

## SIXTIETH-DAY

Friday, April 24, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Thomas Rienzi, Our Lady of Peace Cathedral, after which the Roll was called showing all Senators present, with the exception of Senators Anderson and Yamasaki who were excused.

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

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 324), informing the Senate that on April 22, 1981, he signed the following bills into law:

H.B. No. 206 as Act 26, entitled: "RELATING TO THE HAWAII PENAL CODE";

H.B. No. 207 as Act 27, entitled: "RELATING TO DISPOSITION OF DEFENDANTS"; and

H.B. No. 956 as Act 28, entitled: "RELATING TO ELDERLY ABUSE OR NEGLECT,"

was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 584 to 629) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 584), transmitting House Concurrent Resolution No. 171, which was adopted in the House of Representatives on April 23, 1981, was placed on file.

By unanimous consent, H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING CHANGES IN THE BLOOD QUANTUM REQUIREMENTS FOR LESSEES OF HAWAIIAN HOME LANDS," was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 585), transmitting House Concurrent Resolution No. 234, which was adopted in the House

of Representatives on April 23, 1981, was placed on file.

By unanimous consent, H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA) YOUTH PROGRAMS," was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 586), transmitting House Concurrent Resolution No. 239, which was adopted in the House of Representatives on April 23, 1981, was placed on file.

By unanimous consent, H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. CONGRESS TO EXEMPT HAWAII'S PREPAID HEALTH CARE ACT FROM THE PREEMPTION PROVISION OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974," was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 587), returning Senate Concurrent Resolution No. 31, which was adopted in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 588), transmitting House Concurrent Resolution No. 243, which was adopted in the House of Representatives on April 23, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Yee and carried, H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE PAST CONTRIBUTIONS OF THE LATE JOE LOUIS AND EXTENDING DEEPEST CONDOLENCES TO HIS WIFE MARTHA, SON JOE JR., AND DAUGHTERS JOYCE AND KIM," was adopted.

A communication from the House (Hse. Com. No. 589), transmitting House Concurrent Resolution No. 244, which was adopted in the House of Representatives on April 23, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Yee and carried, H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING RECOGNITION AND APPRECIATION OF THE VITAL ROLE OF HAWAII'S SUGAR INDUSTRY IN MAINTAINING THE ECONOMIC WELL-BEING OF THE ECONOMY OF THE STATE

OF HAWAII," was adopted.

A communication from the House (Hse. Com. No. 590), transmitting House Concurrent Resolution No. 245, which was adopted in the House of Representatives on April 23, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Yee and carried, H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING LAHAINALUNA HIGH SCHOOL ON ITS 150TH ANNIVERSARY," was adopted.

A communication from the House (Hse. Com. No. 591), 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. 67, S.D. 1, was adopted by the House; and S.B. No. 67, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 592), 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. 113 was adopted by the House; and S.B. No. 113, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 593), 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. 271, S.D. 1, was adopted by the House; and S.B. No. 271, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 594), 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. 508, S.D. 1, was adopted by the House; and S.B. No. 508, S.D. 1, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 595), 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. 526, S.D. 1, was adopted by the House; and S.B. No. 526, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 596), 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. 568, S.D. 2, was adopted by the House; and S.B. No. 568, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 597), 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. 598, S.D. 1, was adopted by the House; and S.B. No. 598, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 598), 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. 636, S.D. 1, was adopted by the House; and S.B. No. 636, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 599), 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. 816, S.D. 1, was adopted by the House; and S.B. No. 816, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 600), 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. 878, S.D. 2, was adopted by the House; and S.B. No. 878, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 601), 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. 1476 was adopted by the House; and S.B. No. 1476, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 602), 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. 1662 was adopted by the House; and S.B. No. 1662, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 603), 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. 1713, S.D. 1, was adopted by the House; and S.B. No. 1713, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 604), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 14, H.D. 1, was adopted by the House; and H.B. No. 14, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 605), 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. 32, H.D. 1, was adopted by the House; and H.B. No. 32, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 606), 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. 33, H.D. 2, was adopted by the House; and H.B. No. 33, H.D. 2, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 607), 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. 200, H.D. 1, was adopted by the House; and H.B. No. 200, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 608), 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. 204, H.D. 1, was adopted by the House; and H.B. No. 204, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 609), 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. 212, H.D. 1, was adopted by the House; and H.B. No. 212, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 610), 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. 247 was adopted by the House; and H.B. No. 247, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 611), 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. 328, H.D. 1, was adopted by the House; and H.B. No. 328, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 612), 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. 393, H.D. 1, was adopted by the House; and H.B. No. 393, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 613), 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. 432 was adopted by the House; and H.B. No. 432, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 614), 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. 567, H.D. 1, was adopted by the House; and H.B. No. 567, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 615), 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. 585 was adopted by the House; and H.B. No. 585, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 616), 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. 728, H.D. 1, was adopted by the House; and H.B. No. 728, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 617), 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. 754, H.D. 1, was adopted by the House; and H.B. No. 754, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 618), 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. 770 was adopted by the House; and H.B. No. 770, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House

