nominations to the Advisory Commission on Manpower and Full Employment as follows:

Sandra L. Hammond, term to expire December 31, 1983;

Violet Z. Kam, term to expire December 31, 1983;

Toru Suzuki, term to expire December 31, 1983;

Virgie Chattergy, Ed.D, term to expire December 31, 1983;

Gerri Watanabe, term to expire December 31, 1983;

Henry V. Rosario, term to expire December 31, 1982;

Michael C.K. Wong, term to expire December 31, 1980; and

Masashi Arinaga, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1107-80 (Gov. Msg. No. 218):

Senator Toyofuku moved that Stand. Com. Rep. No. 1107-80 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, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1108-80 (Gov. Msg. No. 253):

Senator Toyofuku moved that Stand. Com. Rep. No. 1108-80 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nominations to the State Advisory Council for Children and Youth as follows:

Bernadine M. Mokiao, term to expire December 31, 1983;

Shirley K. Kamakele, term to expire December 31, 1981;

Rena Alao, term to expire December 31, 1980;

Velma M. Santos, term to expire December 31, 1982;

Edward K. Fujimoto, Ph.D., term to expire December 31, 1983; and

Josephine E. Day, term to expire December 31, 1983,

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

Standing Committee Report No. 1109-80 (Gov. Msg. No. 254):

Senator Toyofuku moved that Stand. Com. Rep. No. 1109-80 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nominations of Gordon C. Murakami, Thomas T. Toguchi and Christian Tirre to the Board of Trustees, Hawaii Public Employees Health Fund, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1110-80 (Gov. Msg. No. 284):

Senator Toyofuku moved that Stand. Com. Rep. No. 1110-80 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nominations to the Board of Social Services as follows:

Lois H. Matsuda, term to expire December 31, 1983;

Carolina S. Boland, term to expire December 31, 1983;

Sandra T. Ohara, term to expire December 31, 1983;

Barbara Adams, term to expire December 31, 1983; and

William K. Pacatang, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1111-80 (Gov. Msg. No. 214):

Senator Toyofuku moved that Stand. Com. Rep. No. 1111-80 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Toyofuku then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elderly Affairs as follows:

Barbara H. Luppold, term to expire December 31, 1980;

Yaso Abe, term to expire December 31, 1983;

Edwin Y. Chun, term to expire December 31, 1983;

Carol Kikkawa, term to expire December 31, 1983;

Reverend Franco Manuel, term to expire December 31, 1983;

Ethel T. Mori, term to expire December 31, 1983;

Sung Dai Seu, term to expire December 31, 1983;

Satoru Izutsu, Ph.D, term to expire December 31, 1983; and

J. Ward Russell, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1112-80 (Gov. Msg. Nos. 219 and 220):

Senator Young moved that Stand. Com. Rep. No. 1112-80 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 of Jeffrey S. Tai and Eleanor K. Ahuna to the Hawaiian Homes Commission, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Young then moved that the Senate advise and consent to the nominations of Steven M. Nagata, Tamotsu Kitagawa, John W. Anderson, Jr., and Daniel S. Miyasato to the Advisory Council for Housing and Construction Industry, terms to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1113-80 (Gov. Msg. Nos. 281 and 282):

Senator Young moved that Stand. Com. Rep. No. 1113-80 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:

Mitsuo Shimizu, term to expire December 31, 1983;

Michael J. Coy, term to expire December 31, 1983; and

Thomas M. Itagaki, 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, 24. Noes, none. Excused, 1 (Yim).

Senator Young then moved that the Senate advise and consent to the nomination of Paul A. Tom to the Hawaii Housing Authority, term to expire December 31, 1983, 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, 24. Noes, none. Excused, 1 (Yim).

Standing Committee Report No. 1114-80 (Gov. Msg. No. 234):

Senator Cayetano moved that Stand. Com. Rep. No. 1114-80 be received and placed on file, seconded by Senator Kawasaki and carried.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Kim Tet Lee to the Board of Trustees, Employees' Retirement System of the State of Hawaii, term to expire January 1, 1985, seconded by Senator Kawasaki.

At this time, Senator Abercrombie rose to speak against the nomination as follows:

"Mr. President, I feel I must vote against Mr. Lee's nomination, not because of anything which has to do with his capacity. On the contrary, my understanding of his background is such that I think he has a very good, not only very good background, very adequate background for this, but could be more than capable in the position.

"My objection is one of intent with respect to the law. I consider that he is from the public sector and I believe that the object of the law was to have three in the private sector, three in the public sector, and I consider it would now be four to two, rather than three and three.

"I want to emphasize again, that has nothing to do with his personal qualities or anything of that nature, it's a question of whether the intent of the law in respect of the Board of Trustees of the State Employees' Retirement System is being adequately met."

Senator Cayetano then rose to speak in favor of the nomination as follows:

"Mr. President, as the members of

this body can see from the committee report, there are others who share, perhaps, the same reservation expressed by Senator Abercrombie. However, after the public hearing, those reservations, I believe, were resolved in favor of the nominee.

"I disagree with Senator Abercrombie in that the law has been violated. I think that one could say that the law is unclear on this point. However, I don't think that this nomination is improper."

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, 1 (Abercrombie). Excused, 1 (Yim).

Standing Committee Report No. 1115-80 (Gov. Msg. No. 160 and 251):

Senator Campbell moved that Stand. Com. Rep. No. 1115-80 be received and placed on file, seconded by Senator Young and carried.

Senator Campbell then moved that the Senate advise and consent to the nominations of Margaret H. Cameron, Wayne W.K. Chang and Lucille B. Cooper to the State Foundation on Culture and the Arts, terms to expire December 31, 1983, 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.

Senator Campbell then moved that the Senate advise and consent to the nominations of G. Joette Kelley, Lawrence Kawasaki, Edward Espiritu, Jr., and Mary S. Monden to the Library Advisory Commission, County of Maui, terms to expire December 31, 1983, 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. 1116-80 (Gov. Msg. Nos. 278, 279 and 280):

Senator Campbell moved that Stand. Com. Rep. No. 1116-80 be received and placed on file, seconded by Senator Young and carried.

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

nominations to the King Kamehameha Celebration Commission as follows:

Daisy L. Aguiar, term to expire December 31, 1983;

Roy L. Benham, term to expire December 31, 1983;

Lillian Cameron, term to expire December 31, 1983; and

Thelma Black, term to expire December 31, 1982,

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.

Senator Campbell then moved that the Senate advise and consent to the nominations of Lynne T. Shimazu and Chitose Kanuha to the Library Advisory Commission, County of Hawaii, terms to expire December 31, 1983, 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.

Senator Campbell then moved that the Senate advise and consent to the nominations to the Library Advisory Commission, City and County of Honolulu, as follows:

Edith L. Clements, term to expire December 31, 1983;

Clinton K. Akana, term to expire December 31, 1983;

Li'Amanaia Afuvai, Jr., term to expire December 31, 1983; and

Roy K. Sasaki, term to expire December 31, 1981,

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. 1125-80 (Gov. Msg. Nos. 248, 249, 271, 272, 273, 274, 275 and 276):

Senator Cobb moved that Stand.

Com. Rep. No. 1125-80 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 Richard E. Peterson and Arthur Fink to the Elevator Mechanics Licensing Board, terms to expire December 31, 1983, 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.

Senator Cobb then moved that the Senate advise and consent to the nomination of George Goto, M.D., to the Board of Medical Examiners, term to expire December 31, 1981, 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.

Senator Cobb then moved that the Senate advise and consent to the nominations to the Board of Acupuncture as follows:

Cheuk Tong Tse, term to expire December 31, 1983;

Mabel S.C. Chang, term to expire December 31, 1982;

Yosei Shinsato, term to expire December 31, 1983; and

John K. Char, D.D.S., term to expire December 31, 1981,

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.

Senator Cobb then moved that the Senate advise and consent to the nomination of Dr. Roy H. Tanaka, D.C., to the Board of Chiropractic Examiners, term to expire December 31, 1983, 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.

Senator Cobb then moved that the

Senate advise and consent to the nomination of Aloysius M. Teixeira to the Cemetery and Mortuary Board, term to expire December 31, 1982, 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.

Senator Cobb then moved that the Senate advise and consent to the nominations of Melvin M. Kaetsu, Leonard F. Scanlan, George M. Waialeale, Jalna S. Keala, Kwan Ho Kuh, Jean F. Cornuelle, Keenan K. Kelekolio, Robert M. Oda, Marvin R. Funes and Pamela S. Kimura to the Consumer Advisory Council, terms to serve at the pleasure of the Governor, 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.

Senator Cobb then moved that the Senate advise and consent to the nominations to the Board of Registration of Professional Engineers, Architects, and Surveyors as follows:

Donald D. Chapman, term to expire December 31, 1983;

Tadaka Nakahata, term to expire December 31, 1983;

Cesar Portugal, term to expire December 31, 1983;

Juli M. Kimura-Walters, term to expire December 31, 1983; and

Masaji Yamashita, term to expire December 31, 1982,

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.

Senator Cobb then moved that the Senate advise and consent to the nominations of John K. Uyetake and Gregory T. Laureta to the Motor Vehicle Industry Licensing Board, terms to expire December 31, 1983, 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. 1127-80 (Gov. Msg. No. 259):

Senator O'Connor moved that Stand. Com. Rep. No. 1127-80 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate consent to the nomination of Donald K. Tsukiyama as Eleventh Judge, Circuit Court of the First Circuit, for a ten-year term, in accordance with Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cobb.

At this time, Senator O'Connor rose to speak briefly on this nomination and the following two nominations as follows:

"Mr. President, very briefly, the three nominees are all excellent attorneys.

"Donald Tsukiyama has been our Public Defender for many years and is presently our District Court Judge.

"Richard Y.C. Au is a long-time District Court Judge and is presently acting as a Circuit Court Judge.

"Bertram T. Kanbara was formerly the Attorney General of Hawaii and has served in many other capacities.

"Each of the nominees has the judicial temperament which will make him an excellent judge of the First Circuit Court. I ask all to vote in favor of these nominations."

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. 1128-80 (Gov. Msg. No. 266):

Senator O'Connor moved that Stand. Com. Rep. No. 1128-80 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate consent to the nomination of Richard Y.C. Au as Second Judge, Circuit Court of the First Circuit, for a ten-year term, in accordance with Article VI, Section 3, of the Hawaii State Constitution, 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. 1129-80 (Gov. Msg. No. 270):

Senator O'Connor moved that Stand. Com. Rep. No. 1129-80 be received and placed on file, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate consent to the nomination of Bertram T. Kanbara as Tenth Judge, Circuit Court of the First Circuit, for a ten-year term, in accordance with Article VI, Section 3, of the Hawaii State Constitution, 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. 1130-80 (Gov. Msg. No. 283):

Senator O'Connor moved that Stand. Com. Rep. No. 1130-80 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 nominations of Myrtle Mokiao, H.K. Bruss Keppeler, Terence T. Yoshioka, Thomas R. Cole and Donald M. Fujimoto to the Defender Council, to serve at the pleasure of the Governor, 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. 1131-80 (Gov. Msg. No. 286):

Senator Cayetano moved that Stand. Com. Rep. No. 1131-80 be received and placed on file, seconded by Senator Kawasaki and carried.

Senator Cayetano then moved that the Senate advise and consent to the nominations of Herman P. Clark, Edmund Toma and Edwin K. Hayashi to the Stadium Authority, terms to expire December 31, 1983, 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. 1132-80 (Gov. Msg. Nos. 291, 292, 293, 294, 295, 296 and 297):

Senator Cayetano moved that Stand. Com. Rep. No. 1132-80 be received and placed on file, seconded by Senator Kawasaki and carried.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Ah Quon McElrath to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Fred W. Bennion to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Christopher G. Pablo to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Albert S. Nishimura to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Hideo Matsushita to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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.

Senator Cayetano then moved that the Senate advise and consent to the nomination of John M. Hamano to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Richard L. Pollack to the Tax Review Commission, term to expire upon completion of the Commission's duties, seconded by Senator Kawasaki.

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, the Chair announced that the plan for the evening is that the Senate will convene at 9:00 o'clock p.m. and the members will be advised as to what the procedure will be for the remainder of the evening session.

Senator Anderson then rose on a point of information and inquired of the chair: "Mr. President, as I understand it, none of the conferees on any of the committees has yet been discharged?"

The Chair replied: "That is correct."

Senator Anderson then continued: "And I think we are anticipating some sort of extension, if that should come about, which would have to go to at least Wednesday?"

The Chair again replied: "That is correct."

Senator Anderson further continued: "Mr. President, as a member of the Conference Committee on the bill relative

to the Office of Hawaiian Affairs (OHA), I would like to know the status of it. I haven't been notified of any meetings; I wasn't sure who the chairman was... Senator O'Connor or... and where do we stand with OHA? Can we continue that, Mr. President?"

The Chair replied that Senator Cayetano is chairman of the conferees on the part of the Senate.

Senator Cayetano then rose to state as follows:

"Mr. President, the House and Senate have reached an impasse on the OHA. That's where it is right now."

Senator Anderson then rose to state as follows:

"Mr. President, I'm not sure how to define the word impasse, like I'm not sure how to define many things around here lately, but being that we still have three days might not an effort be made, being that it is part of the budget and being that it is a separate bill with separate conferees.

"I'm not sure how you reinitiate this effort or how you start it up again but being that we've got three days, there's a constitutional provision question which is still somewhat in a gray area. As a conferee, I would appreciate any effort to overcome this so-called impasse."

The Chair then rose to state as follows:

"To clear the record and I'll keep my remarks very short, the Chair has not discharged any conferees from any of the conference committees. As far as the Chair is concerned, all efforts should be made to resolve whatever differences exist with the remaining bills in conferences."

At 3:15 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess until 9:00 o'clock p.m., tonight.

NIGHT SESSION

The Senate reconvened at 9:00 o'clock p.m. with all Senators present.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 300), transmitting a copy of the Policies, Plans and Ordinances as of February 1, 1979 of the Kaka'ako Community Development Plan Project, Reference Document 2, prepared by the State of Hawaii Community Development Authority, was read by the Clerk and

was referred to the Committee on Housing and Hawaiian Homes.

At 9:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:08 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 750 to 761) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 750), transmitting House Concurrent Resolution No. 152 which was adopted in the House of Representatives on April 18, 1980 was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING 'THE HOMESTEAD HIGHLANDER BAND' AND 'THE HIGHLANDIRE JAZZ ENSEMBLE' FROM THE GREAT STATE OF WISCONSIN AND INVITING THEM TO RETURN NEXT YEAR TO OUR ALOHA STATE", was adopted.

A communication from the House (Hse. Com. No. 751), returning Senate Bill No. 1370, S.D. 2, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 752), returning Senate Bill No. 1836-80, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 753), returning Senate Bill No. 1899-80, S.D. 2, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 754), returning Senate Bill No. 2883-80, S.D. 1, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 755), returning Senate Bill No. 1988-80, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 756), returning Senate Bill No. 2000-80, S.D. 1, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse.

Com. No. 757), returning Senate Bill No. 2002-80, S.D. 1, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 758), returning Senate Bill No. 2157-80, S.D. 1, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 759), returning Senate Bill No. 2286-80, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 760), returning Senate Bill No. 2457-80, S.D. 2, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

A communication from the House (Hse. Com. No. 761), returning Senate Bill No. 2536-80, S.D. 2, which passed Third Reading in the House of Representatives on April 18, 1980, was placed on file.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 365 to 372) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 365), entitled: "SENATE RESOLUTION HONORING THE MEMORY OF THE LATE CHRISTINE MUKAI, ATTORNEY RESEARCHER OF THE OFFICE OF THE LEGISLATIVE REFERENCE BUREAU", was jointly offered by Senators Toyofuku, Abercrombie, Yamasaki, Soares, Carroll, Anderson, Ushijima, Wong, Young, Carpenter, Kawasaki, Yee, Cayetano, Hara, O'Connor, Saiki, Ajifu, Kuroda, Chong, Cobb, Machida, Yim and George.

On motion by Senator Toyofuku, seconded by Senator Abercrombie and carried, S.R. No. 365 was adopted.

A resolution (S.R. No. 366), entitled: "SENATE RESOLUTION RECOGNIZING AND EXTENDING CONGRATULATIONS TO THE HAWAII INTERNATIONAL YEAR OF THE CHILD (IYC) STEERING COMMITTEE FOR MAKING HAWAII'S 1979 INTERNATIONAL YEAR OF THE CHILD AN OUTSTANDING SUCCESS", was jointly offered by Senators Toyofuku, Abercrombie, Yamasaki, Soares, Wong, Anderson, Ushijima, George, Young, Carpenter, Cayetano, Hara, O'Connor, Saiki, Ajifu, Yee, Kuroda, Chong, Kawasaki, Cobb, Machida, Yim and Carroll.

On motion by Senator Toyofuku, seconded by Senator Abercrombie and carried, S.R. No. 366 was adopted.

A resolution (S.R. No. 367), entitled: "SENATE RESOLUTION HONORING THE MEMORY OF THE LATE GEORGE C.K. LEONG AND EXTENDING DEEPEST CONDOLENCES TO HIS WIDOW, CHILDREN, AND FAMILY", was jointly offered by Senators Yim, Wong, Toyofuku, Abercrombie, Mizuguchi, Young, Machida, Carpenter, Yamasaki, Ushijima, Yee, Hara, Campbell, Chong, Carroll, Kawasaki, George, Ajifu, Cayetano, Kuroda, Cobb, O'Connor, Soares and Saiki.

On motion by Senator Yim, seconded by Senator Mizuguchi and carried, S.R. No. 367 was adopted.

A resolution (S.R. No. 368), entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING THE REVEREND DR. CLAUDE F. DUTEIL", was jointly offered by Senators George, Young, Kuroda, Chong, Anderson, Saiki, Carroll, Ushijima, Mizuguchi, Wong, Machida, Carpenter, Yee, Hara, Yamasaki, Toyofuku, Ajifu, Campbell, Cayetano, Yim, Cobb, Soares, O'Connor and Abercrombie.

By unanimous consent, action on S.R. No. 368 was deferred to the end of the calendar.

A resolution (S.R. No. 369), entitled: "SENATE RESOLUTION RECOGNIZING IVA LEE SINCLAIR AND THE HAWAIIAN ASSOCIATION FOR CHILDREN AND ADULTS WITH LEARNING DISABILITIES FOR THEIR CONTRIBUTION TO SPECIAL NEEDS PEOPLE OF THE STATE OF HAWAII", was jointly offered by Senators Abercrombie and Carpenter.

On motion by Senator Abercrombie, seconded by Senator Carpenter and carried, S.R. No. 369 was adopted.

A resolution (S.R. No. 370), entitled: "SENATE RESOLUTION CONGRATULATING THE HAWAII GYMNASTS WHO QUALIFIED FOR THE UNITED STATES GYMNASTICS FEDERATION WESTERN NATIONAL CHAMPIONSHIPS THIS YEAR AT SPOKANE, WASHINGTON", was jointly offered by Senators Mizuguchi, Yim, Young, Cobb, Yamasaki, Ushijima, Kuroda, Carpenter, Machida, Ajifu, Campbell, Kawasaki, Chong, O'Connor, Toyofuku, Cayetano, Hara, Wong and George.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, S.R. No. 370 was adopted.