(Hse. Com. No. 619), 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. 934 was adopted by the House; and H.B. No. 934, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 620), 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. 1103, H.D. 1, was adopted by the House; and H.B. No. 1103, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 621), 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. 1267, H.D. 1, was adopted by the House; and H.B. No. 1267, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 622), 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. 1437, H.D. 1, was adopted by the House; and H.B. No. 1437, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 623), 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. 1511, H.D. 1, was adopted by the House; and H.B. No. 1511, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 624), 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. 1530, H.D. 1, was adopted by the House; and H.B. No. 1530, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 625), 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. 1590, H.D. 1, was adopted by the House; and H.B. No. 1590, H.D. 1, S.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 626), 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. 1765 was adopted by the House; and H.B. No. 1765, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 627), 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. 1769, H.D. 1, was adopted by the House; and H.B. No. 1769, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 628), 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. 1770, H.D. 2, was adopted by the House; and H.B. No. 1770, H.D. 2, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 23, 1981, was placed on file.

A communication from the House (Hse. Com. No. 629), informing the Senate that the amendments proposed by the Senate to House Concurrent Resolution No. 158 were agreed to by the House; and H.C.R. No. 158, S.D. 1, was Finally Adopted in the House of Representatives on April 23, 1981, was placed on file.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 325 to 335) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 325), entitled: "SENATE RESOLUTION EXTENDING RECOGNITION TO THE LATE PROFESSOR ANNE H. ADAMS," was offered by Senators Campbell, Machida, O'Connor, Cobb, Ushijima, Mizuguchi, Holt, Kuroda, Ajifu, Carpenter, Cayetano,

Yee, Henderson, Uwaine, Yamasaki, Anderson, Wong, Soares, Young, Abercrombie, Kawasaki, George, Kobayashi, Saiki and Toyofuku.

Senator Campbell moved that S.R. No. 325 be adopted, seconded by Senator Machida.

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

"I rise to speak in favor of Senate Resolution No. 325, 'Extending Recognition to the Late Professor Anne H. Adams.'

"Dr. Adams, who passed away last November 1980, was one of the most outstanding professors of basic education in America. She developed an effective reading and writing technique called 'Success in Beginning Reading and Writing,' which was introduced to Hawaii's schools. I am proud to have played a role in bringing this phenomenal program to Hawaii's children.

"I got to know Anne as a sensitive, dedicated and highly intelligent individual. I hope her untimely death will not stop the important work she started.

"Mr. President, when I was a member of the Hawaii State House of Representatives, I became very much interested in the fact that basic skills of our high school graduates were lacking in many crucial respects.

"The summer of 1977, as vice-chairman of the Education Committee and chairman of the Higher Education Subcommittee on the numbering system and the transferability of credits, and at my own expense, I went to several cities on the mainland in search of proven, effective methods for teaching basic reading, writing and math.

"This trip was a follow-up of House Resolution No. 243, which I introduced in the Legislature on February 3, 1977. The resolution requested that the Department of Education conduct a study to determine the feasibility of establishing a statewide qualifying examination for students seeking high school certification of graduation. I was prompted to introduce this resolution because many students were graduating from public schools without the ability to read, write, or do simple mathematical computation necessary to function in our society.

"A month after the resolution was introduced, the Department of Education

activated a task force on graduation requirements. I was elated to see a resurfacing of efforts to set graduation requirements, but my major concern remained unaddressed, that is, a timetable for full implementation of a Department of Education program which prepares students, upon graduation, to function in our society. I felt, in order to set a reasonable timetable, it was necessary to start effective programs of reading, writing and basic computation at the earliest possible date.

"The trip I referred to earlier, was designed to find such effective programs. On the trip, I conferred with educational specialists in the following cities: Los Angeles, California; Atlanta, Georgia; Durham, North Carolina; Washington, D.C.; and Boston, Massachusetts. As a result of these series of meetings, I was convinced that functional skills in reading, writing, spelling and math are possible, in spite of television distractions, little encouragement at home and the socio-economic background of the student.