A resolution (S.R. No. 371), entitled: "SENATE RESOLUTION COMMENDING THE HONOLULU INTERNATIONAL COUNTRY CLUB FOR A JOB WELL DONE", was jointly offered by Senators Hara, Ushijima, Carpenter, Abercrombie, Yee, Cayetano,

Toyofuku, Yamasaki, Machida, Ajifu, Saiki, Soares, Carroll, Cobb, Chong, Campbell, Kuroda, Anderson, Kawasaki, Wong, Yim, Mizuguchi and O'Connor.

On motion by Senator Hara, seconded by Senator Ushijima and carried, S.R. No. 371 was adopted.

A resolution (S.R. No. 372), entitled: "SENATE RESOLUTION HONORING THE MEMORY OF TECHNICAL SERGEANT TERRY YUKITAKA MIZUTARI, A WORLD WAR II HERO, AND RECOGNIZING THE FORTHCOMING DEDICATION OF A UNITED STATES DEPARTMENT OF DEFENSE FACILITY IN HIS HONOR", was jointly offered by Senators Hara, Ushijima, Carpenter, Abercrombie, Yee, Cayetano, Toyofuku, Carroll, Kawasaki, Yamasaki, Young, Cobb, Machida, Ajifu, Anderson, Saiki, Wong, Soares, George, Campbell, Kuroda, Yim, Chong, Mizuguchi and O'Connor.

On motion by Senator Hara, seconded by Senator Ushijima and carried, S.R. No. 372 was adopted.

STANDING COMMITTEE REPORTS

Senators Kawasaki and O'Connor, for the Committee on Government Operations and Efficiency and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1150-80) recommending that Senate Resolution No. 17 be referred to the Committee on Legislative Management.

On motion by Senator Kawasaki, seconded by Senator O'Connor and carried, the joint report of the Committees was adopted and S.R. No. 17, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF ADMINISTRATIVE AGENCY COMPLIANCE WITH REQUIREMENTS CONCERNING THE ADOPTION OF RULES AND REGULATIONS", was referred to the Committee on Legislative Management.

Senators Carpenter and O'Connor, for the Committee on Health and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1151-80) recommending that Senate Resolution No. 278, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Carpenter, seconded by Senator O'Connor and carried, the joint report of the Committees was adopted and S.R. No. 278, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE RETENTION OF MEDICAL RECORDS", was referred to the Committee on Legislative Management.

Senators Toyofuku and O'Connor, for the Committee on Human Resources

and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1152-80) recommending that Senate Resolution No. 297, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator O'Connor and carried, the joint report of the Committees was adopted and Senate Resolution No. 297, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE AVAILABILITY OF CHILD SHELTER FACILITIES IN THE STATE OF HAWAII", was adopted.

Senator Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1153-80) recommending that Senate Resolution No. 269, as amended in S.D. 1, be adopted.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.R. No. 269, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN UPDATED FEASIBILITY STUDY ON THE ESTABLISHMENT OF A HAWAII STATE VETERANS HOME", was adopted.

Senators Carpenter and Toyofuku, for the Committee on Health and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 1154-80) recommending that Senate Resolution No. 287, as amended in S.D. 1, be adopted.

On motion by Senator Toyofuku, seconded by Senator Carpenter and carried, the joint report of the Committees was adopted and S.R. No. 287, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A SEMINAR ON PROBLEMS FACING THE MEDICAID PROGRAM AND THE OVERALL SYSTEM OF MEDICAL CARE SERVICES IN HAWAII", was adopted.

Senator Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1155-80) recommending that Senate Resolution No. 288 be adopted.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.R. No. 288, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF LEGISLATIVE OPTIONS REGARDING HEALTH PROMOTION AND WELLNESS", was adopted.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1156-80) recommending that Senate Resolution No. 101 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 101, entitled: "SENATE RESOLUTION

URGING EXPEDITIOUS COMPLETION OF THE PANAWEA AGRICULTURAL PARK IN THE COUNTY OF HAWAII", was adopted.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1157-80) recommending that Senate Resolution No. 103 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and, Roll Call having been requested, S.R. No. 103, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF CONVERTING THE WETLANDS OF THE PEARL HARBOR AREA, OAHU, INTO AN AGRICULTURAL PARK", was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carroll).

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1158-80) recommending that Senate Resolution No. 141 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 141, entitled: "SENATE RESOLUTION URGING CREATION OF A MANAGEMENT CONSULTANT TEAM TO ADVISE AND ASSIST NEW AND FLEDGLING AGRICULTURAL COOPERATIVE ASSOCIATIONS", was adopted.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1159-80) recommending that Senate Resolution No. 142 be referred to the Committee on Legislative Management.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 142, entitled: "SENATE RESOLUTION REQUESTING A HEARING BY THE HAWAII STATE SENATE CONCERNING THE LEASING OF LANDS FOR AGRICULTURAL PURPOSES", was referred to the Committee on Legislative Management.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1160-80) recommending that Senate Resolution No. 143 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 143, entitled: "SENATE RESOLUTION RESPECTFULLY URGING HAWAII'S DELEGATION TO THE CONGRESS OF THE UNITED STATES TO SPONSOR AND ACTIVELY

SUPPORT THE PASSAGE OF LEGISLATION RELATING TO EDIBLE FRESH GINGER-SPICE ROOTS, ZINGIBER OFFICIANALE", was adopted.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1161-80) recommending that Senate Resolution No. 144 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 144, entitled: "SENATE RESOLUTION REQUESTING ADOPTION OF A STATEWIDE POLICY TO ASSURE THE PRESERVATION OF STATE LANDS UNIQUELY SUITED FOR THE CULTIVATION OF TARO AND OTHER WETLAND CROPS", was adopted.

Senator Machida, for the majority of the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1162-80) recommending that Senate Resolution No. 167 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the majority of the Committee was adopted and S.R. No. 167, entitled: "SENATE RESOLUTION REQUESTING INSTALLATION OF A COOLING AND HOLDING FACILITY FOR FARM PRODUCTS IN KONA, HAWAII", was adopted.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1163-80) recommending that Senate Resolution No. 168 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 168, entitled: "SENATE RESOLUTION REQUESTING AN EXAMINATION OF THE FEASIBILITY OF INSTALLING A FUMIGATION CHAMBER TO PROCESS FARM PRODUCTS IN KONA, HAWAII", was adopted.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1164-80) recommending that Senate Resolution No. 233 be referred to the Committee on Legislative Management.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and S.R. No. 233, entitled: "SENATE RESOLUTION REQUESTING CREATION OF A SPECIAL SENATE OR JOINT INTERIM COMMITTEE TO PERFORM A STATEWIDE REVIEW OF THE PROBLEM OF CATTLE AND OTHER LIVESTOCK RUSTLING DURING THE 1980 INTERIM PERIOD", was referred to the Committee on Legislative Management.

Senator Machida, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1165-80) recommending that House Concurrent Resolution No. 69 be adopted.

On motion by Senator Machida, seconded by Senator Hara and carried, the report of the Committee was adopted and H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE UNITED STATES, SECRETARY OF AGRICULTURE AND THE SOIL CONSERVATION SERVICE ADMINISTRATOR TO PERMIT THE CONTINUANCE OF THE SOIL CONSERVATION SERVICE, PLANT MATERIALS PROGRAM IN THE STATE OF HAWAII", was adopted.

At 9:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:55 o'clock p.m.

At this time, Senator Chong introduced to the members of the Senate Ms. Annette Ching, a paralegal assistant, and Ms. Marilyn Crider, a management trainee with a downtown department store.

Senator Abercrombie, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1166-80) recommending that the Senate advise and consent to the nomination of George J. Fukunaga to the State Post-Secondary Education Commission, term to expire December 31, 1983.

Senator Mizuguchi then requested that Rule No. 34 of the Rules of the Senate be waived in order to consider the nomination of the candidate as presented in Stand. Com. Rep. No. 1166-80, and, by unanimous consent, the waiver was granted.

Senator Abercrombie then moved that Stand. Com. Rep. No. 1166-80 be received and placed on file, seconded by Senator Ushijima and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nomination of George J. Fukunaga to the State Post-Secondary Education Commission, term to expire December 31, 1983, seconded by Senator Ushijima.

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

Ayes, 25. Noes, none.

Senator Abercrombie, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1167-80), recommending that Senate Resolution No. 280 be

adopted.

On motion by Senator Abercrombie, seconded by Senator Ushijima and carried, the report of the Committee was adopted and S.R. No. 280, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS TO IMPLEMENT THE RECOMMENDATIONS CONTAINED IN THE REPORT OF THE ADVISORY COMMITTEE TO STUDY AND RECOMMEND IMPROVEMENTS IN THE AGRICULTURE EDUCATION PROGRAMS OF THE UNIVERSITY OF HAWAII SYSTEM", was adopted.

Senators Mizuguchi and Machida, for the Committee on Transportation and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 1168-80) recommending that Senate Resolution No. 102, as amended in S.D. 1, be adopted.

On motion by Senator Mizuguchi, seconded by Senator Machida and carried, the joint report of the Committees was adopted and S.R. No. 102, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR'S AGRICULTURAL COORDINATION COMMITTEE TO EXPLORE ALL POSSIBLE ALTERNATIVES IN ATTEMPTING TO PROVIDE DIRECT TRANSPORTATION OF AGRICULTURAL COMMODITIES FROM HAWAII COUNTY TO CALIFORNIA", was adopted.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1169-80) recommending that Senate Resolution No. 235 be adopted.

Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.R. No. 235, entitled: "SENATE RESOLUTION IN SUPPORT OF A BIKEWAY BETWEEN WAIMEA AND KEKAHA, KAUAI", was adopted.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1170-80) recommending that Senate Resolution No. 260, as amended in S.D. 1, be adopted.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, the report of the Committee was adopted and S.R. No. 260, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ON PARK AND RIDE LOCATIONS", was adopted.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 1138-80 (Gov. Msg. No. 277):

Senator Mizuguchi requested that

Rule 34 of the Rules of the Senate be waived in order to consider the nomination of the candidate as presented in Stand. Com. Rep. No. 1138-80, and, by unanimous consent, the waiver was granted.

Senator Hara then moved that Stand. Com. Rep. No. 1138-80 be received and placed on file, seconded by Senator Mizuguchi and carried.

Senator Hara then moved that the Senate advise and consent to the nomination of Alvin M. Inoue to the the Fish and Wildlife Advisory Committee, County of Hawaii, term to expire December 31, 1981, seconded by Senator Mizuguchi.

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

Ayes, 25. Noes, none.

House Concurrent Resolution No. 116, H.D. 1:

Senator Cayetano moved that the referral of H.C.R. No. 116, H.D. 1, to the Committee on Ways and Means be waived, seconded by Senator Anderson.

At this time, Senator Cayetano rose to remark on the motion to waiver as follows:

"Mr. President, upon examining the resolution, I came to the conclusion that this resolution, the purpose of this resolution, is totally consistent with the Senate's program with respect to the Hula Mae bonds. Because of time constraints, I ask that the referral be waived and that the Senate move for the adoption of this resolution."

The motion was put by the Chair and carried, and the referral of H.C.R. No. 116, H.D. 1, to the Committee on Ways and Means was waived.

On motion by Senator Cayetano, seconded by Senator Anderson and carried, H.C.R. No. 116, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE U.S. SENATE DEFEAT H.R. 5741 RELATING TO THE REPEAL OF FEDERAL INCOME TAX EXEMPTIONS FOR MORTGAGE SUBSIDY BONDS", was adopted.

Standing Committee Report No. 1139-80 (S.R. No. 281):

Senator Carpenter moved that Stand. Com. Rep. No. 1139-80 be adopted and S.R. No. 281 be adopted, seconded by Senator Hara.

The motion was put by the Chair and

carried, and the joint report of the Committees was adopted and, Roll Call having been requested, S.R. No. 281, entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE AN ADVISORY COMMITTEE TO STUDY RADIOLOGICAL SAFETY", was adopted on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Carroll, George and Saiki).

At 10:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:15 o'clock p.m.

MATTERS DEFERRED TO THE END OF THE CALENDAR

Conference Committee Report No. 7-80 (S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 7-80 be received and placed on file, seconded by Senator Carpenter.

Senator Cobb then moved that S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Carpenter.

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

"Mr. President, I rise to speak against this measure.

"Mr. President, this bill, 2253, Conference Draft 1, is the missing link for the open door to the time-sharing industry. This bill must be killed.

"The bill has no public purpose stated; it's a bastardization of a bill which I introduced to ban time-sharing which was the original 2253 with a clear cut statement as to what was and was not residential.

"This bill sets up a definition of lodging units, which includes an apartment, a single family home, duplex, or other buildings used for habitation. It refines transient rental use, which means the rental of a unit in a multi-unit building for occupancy to visitors for less than a 30-day period, and so forth; very similar but not exact language as that included in the bill which we voted on earlier today.

"Mr. President, by the passage of this bill, we will create a situation wherein law abiding residents who follow the parameters set forth in this bill, that is, follow the disclosure statement requirements and make the report, will in effect

be creating transient vacation rental use areas.

"It is not much of a trick for even a mediocre lawyer to go to court for a time-share developer and argue, when he is finally cited by the City and County for a violation, to state that he is in an area where transient vacation rental use is taking place and although it may not be designated because of this continued de facto use they should be allowed to continue there.

"So I say that every beach dwelling, every apartment building, any home, any single family dwelling, will be opened by this bill to the ravages of time-sharing. I see this bill as the missing link. I did not wish to get into this while we were still talking about the time-share bill because I felt that we needed that measure to afford some measure of protection, but I ask that everyone vote no on this measure."

Senator Cobb then rose to speak in favor of the measure as follows:

"Mr. President, I'm afraid I cannot agree with the remarks of the previous speaker relative to the missing link for time-sharing.

"This bill is designed in its present form, Conference Draft 1, as a simple disclosure requirement as to where transient vacation rentals are in fact taking place. There has been considerable discussion and disagreement relative to exactly where these units are and, in the original definition of it that was proposed in the conference committee, we included single family as well as multi-unit buildings and the term or definition of transient vacation rental use was changed to that of a multi-unit building with more than one dwelling unit.

"As a result, Mr. President, the report deriving from this bill will give us a much clearer picture relative to where these types of transient rental accommodations are going on and by omission not going on, and will provide a basis for further legislative action if we deem it to be appropriate. I do not see it as a so-called missing link for a time-sharing at all, but rather a simple reporting mechanism to bring out this kind of information which we feel we need.

"During the course of the testimony of the state director of taxation in a hearing we had on the original form of this bill, he brought out in rather lengthy testimony the size of his estimate the dimensions of the transient vacation rental problem, and he also pointed out the transient

vacation rental problem, and he also pointed out the extreme difficulty that the Tax Office has in tracking down these kinds of units.

"This bill is in response to that particular problem and will enable the Real Estate Commission, as the body to whom this information is to be filed with, to gather this information and make it available for use in the Legislature. It will also enable the Tax Office to insure that those who are in this type of a vacation rental configuration are in fact paying their state taxes.

"As the situation exists now, a tremendous amount of manpower would be required in the Tax Office in order to track down this kind of information. Far less manpower would be involved if this bill were passed in order to get the same kind of information."

Senator Cayetano then asked that the chairman yield to a question and the chairman replied in the affirmative.

Senator Cayetano asked: "Mr. Chairman, can you tell me where in the committee report or the bill does it make reference to the considerations you discussed regarding the Tax Department? I don't see any mention of the Tax Department in the committee report."

Senator Cobb replied: "It does not; the Tax Department's testimony was in our original hearing on the bill and it was one of the primary reasons why we included the transient vacation rentals with the measure on time-sharing that this measure originally contained."

Senator Cayetano further asked: "Mr. Chairman, if it is not mentioned in the committee report, how can one glean the intent of this bill?"

Senator Cobb replied: "By the remarks I just outlined on the floor tonight."

Senator Cayetano then stated: "Mr. Chairman, I respect your remarks, but your remarks are not the committee report."

Senator Cobb replied: "My remarks are a reflection of the legislative intent of this measure that is coming out of conference committee."

Senator Cayetano then rose to speak against the measure as follows:

"Mr. President, I'm going to vote against this bill because I agree with Senator Carroll.

"One does not have to be a high-priced lawyer or a lawyer who has much experience

to know that this committee report speaks nothing of the bill having any relationship to the Tax Department.

"The chairman's remarks are certainly not any indication of the intent of this bill and that's his opinion.

"This committee report has been signed by the conferees of the House and the Senate, nine people have signed this. I'm voting against this measure."

Senator Cobb then rose on a point of clarification as follows:

"Mr. President, I would just like to point out that a number of members of the House Conference Committee felt that there should be no relationship in this bill in the committee report relative to time-sharing. They agreed with the bill on the premise that it would be for the simple disclosure and nothing more."

Senator Abercrombie also rose to speak against the measure as follows:

"Mr. President, I'm asking a vote against this bill. We discussed the time-sharing situation this morning. In its wisdom, this body decided to pass the time-sharing bill, 1516, this morning. I would ask those then who in good faith voted for that bill this morning to examine whether or not what was attempted in that bill will not further be blurred to the extent it is not already vague or confusing in the bill which we passed by passage of this bill.

"In particular, I refer you to page 1 where it says 'Chapter, Transient Vacation Rentals' but if you look through, my friends, the definitions, you will never see transient vacation rentals mentioned. You do not see it mentioned. What you do find is transient rental use. Yet, the chairman of the Consumer Protection Committee, when speaking in defense of this bill, never mentioned the phrase, transient rental use, but rather said transient vacation rentals.

"Transient vacation rentals is the phrase that is utilized in bill 1516. Maybe it was a slip of the tongue because, I guarantee you, what this bill does do is take 1516 in vagueness and slide in the reality of exactly what 1516 is supposed to do, which is open up the entire island, if not the state, to time-sharing.

"I'll say and ask you again to recall that the chairman's remarks did not refer to what is actually in the bill, transient rental use, but rather what is in the bill we passed this morning, transient vacation rentals. Yet, the

two definitions are ostensibly different. They're not different at all -- vacation rentals as opposed to transient vacation rental use. The word 'use' appear after 'rental' in the other bill; vacation modifies rental. They're one and the same.

"I would also indicate that this bill did not come from the Tax Department. I also heard the testimony in Ways and Means concerning the difficulties involved here. This did not come from the Tax Department. They're now working on a system for doing exactly what the chairman indicated is necessary to get done. Mr. Freitas did not indicate that this bill was the way in which that was to be done...to indicate further that the disclosure statement was taken care of this morning in bill 1516, quite lengthily as a matter of fact.

"So if we already have the disclosure situation, why are we doing it in this particular circumstance? It can only be to tie the two together.

"As for the Real Estate Commission doing any work in collecting any information for Mr. Freitas, I don't see that is anywhere mentioned in the committee report at all in terms of the intent.