"There is no satisfactory explanation for the Hawaii school system turning out graduates who cannot read, write, spell nor do acceptable basic computation necessary to function in our competitive society. This is particularly true when one realizes that our school system, more so than any other school system of its size in the country, gets very strong support from the public and the Legislature.

"Mr. President, soon after my return from the mainland trip in 1977, I noted a stir in the Honolulu Star-Bulletin, which reported that many 9th graders in Hawaii were unable to spell most of the words in the pledge of allegiance to the flag. My concern was accentuated when this story was carried over a major national network radio station.

"Hawaii, with the only statewide supported statewide public school system in the country, should be turning out the largest percentage of the best prepared public school students in the country. As an effective vehicle for hastening this process, I found the Anne Adams Program--'Success in Beginning Reading and Writing.'

"As a guest of President Terry Sanford, on the campus of Duke University, I had the occasion to express to him, my interest in talking with some knowledgeable people in the field of basic education--reading, writing and arithmetic--somebody who knows of, or has developed an

effective program in the basic skills. President Sanford said to me, and I quote: 'I have the very person you ought to talk to. It is Dr. Anne Adams, who is a professor of education here at the University.' President Sanford then proceeded to set up an appointment to see and talk with Anne Adams.

"I met with Dr. Adams, with my mini-tape recorder in operation. In the two hour session that we had, I was spellbound at the revelation of new and better techniques for teaching kindergarten and first grade students how to read, write and spell. My interest in her method was accentuated when she said: 'This method can be effective with students, no matter what their socio-economic background may be.'

"Mr. President, upon returning to Hawaii from my trip, I got in touch with the Board of Education, urging that they look into the merits of this program because it had great potential for Hawaii.

"The Anne Adams program was introduced into Hawaii's school system. According to principals, teachers and other school administrators, the success of the Anne Adams program is phenomenal.

"Mr. President, I would like to read into the record, some pertinent communication. A letter from Mr. Charles Clark, Superintendent of Education, dated October 19, 1977; a letter from Mr. Noboru Yonamine, Chairman of the Board of Education, dated October 13, 1977; a letter from Dr. Richard S. Alm, President of Ka Hui Heluhelu, and a letter from Dr. Adams.

"STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
Honolulu, Hawaii

October 19, 1977

The Honorable Charles M. Campbell  
House of Representatives  
State Capitol, Room 414  
Honolulu, Hawaii 96813

Dear Representative Campbell:

Thank you for your letter dated October 6, 1977 informing us of the reading demonstration project in the Durham, North Carolina School System developed by Dr. Anne Adams of Duke University. We are always glad to receive information about programs which can help us to improve education in Hawaii.

The State language arts team, composed of language arts program specialists, has been in touch with Dr. Adams. Her basic philosophy and approach to reading seem to be in consonance with the present thinking of the Department of Education. For students not performing adequately, the Durham project which stresses phonics, language experience, and the reading of magazines, newspapers, and library books seems like a viable approach.

Because of your observations of this project, my staff in the Office of Instructional Services is planning a meeting with Dr. Adams to review the project materials in conjunction with a Washington, D.C. conference arranged by the USOE. Thank you for your continuing interest in quality education for our Hawaii youngsters.

Sincerely,

/s/ Charles G. Clark

Charles G. Clark  
Superintendent"

"STATE OF HAWAII  
BOARD OF EDUCATION  
Honolulu, Hawaii

October 13, 1977

Honorable Charles M. Campbell  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Mr. Campbell:

Thank you for your letter of October 6, 1977 in which you brought to our attention the work of Dr. Anne H. Adams. I have referred your request to the Superintendent for follow through and appropriate action.

As is the normal procedure for requests to meet with the Board, you may call a meeting on your own accord and invite the Board of Education members to listen to the taped interview and look at her book, "Success in Beginning Reading and Writing." Whenever such a meeting is called, Board members are then free to attend if they wish.

Again, we thank you for your interest in education and look forward

to working with you in the following session.

Sincerely,

/s/ Noboru Yonamine

Noboru Yonamine  
Chairman"

"UNIVERSITY OF HAWAII  
AT MANOA  
College of Education  
Honolulu, Hawaii

October 2, 1978

The Honorable Charles M. Campbell  
State Capitol, Room 414  
Honolulu, Hawaii 96813

Dear Mr. Campbell:

Inasmuch as it was you who first called Anne Adams' work to the attention of the DOE, we would like to invite you to what is presumably her only public lecture on Oahu.