"And, finally, I refer you to the committee report itself in which it said 'the purpose of this bill, as referred to your Committee, is to regulate the time share industry.' It's entitled, 'A Bill for an Act Relating to Land Use', but when you get into the guts of the committee report, the purpose is to regulate time-sharing. 'Your Committee has amended this bill to delete material relating to time sharing, and to provide language which requires a person who owns, rents a lodging unit for transient rental use to submit a disclosure statement...'

"Again, I am not an attorney but I can read the English language and I think the implications that have been stated by other speakers are very clear indeed.

"If we in good faith passed 1516 this morning, I think that the good faith will be impaired by the the passage of 2253."

Senator Carroll then rose on a rebuttal comment as follows:

"Mr. President, I have a rebuttal comment.

"Mr. President, Mr. Freitas's name has been mentioned and his testimony has been mentioned. I'd like to point out that last year in April he wrote a letter to me, upon my request, about the impact of time-sharing. One of

the things that he mentioned was the fact that this was running concurrently with vacation rental. In a fact finding public hearing which we had last summer, he resubmitted to my committee of one this same information and then he again submitted this comment.

"During the time that this session has gone on, particularly the past several weeks when there has been discussion on this subject matter with the House members, the House members have rejected the concept of bringing vacation rental use together with time-sharing but it has been the Senate which has insisted upon this. We have wondered about the motivation for this forced joinder, and this bill makes the picture crystal clear to me.

"Now, I say that this bill is a bill of mischief; it has no public purpose; it should be rejected.

"I did urge everyone to vote 'aye' on the time-sharing bill and I appreciate that and I know what an agony it was for me and I'm sure for others, but I think we'll be creating an absolutely intolerable situation to pass this bill alongside of the one we passed earlier on time-sharing, and I most strongly and respectfully urge that we reject this measure. Thank you."

Senator Cobb then rose to state as follows:

"Mr. President, there seems to be a fear in the body relative to what sort of information or result this bill will bring forth. While I share that concern I feel quite strongly that there's no way we can really get a handle on the information unless we have a reporting mechanism as outlined here to do that.

"We may be surprised to find the problem is less in terms of the dimension that we first suspected or we may be shocked to see that it's far greater. In either event, it will give us a basis for further legislative action if we so determine. But unless we get that information, Mr. President, we have no way of finding out, and that's the purpose of the bill as it stands now."

Senator Abercrombie then rose in rebuttal as follows:

"Mr. President, I feel that that calls for rebuttal.

"If we are now going to pass legislation on the basis that we don't know what we're doing, but let's pass legislation and find out later what the result is, it seems quite clear to me that what

is required here is a study. We have the Legislative Reference Bureau, we have majority and minority research, and we have all kinds of commissions and boards that we could call on. If nothing else, we call on the Consumer Protection Committee to form a subcommittee this year prior to the next session to make a report on precisely what the situation is, or Ways and Means could be requested to do it, because we're taking a look in general at a good measure of these situations anyway.

"You don't pass a bill before you get the information; you go out and do your work as a committee, get the information then pass a bill as a result of having the information."

Senator Cobb rose in further support of the measure as follows:

"Mr. President, very briefly, we have sufficient information received in testimony to justify this measure. This will provide additional information, not a case of moving in a direction where we don't know where we're going. We know what some of the problems are. We have not received yet a reliable reporting mechanism as to the location, disposition, number and breadth of these units and this bill will help us give that."

The motion was put by the Chair and S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 12. Noes, 13 (Abercrombie, Anderson, Campbell, Carroll, Cayetano, Chong, George, Hara, Kawasaki, O'Connor, Saiki, Soares and Yee).

Conference Committee Report No. 86-80 (H.B. No. 1784-80, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 86-80 be adopted and H.B. No. 1784-80, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Young.

At this time, Senator Cobb rose on a point of clarification as follows:

"Mr. President, I'd like to present some comments to make it clear to the Real Estate Commission, who will have to adopt rules and regulations pursuant to Chapter 91 to implement this bill, as to what types of projects your committee intends to cover when it amended the bill to exclude commercial, hotel, and

resort so-called use condominiums.

"Your committee is of the opinion that they should not tell people where they should live or not live, but your committee is aware of the fact that many resort condominiums that are developed are not done for a resident population. However, we don't intend in this regard that a resort or commercial project would have to comply with the provisions of this bill which addresses itself to residential condominiums. We would, in any event, expect residential condominiums, regardless of where it's built, to comply with the provisions of this bill, while projects built for resort use where permitted by the county would not have to do so."

Senator Yee, at this time, asked for a ruling of the Chair of a possible conflict of interest on the measure due to the fact that he is engaged in currently building a condominium on Maui, and the Chair ruled that Senator Yee is excused from voting.

The motion was put by the Chair and Conf. Com. Rep. No. 86-80 was adopted, and H.B. No. 1784-80, H.D. 1, S.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, 23. Noes, 1 (Hara). Excused, 1 (Yee).

Conference Committee Report No. 87-80 (H.B. No. 2720-80, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 87-80 and H.B. No. 2720-80, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 88-80 (S.B. No. 1838-80, S.D. 3, H.D. 1, C.D. 1):

Senator O'Connor moved that Conf. Com. Rep. No. 88-80 be adopted and S.B. No. 1838-80, S.D. 3, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

At this time, Senator Kawasaki rose to speak in favor of the bill as follows:

"Mr. President, I speak in favor of this bill. It is not exactly what we wanted in the Senate, but certainly it is better than what was offered by the body across the rotunda.

"I think, basically, what we wanted is contained in the bill, that is to say,

subpoena powers for the Crime Commission, the extension of the life of the Crime Commission for a total of five years, and the budgeting, we hope, will be taken care of in the budget bill.

"I am a little unhappy, of course, by the language contained in the committee report which alludes to the emphasis that is desired by the House of Representatives to say that the primary function of the Crime Commission is research. The Senate, of course, took the position that not only research, but investigative powers is necessary. We alluded to this in a way...in a fashion that I trust that the caliber of the commissioners, the nine commissioners appointed to this Crime Commission body, would determine very logically and intelligently the scope of their investigatory activities. And I leave that to their judgment.

"The appointment of the Crime Commissioners is made by the Governor, subject to confirmation of the Senate. The appointment of the chairman of the Crime Commission which is awfully important, again is made by the Governor but he has to state very clearly which of the nine members he designates as chairman, subject to our confirmation. This, I think, gives us a measure of control in that we try our best to be sure that the very important position of the chairman of the Crime Commission is controlled by the Senate body here and, in essence, I think this is about the best that we could have done considering there are many others in the body across the rotunda, as I said, who wanted to eliminate the existence of or truncate its activities completely.

"We have now at least a Crime Commission extended with substantially the powers they have today."

Senator O'Connor also rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this measure and in doing so would like to state some specific matters for legislative intent. The first being, and I echo Senator Kawasaki, that the purpose of this commission is for research and to collect information but also and equally important is the function to investigate incident to that research in order to study crime, criminal activity, and the operation of the criminal justice system.

"Going on, in the area having to do with subpoena powers, which is Section 843-6(c), the specific wording of the bill is that the commission is empowered to subpoena witnesses as allowed by Rules of Court, and I would like the record

to show that the Rules of Court referred to here are Rule 45, a and b, of the Hawaii Rules of Civil Procedure, which outline specifically the subpoena powers which we intended. Those have to do with the subpoena powers, both in 45, a and b, for witnesses and I cite from 45, a: 'The clerk shall issue a subpoena or subpoena for the production of documentary evidence, signed and sealed, but otherwise in blank' and so forth.

"That was specifically intended to be included as was 45, b, which is the production of documentary evidence power in the subpoena.

"I urge all to vote in favor of this measure."

Senator Anderson then rose to request that the chairman yield to a question and Senator O'Connor replied in the affirmative.

Senator Anderson then asked: "The subpoena you just described...there was some discussion on whether the subpoena was for a person only or and/or for records. I notice now that you are putting legislative intent into the Journal. Is the subpoena power allowed in this bill for persons only or and/or for records?"

Senator O'Connor replied: "The specific wording of the bill is to subpoena witnesses as allowed by the Rules of Court. The only Rules of Court are the ones I referred to allows subpoena, Mr. President, for witnesses and for documents which would be witnesses and for subpoena duces tecum."

Senator Anderson then rose to speak against the measure as follows:

"Mr. President, I'm going to vote against this bill and I rise to speak against it.

"I've been in a dilemma up until two seconds ago. It would be easy to vote aye for this bill because I think it's a motherhood type bill, but I think there has to be a dissenting voice for the watering down of this bill.

"When the Ways and Means Committee got through with this bill, it was in fact a bill that would commit this state to a true Crime Commission to the most maximum extent possible with as much flexibility and muscle and dollars behind it, demonstrating to the public that we are in fact in the Legislature committing ourselves, once and for all, to the area of assisting and participating in the combating of crime and finding out the so-called evils of our community.

"I sat in on a couple of these conference

committees even though I wasn't a committee member and listened to the discussion. From the word 'investigate' when it left the Senate, it became 'research,' 'incidental investigation,' and I don't question the sincerity of the definitions written into the Journal by the co-chairman.

"What bothers me is, in the arguing of compromise between the two bodies, we diluted the objectives and directives of it, Mr. President. We diluted it, and in an effort to compromise to a point where I think this body can satisfy itself that in fact we maintained and kept some teeth in it and therefore we're reading into the Journal some legal interpretations about what we mean.

"And across the hall we have the other chairman reading into the Journal that it was meant to be a research body and not really to investigate and not really to delve into it.

"Now, the Crime Commission under the existing situation has been called a circus, I think, by the Chief of Police, and I hope I'm not putting words in his mouth, but as I recall, that's the term he's used, 'it's a circus.' I've heard that the FBI called it a laughable situation.

"The Crime Commission, Mr. President, as we envisioned it in Ways and Means was a top body. I think, as it's emerged out of conference, that it's one that we can all campaign on one way or the other and we can say I meant it to be this; I thought it was going to be this way, that was our intention, and the other body would argue the other way. I think it's unfair because I think the Crime Commission, Mr. President, is caught in the dilemma between two bodies because we didn't clearly define the intent and the objective. They're going to be damned if they do and damned if they don't, because if they don't investigate and they don't come back next year and put before us something or demonstrate that they have in fact resolved and delved into and turned in to some prosecuting agency something, then the Senate's going to be very unhappy and Senator Kawasaki will take it to the floor every day.

"On the other hand, if they do get involved in investigation and begin to utilize their subpoena power or look into the extreme end of utilizing it, the House is going to say, 'you're going too far beyond the legislative intent.' And I think it's unfair; but what's more important, Mr. President, I think that the public should not be led to believe that this Crime Commission is a salvation or a cure-all.

"The functions of the Crime Commission

has been watered down. The Crime Commission's basic objective is research. Now, what in the devil we're going to research in crime, I don't know.

"If we're going to research it, we should have given it to the University of Hawaii. I can't see spending this kind of money for research or study. I think the basic layman in this town knows what crime is all about. I think this legislative body understands the problem out there.

"What we need is dollars, we need facts, we need data, we need investigations, Mr. President. We need some hard commitment to the situation of crime, but to put it into a report, to spend a half a million dollars to study, to put it into some sort of report that they are going to give to the Legislature and I don't think this body really needs or wants that.

"I don't want to fool the public that, in fact, this Crime Commission is going to make the streets any safer for all of us to walk on. I'll vote no because I think there should be a dissenting voice; I think there should be more dialogue and there should be more controversy in this area and I would hate to see a false sense of security in this community. Thank you."

Senator Campbell then rose to speak in favor of the bill as follows:

"Mr. President, I'd like to speak in favor of this bill. I have some reservations concerning the bill and some of the remarks of previous speakers have reflected some of my thinking.

"First of all, I'd like to express appreciation to the conference committee leadership for its determination in arriving at a compromise so that we can continue the work of the Crime Commission.

"I feel that there's nobody in this body who would disagree if I were to say that crime in this state is a very serious problem. And, in light of the fact that there's a national effort to curb funding for fighting crime, it becomes even more important that our state double its efforts in meeting this serious problem.

"Mr. President, some of us had taken, and this has been reflected in remarks just made, some of us have taken a rather strong position that the Crime Commission should be a strong investigative body, a commission void of this leverage becomes window-dressing. And what is more important in this regard, in my judgment, is the fact that the people of this state would be lulled into thinking that their

tax dollars are going into the funding of a strong, positive Crime Commission, but in reality they're funding a paper tiger.

"In my judgment, this measure falls short in two major respects and possibly three. One, its powers to investigate crime in this state are too limited; two, I was unhappy and I don't think this has been mentioned by anyone, I was somewhat unhappy to note that the legislative oversight committee was deleted. I think a vital role of the Legislature is oversight, particularly where we have the funding responsibility.

"Now, possibly the third major shortcoming of this measure as I see it does relate to funding, and I don't know if this is going to be dealt with later.

"The funding of the Crime Commission for its first year, in my judgment, should be no less than a million dollars, and I would certainly hope that when the issue of funding emerges in our conference it would be certainly no less.

"Mr. President, this kind of funding would be indicia that this Legislature means business when it comes to attacking the crime problem in our state; therefore, it is my fervent hope that this Legislature is going to return next year with a determination to make the Crime Commission an effective force in fighting crime in our state. On this basis, I urge my colleagues to vote 'aye.'"

Senator Cayetano also rose to speak in favor of the measure as follows:

"Mr. President, first, as one of the co-chairman of the conference committee, I'd like to commend the other co-chairman, Senator O'Connor, for the effort he put into saving the Crime Commission.

"As far as I am concerned, if it wasn't for the almost single-handed efforts of Senator O'Connor the Crime Commission would be dead today because Senator Kawasaki and I gave up. I don't think I'm hurting Senator Kawasaki's feelings if I disclosed that publicly.

"The difficulty we had in dealing with this bill can be seen when you compare the remarks of the previous speakers. Both sound alike, but one is voting against the bill and the other one is voting for the bill, and that's the kind of difficult decisions we had to make in deciding whether this would come out of conference or not.

"Although the primary objective or purpose as stated in the bill speaks to research, the phrase 'investigation

incident to research,' in my judgment, gives the commission sufficient latitude to do the kind of work that we in Ways and Means wanted the commission to do with the preferable version of the Senate bill. Because, more important than the stated objectives, I think, are the other items listed in the bill, and the fact that the commission retains its subpoena powers under the bill is, I think, a plus because the House position was no subpoena powers.

"More importantly is the fact that the crime commissioners, or the people who are nominated to the Crime Commission, now face stricter standards in terms of the qualifications that they would have to have in order to be appointed. The bill provides for screening by the Attorney General. That is a position, although not exactly the same, that was contained in the Senate version.

"I think that this bill, although it may not be everything that we want, still basically accomplishes what we strived for in the Senate bill. We had to make a tough choice and we did, and the choice was whether we would have a Crime Commission or none at all."

Senator Abercrombie then rose to speak in support of the measure as follows:

"Mr. President, speaking in favor of the bill, I was one who opposed the continued existence of the Crime Commission. I made that very clear at the beginning of the session and I made it clear to the people from the Crime Commission until the Senate position was developed, much as was indicated by the remarks of Senator Campbell and Senator Anderson. Because of that, I changed my mind and I did sit in on the conference on the Crime Commission and felt quite hopeless as Senator Cayetano indicated until the resultant work of Senator O'Connor paid off in terms of keeping the Crime Commission together.

"I really wish that Senator Anderson was still on the floor because that's where I wanted principally to direct my remarks to, in the sense of urging his reconsideration, because I believe that his statement was an eloquent one and a defensible one in the sense of what we want to accomplish...he's here, I'm sorry.

"I'm asking the senator to reconsider his no vote because his statement, as I indicated, was an eloquent one, it was a persuasive one, it was inciteful in terms of what we want to accomplish in the state and what the goals and objectives were. I appreciate the passion of his

remarks and the intent with which they were made. I think it does bring out very clearly what some of the frustrations were with this bill and the difficulties we faced with it. But I would ask that those who are thinking of voting no on the bill, as I had when we started out in this, to consider the following because it may be that the words 'incident to research,' may be misinterpreted.

"I don't want to get into theological arguments in the sense of trying to prove the existence of God or trying to do some kind of trickery with words, some pedantic enterprise that enables us to pretend that something's happening simply because we're able to string words together in a way that seems meaningful. But I think the words 'incident to research' is used very purposefully here because it does not mean incidental.

"Incidental has to do with miscellaneous or has to do with something that's casual. But when we're talking about research and 'to investigate incident to that research' and then connect it with...this is in the committee report... the functions of the commission, I think that some of our fears about whether the commission can succeed may be allayed.

"If you connect it with paragraph (3) on page 5 and paragraph (5), you see that if you do the investigation incident to that research, it involves the review and recommendations not necessarily related to the courts, police, and prosecutorial agencies, and then in paragraph (5) we talk about the reduction and facilitation, 'Study and make recommendations for facilitating the reduction and prevention of destruction of public property, school violence, business, and other white collar crimes, and criminal activity.' This gives them that broad operation and they can go to the criminal justice system on whatever level--FBI, federal, local--and bring the evidence that they have gathered to them, and that's what we mean by investigate incident to it.

"Incident means assessing; it means ascertaining too; it means that it has a direct relationship; it belongs by virtue of pertaining to an object; to be associated with; to be fitting; to occur in connection with something else. In a word, it is relevant; it is relevant to that research. That's why the word incident is used rather than incidental, and it makes all the difference in the world if we regard it in that light.

"That's why I would hope in the end that those who do have reservations about voting for the bill, precisely for the reasons so well stated by Senator Anderson, might reconsider the no on the basis of

giving the commission a chance with this bill and see then if the circumstances as I've outlined can take effect."

Senator Saiki then rose to speak against the measure as follows:

"Mr. President, the dilemma we face in making a decision on this bill is very understandable because it is a confusing road that we have taken, up to this point.

"This bill started off out of Judiciary Committee as a research-oriented bill. It went over to Ways and Means and came out as an investigative-oriented commission. It went over into conference committee and came out a little bit of research and a little bit of investigative. This kind of dichotomy does produce certain curious questions and I would have to say that I am going to vote no on this measure, Mr. President, because I consider we have not really accomplished much with this commission in giving it directions.

"As of this date, I would have to say that the commission today, as it was before, is neither fish nor fowl. Thank you."

Senator Kawasaki then responded as follows:

"Mr. President, I'm just amazed at the reaction of the two minority members of the Senate in regard to the final bill as it came out. I think, Senator Anderson being part of the dialogue in the Ways and Means Committee, in trying to get the Senate position to be a very meaningful bill is fully aware of the vigor and the energy with which the conferees from the Senate tried to maintain the Senate position.

"Being in the Legislature for some 15 years, he recognizes too, that sometimes if you just insist on having in a bill the language you wanted yourself and the other body seems diametrically opposed to it, then the end result, if you insist that you're gonna have your way, is that there will be nothing coming out, and I think that their advocating a no vote on this is just an indication that they want no Crime Commission at all.