The meeting for our group is Saturday morning October 14 at the Spalding Auditorium on campus. The schedule is as follows:

8:00-8:30 Registration  
8:30-9:30 Dr. Adam's presentation  
9:30-10:00 Coffee break  
10:00-11:30 Questions and Answers

If you are in the audience, I certainly want to introduce you.

Also, afterwards the members of the Executive Board are entertaining Dr. Adams at brunch at the Kahala Hilton. We would be honored if you would join us.

We all know what a busy time of year this is for you. If you can accept either or both invitations, please let me know by having your secretary call my secretary, Mrs. Thelma Muramoto, at 948-7856 or 948-7866.

We hope to see you on the 14th.

Sincerely,

/s/ Richard S. Alm

Richard S. Alm  
Professor of Education  
President, Ka Hui Heluhelu"

"DUKE UNIVERSITY  
Durham, North Carolina

Department of Education

August 15, 1977

The Honorable Charles M. Campbell  
House of Representatives  
State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

Dear Representative Campbell:

The recent conversation we had at Duke University was pleasant, stimulating, and challenging. I am impressed with the depth of your perception concerning an interest in the improvement of the teaching of reading and writing.

At your request, I have asked Goodyear Publishing Company to send you a complimentary copy of **SUCCESS IN BEGINNING READING AND WRITING**. If you do not receive the copy soon, you might wish to contact Mr. David Grady, Editor, Goodyear Publishing Company, 1640 Fifth Street, Santa Monica, California 90401.

If there is any way I can be of assistance to you and other concerned leaders in Hawaii, please do not hesitate to contact me.

Sincerely,

/s/ Anne H. Adams

Anne H. Adams  
Professor of Education  
and Director, Duke  
Reading Center "

The motion was put by the Chair and carried, and S.R. No. 325 was adopted.

A resolution (S.R. No. 326), entitled: "SENATE RESOLUTION CONGRATULATING MRS. BARBARA JEAN MCKAUGHAN FOR BEING SELECTED 'MOTHER OF THE YEAR,'" was offered by Senators Yee, George, Young, Saiki, Kobayashi, Kawasaki, Henderson, Cayetano, Kuroda, Carpenter, Campbell, Ajifu, Cobb, O'Connor, Ushijima, Abercrombie, Uwayne, Soares, Mizuguchi, Toyofuku, Holt, Machida and Wong.

On motion by Senator Yee, seconded by Senator George and carried, S.R. No. 326 was adopted.

At this time, Senator Yee made the following introduction:

"Mr. President, in adopting the resolution, I'd like to say a little bit about the wonderful lady who is being

honored this afternoon. Mrs. Barbara McKaughan came to Hawaii in 1963 and settled here. Prior to that time, her travels had taken her to Mexico, New Guinea, the Philippines and around the Pacific area. Wherever she went, she dedicated herself to the children and we're happy that she has been selected as the 'Mother of the Year' for Hawaii.

"She leaves very shortly for New York City where she will be competing for the 'American Mother' nationally. So, at this time, I'd like to introduce Mrs. Barbara Jean McKaughan. With her, her husband, Mr. Howard McKaughan and Mrs. Anita Moepono, President of the American Mother's Committee of Hawaii."

Senator Abercrombie then commented:

"May I please Mr. President, as we all know, behind every good woman stands a good man, and rather than just have the introduction of certainly not the better half but the other half of the McKaughan family, I want to acknowledge, in Dean Howard McKaughan, that we have one of the finest administrators, one of the most exemplary examples of the best in teaching and research at the University of Hawaii in his person.

"We hear a lot of criticism and I certainly am no stranger to making criticism, hopefully constructively, in terms of the University of Hawaii, but if there is one person that I know of over the years at the University of Hawaii for whom criticism is entirely lacking and for whom all honor is due in terms of his contribution to this community and to the University and obviously to the well-being and happiness of Mrs. McKaughan, it is the Dean.

"Howard, it is a pleasure to see you here today."

Senator Yee then presented the honoree with a lei.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

A resolution (S.R. No. 327), entitled: "SENATE RESOLUTION COMMENDING THE EDITORS OF THE WAIPAHU COMMUNITY NEWSPAPER 'CANE TASSLE,'" was offered by Senators Young, Kuroda, Mizuguchi, Cayetano, Machida, Ushijima, Campbell, Toyofuku, Kobayashi, Henderson, Ajifu, Yee, Holt, Soares,



Carpenter, O'Connor, Saiki, George, Uwaine, Kawasaki, Cobb and Abercrombie.