"We've said that we're not completely happy with the language of this bill, but, be that as it may, I think much can be accomplished with the proper tenor, the proper type of people appointed to the Crime Commission and with the intelligent use of their powers, however limited they may be, there's much to be done in our effort to do something about criminal activity in this state, particularly regarding organized criminal

activity.

"If you are to do what the two senators from the minority party are asking we would have no Crime Commission. We'd have completely thrown down the drain what little good that the existing Crime Commission has done. The argument, I think, is just absurd and I can't really believe they mean what they're telling us on this floor.

"I urge the members, at least the majority party, to vote for this bill in all its weakness and all that they've talked about. We still can do much with the existence of the Crime Commission."

Senator Anderson then rose to speak further on the measure as follows:

"Mr. President, when I rose to speak against the bill, I didn't advocate or ask anybody to join me in voting no. I said that I felt strongly enough about it that I thought there should be a dissenting voice to create dialogue and create some controversy and make the people aware of what the bill said. And I haven't been here 15 years...I've been here 18 years.

"It's funny, the examples the good Senator from the Fifth Senatorial District used because the same persistence or quiet-spoken dedication or commitment to the budget where there is still no budget could have been applied to this. The Ways and Means buckled; the House won over.

"I also cannot accept, in reading further on the measure...and I'm not about to get into an argument with the co-chairman, Senator O'Connor, on the subpoena powers...but as I read the subpoena powers of this and in listening to the chairman of the House two nights ago, it was for a witness and not for records. It was for a witness and everything in here says witness. I think witness is mentioned about eight times in this and if you subpoena a witness and bring him before you because you suspect him of something, you can't subpoena that man or that woman to your particular office or before a body...he can take the Fifth Amendment because he won't incriminate himself and that's about the extent of it. I heard that not only once but I heard that 40 times from the chairman of the House conferees across the table. I believe that position won out.

"I believe that subpoena powers, as interpreted by the House and as written here, is for a witness and not for records. I guess only time will prove me out.

"I don't advocate killing this bill; I don't ask anybody to join me. I happen to believe that this bill isn't worth the paper it's written on. I think the \$500,000 that it's going to take to continue it might be better spent buying textbooks for our children in our schools. Thank you, Mr. President."

Senator O'Connor then rose to speak in favor of this measure and in rebuttal to the previous remarks as follows:

"Mr. President, I rise to speak in favor of this measure and in rebuttal to the previous speaker."

"I can't believe that anyone looking logically at this measure that is before us can say that it's not worth anything. This measure provides for a Crime Commission for this state which has specific and extensive duties having to do with twelve different areas of involvement, probably, more things than they can hope to do in the years that we have given them life. It provides for the existing commission to continue for a year and then a brand new commission of nine members to be put into position and run for almost a three-year period."

"I cannot believe that the way it has been structured that that commission is going to do nothing, as the previous speaker would indicate. It's there for a purpose. It is there to look at our crime problem in Hawaii, to investigate it and research it and to come to this Legislature and make suggestions by which we can fight crime. That's their job. It's clear, plain, simple, and straightforward."

"Now on this matter of subpoena, I'm glad that the Minority Leader finally had his lawyers go out and get their Rules of Court which they can bring over if they haven't already."

"Rule 45-A, which is a very simple rule, provides for the subpoenaing of witnesses and also provides the same rules for the production of documents. It is the only rule which is in existence in the Hawaii Rules of Civil Procedure having to do with subpoena power. It is clear; it is plain; it is simple; it is the one I referred to earlier, and if the Minority Leader would get it and read it, it would be very plain what it refers to."

"The bill is simple and straightforward in its approach; it says 'empowered to subpoena witnesses' as allowed by the Rules of Court. These are the Rules of Court; they are called the Hawaii Rules of Civil Procedure. They are rather straightforward and simple also in this

area. If you don't have a copy, the lawyers have a copy."

"Mr. President, I urge all to vote for this measure. It provides for a Crime Commission which will do the job for us. It provides the functions, authority, ability, screening, subpoena power, and other matters which we urged as the Senate in this situation."

"To say that we gave in to the House in matters is ridiculous. We came away with more of the matters that we went in seeking than they came away with. And we got a pretty darn good bill out of it."

Senator Anderson responded as follows:

"Mr. President, I don't mean to belabor this, but as an advocate I'd like to bring forth some of the tremendous points that Senator O'Connor mentioned, the twelve points."

"(1) Research and collect information regarding crime in Hawaii; -- research and collect information regarding crime in Hawaii. I've got to believe that the Attorney General and the Chief of Police of the various counties can give us that."

"(2) Investigate incident to research in order to study crime, criminal activity, and the operation of the criminal justice system; -- investigate incident to research in order to study crime, criminal activity and the operation. I can't see where that's going to put anybody in jail."

"(3) Evaluate and make recommendations regarding the operations of existing programs, agencies, and other projects relating to crime, including but not necessarily related to the courts, police, and prosecutorial agencies; We ought to pass a resolution and have the Legislative Auditor do this."

"(4) Review and make recommendations regarding existing substantive laws; We've got a Judiciary Committee in both houses; we've got a police department; we've got a court across the street. I've got to believe that's everyday business."

"(5) Develop, recommend, and where appropriate, implement public education programs relating to educating the public as to the nature of crime; God forbid if the public isn't aware of the crime on the streets without educating them."

"(6) Develop, recommend, and where appropriate, implement programs of public education to provide defensive living education to the public, and information regarding affirmative steps which may be taken to avoid the occurrence

of crime, eliminate the possibility of becoming a victim of crime, and other information designed to defend against any aspect of crime; ' God forbid if that's going to help anybody to put anybody in jail; that isn't going to get to the bottom of some of the organized crime of the so-called gyp-joints I've heard, of what's going on in Waikiki, infiltration of outside interests of mafia or call them what you want.

"(7) Study' again, 'and make recommendations for facilitating the reduction and prevention of destruction of public property, school violence, business and other white collar crimes, and criminal activity; ' Study and make recommendations.

"(8) Study, develop, and make recommendations for the protection of the community, including name check systems for businesses, and other measures designed to protect individuals and the State from crime and direct and indirect criminal influence; ' I'm not even sure what the hell that says.

"(9) Report, to the legislature prior to the convening of each legislative session, on its activities of the preceding year and on a program of action for the coming year; ' In dire desperation of maintaining their budget and being given some survival this year, they just did that to the chairman of the Ways and Means Committee and all hell broke loose because they confided in somebody to justify that they were trying to do something.

"They, in fact, were investigating; they were in fact running over, under the existing system, information to the particular agencies to bring crime to an end.

"(10) Hold public and closed hearings; ' God, that's tremendous.

"(11) Receive, manage, and tender funds for rewards for apprehension and conviction of criminals; '

"(12) Perform other fuctions and duties necessary to carry out the procedures established in section 843-6.'

"Mr. President, if this in any way is going to assist the various chiefs of police, if this is going to in any way help the FBI or to any other agency investigating and trying to curb crime, I'll eat this document."

Senator Cayetano then retorted and stated as follows:

"Mr. President, maybe we better provide some ketchup for Senator Anderson.

"Mr. President, the arguments made by the good Senator were exactly the same arguments made by the House conferees to justify their position. The fact of the matter is that the Crime Commission in any form, whether it's investigative or research or a combination of both, tends to duplicate the functions of certain agencies that we have existing today.

"If the Crime Commission investigates, it duplicates the powers, for example, of the police department; it duplicates the powers and functions of the Attorney General's office.

"If the Crime Commission researches, it also duplicates some functions of the University... the Legislature. There's a lot of duplication.

"The items mentioned by the good Senator actually are merely a revision, if you will, of the existing law. It's really a restatement of the existing law. If you take a look at Section 843-5, 1 to 8, I believe, which has been deleted from the bill, it's basically the same thing.

"The point, I think, we should not miss is that by having investigative powers incident to research this Crime Commission has enough latitude to do the kind of things Senator Anderson is talking about. If there is anything or if there is any weakness with the existing Crime Commission, it was that the existing law did not provide for strict screening with respect to the fitness and qualifications of people to serve on the Crime Commission. Moreover, the existing Crime Commission had a very limited budget, which is why the Senate took the position of putting in \$500,000 in the budget instead of \$300,000.

"I think it's unfortunate that Senator Anderson did not sit in on all of the conference hearings that we had. If he had he would have heard the same arguments being made over and over again and he would be have been on the House side and argued for the abolishment of the Crime Commission."

Senator Anderson, very briefly, replied as follows:

"Mr. President, I would just honestly say, Senator Cayetano and Senator O'Connor, in this instance I truly hope I am wrong and you are right because this is one instance I would really hope to be wrong."

The motion was put by the Chair and Conf. Com. Rep. No. 88-80 was adopted and S.B. No. 1838-80, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE HAWAII CRIME COMMISSION", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, George and Saiki).

At 10:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:12 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Senator Yim moved that the Senate reconsider its action taken on Conf. Com. Rep. No. 64-80 and House Bill No. 1775-80, H.D. 2, S.D. 1, C.D. 1, seconded by Senator Chong.

The Chair then stated as follows:

"When this bill was recommitted to the Conference Committee earlier today, it was with the understanding that the chairman of the Senate conferees was to contact his House counterpart to see if it would be possible for the conferees to meet again to correct a technical problem with the bill. Unfortunately, it appears that this will not be possible. We will have to vote on the bill as presently worded. Hopefully, the technical problem can be addressed administratively by the Land Use Commission."

The motion to reconsider the action was put by the Chair and carried.

Senator Yim then moved that Conf. Com. Rep. No. 64-80 be received and placed on file, seconded by Senator Chong and carried.

Senator Yim then moved that H.B. No. 1775-80, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chong.

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

"Mr. President, I rise to speak for this bill.