On motion by Senator Young, seconded by Senator Kuroda and carried, S.R. No. 327 was adopted.

A resolution (S.R. No. 328), entitled: "SENATE RESOLUTION EXTENDING ALOHA AND CONGRATULATIONS TO THE SOCIETY OF THE PLASTICS INDUSTRY, INC. AT THEIR 38TH ANNUAL WESTERN SECTION CONFERENCE IN HONOLULU, HAWAII, MAY 12-15, 1981," was offered by Senators Kobayashi, George, Kawasaki, Abercrombie, Henderson, Toyofuku, Soares, Ajifu, Yee, Mizuguchi, Machida, Campbell, Young, Holt, Ushijima, Cayetano, Uwaine, O'Connor and Carpenter.

On motion by Senator Kuroda, seconded by Senator George and carried, S.R. No. 328 was adopted.

A resolution (S.R. No. 329), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE REGISTERED PROFESSIONAL NURSES OF THE STATE AND COUNTY GOVERNMENTS ON THEIR FIRST ANNUAL STATEWIDE NURSES INSTITUTE," was offered by Senators Machida, Mizuguchi, Holt, Ushijima, Toyofuku, Young, Kawasaki, Yee, Kuroda, Cobb, Abercrombie, Campbell, George, Carpenter and Soares.

On motion by Senator Machida, seconded by Senator Mizuguchi and carried, S.R. No. 329 was adopted.

A resolution (S.R. No. 330), entitled: "SENATE RESOLUTION COMMENDING JOHN M. 'JAKE' URNER FOR HIS CONTRIBUTION AND SERVICES TO THE REAL ESTATE INDUSTRY," was offered by Senators Yee, George, Kuroda, Soares, Uwaine, Mizuguchi, Cayetano, Machida, Ushijima, Ajifu, Campbell and Saiki.

On motion by Senator Yee, seconded by Senator George and carried, S.R. No. 330 was adopted.

A resolution (S.R. No. 331), entitled: "SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE UNIVERSITY OF HAWAII'S UPSILON CHAPTER OF PI SIGMA EPSILON ON ITS 20TH ANNIVERSARY," was offered by Senators Uwaine, Kuroda, Soares, Yee, Abercrombie, Holt, Machida, Mizuguchi, Ushijima, Henderson, George, Campbell, Carpenter, Cayetano, Saiki, Toyofuku and Cobb.

On motion by Senator Uwaine, seconded

by Senator Kuroda and carried, S.R. No. 331 was adopted.

A resolution (S.R. No. 332), entitled: "SENATE RESOLUTION COMMENDING AND CONGRATULATING THE COUNTY AWARDEES OF THE 1981 FIRST LADY'S OUTSTANDING VOLUNTEER AWARDS," was offered by Senators Holt, Machida, Cobb, Ushijima, Toyofuku, Ajifu, Mizuguchi, Yee, O'Connor, Soares, Campbell, Carpenter, Young, Kuroda, Kobayashi, Kawasaki, Uwaine, Cayetano, Saiki, George and Abercrombie.

On motion by Senator Holt, seconded by Senator Machida and carried, S.R. No. 332 was adopted.

A resolution (S.R. No. 333), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO THE ASAHI BASEBALL ORGANIZATION ON ITS 75TH ANNIVERSARY," was offered by Senators Holt, Mizuguchi, Toyofuku, O'Connor, Machida, Campbell, Ushijima, Ajifu, Cayetano, Kuroda, Kawasaki, Young, Kobayashi, Henderson, Soares, George, Yee, Carpenter, Uwaine, Abercrombie, Cobb, Wong and Saiki.

On motion by Senator Holt, seconded by Senator Mizuguchi and carried, S.R. No. 333 was adopted.

A resolution (S.R. No. 334), entitled: "SENATE RESOLUTION HONORING ALEXANDER KAMAHELE UPON HIS RETIREMENT AND COMMENDING HIM FOR THE MANY YEARS OF DEDICATED PUBLIC SERVICE TO FARRINGTON HIGH SCHOOL AND THE STATE OF HAWAII," was offered by Senators Holt, Campbell, Kawasaki, Carpenter, Young, Uwaine, Mizuguchi, Cayetano, Yee, Ajifu, Cobb, Ushijima, Machida, Toyofuku, Henderson, Kobayashi, Soares, Kuroda, Saiki, George and Abercrombie.