"As you know, it's meant to serve two purposes; one, simply to replace the present interim statewide land use guidance policies that will expire May 30th of this year and to give the Land Use Commission more comprehensive guidelines in determining the appropriateness of granting zoning reclassification petitions. The interim controls are meant to guide land use management

until passage of the State Plan and the accompanying functional plans.

"The Land Use Commission presently has 20 reclassification petitions to consider. Their normal workload is 10 to 12. The rush is on to get desired zoning now before the implementation of the functional plan which will require more stringent scrutinization of zoning requests and greater consideration of the project's impact on the other sectors of our economy and life's considerations.

"The claim that the provisions under subparagraph c, page 7, of the bill regarding reclassification of ag land were totally banned--I repeat, were totally banned--is not valid, because it ignores page 7, lines 4 to 8, which simply states, 'Preference shall be given to land use amendment petitions that will provide for housing development plans that include a commitment to build for and market to gap-group and low-income households a reasonable percentage of the total housing units planned for the development.'

"The argument that this bill would block that sort of thing, simply is not valid.

"Mr. President, the movement for the preservation of agricultural lands is much more than the environmentalist's yearning. It speaks to wise planning, accommodating urban growth where it is appropriate, protecting Hawaii's true natural resources beauty from short term economic interests. Tourism is dependent upon the preservation of this resource, and funding allocation to HVB will never overcome the result of raping of the land.

"If this bill is killed, it will subvert the work done by both the state and counties in attempting to provide a preferred growth policy of the state.

"I urge everyone to vote for this bill."

Senator O'Connor then rose to speak against the measure as follows:

"Mr. President, I rise to speak against the bill and I do so purely on a technical basis.

"The bill seeks to enact additional interim statewide land use guidance policy. We enacted the interim statewide land use guidance policy in Section 205-16.1 in 1975, pending the passage of the State Plan, and the only reason that we enacted this section at that time was that it be interim until the State Plan was in fact enacted.

"As a matter of fact, the section specifically states that these interim statewide land use guidance policies be effective until two years after the effective date of the enactment of the State Plan. Our State Plan has been in effect for more than two years.

"The corresponding section, Section 205-4(h) says that no amendment of a land use district boundary shall be approved unless the commission finds, upon the clear preponderance of the evidence, that the proposed boundary is reasonable, not violative of Section 205-2, and consistent with the interim policies and criteria pursuant to Section 205-16.1, or any State Plan enacted by the Legislature, which plan shall supersede any interim guidance policy.

"The format of our statutory scheme was to have the State Plan enacted, which we've done and then to have the interim policies and criteria go away, which it's supposed to do. Instead of having them go away this bill reenacts them, so we not only now have a State Plan but we have another interim plan; why, I'm not sure.

"I disagree with the earlier speaker that the State Plan must in this area include the functional plan. There's no such statement in our statute or in any of the planning guides. Once the State Plan is enacted, it's supposed to be the guide.

"I would suggest that if we go on and keep enacting interim, after interim, after interim, guidelines, we're going to get knocked over by the Supreme Court. It's going to say, 'Wait a second, you have a State Plan. You're supposed to follow it. It is supposed to contain the guidelines.'

"Mr. President, if it doesn't contain the guidelines there for some reason, our State Plan is not the State Plan that it should be, then we should be talking about amending the State Plan, not about additional interim plans when we already have the State Plan.

"For that technicality, I am going to vote against this bill."

The motion was put by the Chair and H.B. No. 1775-80, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE PLANNING", having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 4. Noes, 21 (Ajifu, Anderson, Carpenter, Carroll, Cayetano, Cobb, George, Hara, Kawasaki, Kuroda, Machida,

Mizuguchi, O'Connor, Saiki, Soares, Toyofuku, Ushijima, Wong, Yamasaki, Yee and Young).

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

At 11:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:23 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Senator O'Connor moved that the Senate reconsider its action taken on April 3, 1980 on S.B. No. 2155-80, S.D. 1, H.D. 1, seconded by Senator Cobb and carried.

Senator O'Connor then moved that the Senate agree to the amendments made by the House to Senate Bill No. 2155-80, S.D. 1, and that S.B. No. 2155-80, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cobb.

At this time, Senator O'Connor stated as follows:

"Mr. President, the changes in this bill has to do with the Intake Service Center and is shifting it from the Office of the Governor to the Department of Social Services and Housing.

"The only difference in the House version as compared to our original bill, is that the House amended the functions of the advisory board to make it a policy board and not one which reports to the Governor. This is logical in that the entire center will not be under the Governor anymore."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 2155-80, S.D. 1, and S.B. No. 2155-80, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov.

Msg. No. 301), transmitting an Executive Order providing for an extension of the 1980 Session of the Tenth Legislature as follows:

"EXECUTIVE ORDER

"WHEREAS, Section 10, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor'; and

"WHEREAS, said Section 10 further provides that 'Saturdays, Sundays, holidays, the days in mandatory recess and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session'; and

"WHEREAS, the governor has been requested to grant an extension and it appears that such an extension is necessary;

"NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, do hereby extend the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty-four (24) hours, following 12:00 midnight, April 18, 1980, but excluding Saturday and Sunday, pursuant to Section 10, Article III of the Constitution of the State of Hawaii.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 18th day of April, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

APPROVED AS TO FORM:

/s/ Wayne Minami

WAYNE MINAMI
Attorney General",

was read by the Clerk and was placed on file.

RECONSIDERATION OF ACTIONS TAKEN EARLIER IN THE DAY

Standing Committee Report No. 1095-80 (H.B. No. 1162, H.D. 1):

Senator Cayetano moved that the Senate

reconsider its action on Stand. Com. Rep. No. 1095-80 and H.B. No. 1162, H.D. 1, seconded by Senator Kawasaki and carried.

By unanimous consent, action on Stand. Com. Rep. No. 1095-80 and H.B. No. 1162, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", was deferred until Monday, April 21, 1980.

Conference Committee Report No. 32-80 (H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1):

Senator Cayetano moved that the Senate reconsider its action on Conf. Com. Rep. No. 32-80 and H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1, seconded by Senator Abercrombie and carried.

By unanimous consent, action on Conf. Com. Rep. No. 32-80 and H.B. No. 2723-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", was deferred until Monday, April 21, 1980.

Conference Committee Report No. 67-80 (H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1):

Senator Cayetano moved that the Senate reconsider its action on Conf. Com. Rep. No. 67-80 and H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1, seconded by Senator Kawasaki and carried.

By unanimous consent, action on Conf. Com. Rep. No. 67-80 and H.B. No. 2029-80, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", was deferred until Monday, April 21, 1980.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Resolution No. 368:

By unanimous consent, action on S.R. No. 368, entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING THE REVEREND DR. CLAUDE F. DUTEIL", was deferred until Monday, April 21, 1980.

Standing Committee Report No. 679-80 (S.B. No. 1829-80, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 679-80 and S.B. No. 1829-80, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BUSINESS CORPORATION ACT", was deferred until Monday, April 21, 1980.

Standing Committee Report No. 695-80

(S.B. No. 1828-80, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 695-80 and S.B. No. 1828-80, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NONPROFIT CORPORATION ACT", was deferred until Monday, April 21, 1980.

Conference Committee Report No. 87-80 (H.B. No. 2720-80, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 87-80 and H.B. No. 2720-80, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND MARK CONSTRUCTION, INC." was deferred until Monday April 21, 1980.

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

The Senate reconvened at 11:45 o'clock p.m.

At this time, Senator Soares rose on a point of personal privilege to inform the members of the Senate that the Aloha T-shirts, with their respective names printed on the back of the shirt, placed on their desks, were provided by him as a token of the Aloha night of the legislative session.

Senator Carroll also rose on a point of personal privilege as follows:

"I would like to enter into the Journal our Aloha to 'Koma' Tanaka who is the lovely lady who assists in transcribing our sometimes interesting, more often nefarious, obnoxious and probably mostly boring comments through these four tortured months. So, for the record, I would like to say 'Aloha, Koma, and Mahalo Nui!' from all of us."

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

"Mr. President, while I have no vote on the subject of which none of us have, because the Governor of course can keep us in session, I think it's very unfair and extremely irresponsible of this body and the one across the hall to burden the Governor with an extension.

"The fault of what's happened in the disagreement between the two bodies is one that we brought on ourselves and we should have been men enough

to request ourselves, as any business group would, a three-day extension.

"The 24-hour extension that the Governor put forward, in fact, is a one-day extension and will not meet the constitutional requirement so the public ought to be aware that the one-day extension means at least to Wednesday midnight, a three-day extension.

"I'm sorry the Governor sought to get involved in this as I feel that it was the responsibility of the Senate and the House, who caused the problem, to go into an extension themselves for three days and not burden the Governor's Office."

Senator Cayetano responded as follows:

"Mr. President, in response to the previous speaker's remarks, I think the Senate was willing to take the step but the other body was not.

"I, personally, want to thank the Governor for showing great leadership and statesmanship at this time. I think he is serving his office and his role very well."

Senator Anderson further remarked as follows:

"Mr. President, speaking as a partisan this time, the Republicans, as we have for the last several weeks, as members of the Ways and Means Committee, stand ready in any way possible and ask that the Senate Ways and Means Committee and the House Finance Committee get down to serious business, start holding public meetings as the conference committee report indicates and get the business at hand resolved.

"I do not think that we should continue forever to run this thing in the way it has been handled.

"I would ask that the President utilize his office to knock a few heads, if need be, and I think it incumbent on you, Mr. President, as the President of the Senate and as President of the majority party, to get this resolved as quickly as possible."

ADJOURNMENT

At 12:00 o'clock midnight, on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Monday, April 21, 1980.