On motion by Senator Holt, seconded by Senator Campbell and carried, S.R. No. 334 was adopted.

A resolution (S.R. No. 335), entitled: "SENATE RESOLUTION CONGRATULATING AND THANKING THE MEMBERS OF THE LEGISLATIVE INTERN PROGRAM OF THE CHAMBER OF COMMERCE OF HAWAII," was offered by Senators Henderson, Soares, Carpenter, Ushijima, Holt, George, Kobayashi and Ajifu.

On motion by Senator Henderson, seconded by Senator Soares and carried, S.R. No. 335 was adopted.

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

#### CONFERENCE COMMITTEE REPORT

Senator Carpenter, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 344, H.D. 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 344, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of H.B. No. 344, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1082) informing the Senate that Senate Resolution Nos. 313 to 324, Conference Committee Report No. 53 and Standing Committee Report Nos. 1047 to 1081 have been printed and are ready for distribution.

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

Senators Cayetano and Abercrombie, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1083) recommending that Senate Resolution No. 153, as amended in S.D. 1, be adopted.

On motion by Senator Cayetano, seconded by Senator Abercrombie and carried, the joint report of the Committees was adopted and S.R. No. 153, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO CARDIOPULMONARY RESUSCITATION TRAINING IN HIGH SCHOOLS," was adopted.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1084) recommending that Senate Resolution No. 255, as amended in S.D. 1, be adopted.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.R. No. 255, S.D.

1, entitled: "SENATE RESOLUTION REQUESTING THE STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONDUCT A STUDY ON PROVIDING APPROPRIATE SERVICES TO DEVELOPMENTALLY DISABLED ADULTS AGE 20 AND OVER," was adopted.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1085) recommending that Senate Resolution No. 265 be referred to the Committee on Legislative Management.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.R. No. 265, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE NEED TO PROVIDE FOR THE COORDINATED IMPLEMENTATION OF THE HAWAII STATE CORRECTIONAL MASTER PLAN," was referred to the Committee on Legislative Management.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1086) recommending that Senate Resolution No. 251 be adopted.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.R. No. 251, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REPORT ON THE EFFORTS TO REDUCE UNNECESSARY EXPENSES BY CONSOLIDATING UNDERUTILIZED SCHOOLS," was adopted.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1087) recommending that Senate Resolution No. 257, as amended in S.D. 1, be adopted.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.R. No. 257, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A NEW HIGH SCHOOL IN THE KEALAKEHE COMPLEX IN WEST HAWAII," was adopted.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1088) recommending that Senate Resolution No. 274, as amended in S.D. 1, be adopted.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.R. No. 274, S.D. 1, entitled: "SENATE RESOLUTION

ENCOURAGING THE DEPARTMENT OF EDUCATION TO CONTINUE ITS COMMITMENT TO NUTRITION EDUCATION WITHIN THE PUBLIC SCHOOLS," was adopted.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1089) recommending that Senate Resolution No. 282 be adopted.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and S.R. No. 282, entitled: "SENATE RESOLUTION CONCERNING MINIMUM CURRICULUM OFFERINGS AT ALL HIGH SCHOOLS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1090) recommending that Senate Concurrent Resolution No. 70, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.C.R. No. 70, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE COMMISSIONER OF MOTOR VEHICLE INSURANCE DIVISION'S ANNUAL REPORT ON MOTOR VEHICLE INSURANCE PREMIUMS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1091) recommending that S.R. No. 226, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.R. No. 226, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE COMMISSIONER OF MOTOR VEHICLE INSURANCE DIVISION'S ANNUAL REPORT ON MOTOR VEHICLE INSURANCE PREMIUMS," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1092) recommending that Senate Resolution No. 245, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1092 and S.R. No. 245, S.D. 1, was deferred to the end of the evening calendar.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1093)

recommending that Senate Resolution No. 20, as amended in S.D. 1, be adopted.

Senator Kawasaki moved that Stand. Com. Rep. No. 1093 and S.R. No. 20, S.D. 1, be adopted, seconded by Senator Ajifu.

At this time, Senator Campbell remarked as follows:

"According to a report by the Hawaii Natural Energy Institute, University of Hawaii, Hawaii spent approximately \$800 million in 1978 for imported petroleum. One estimate, based on a 10% annual price increase, is that by 1990, Hawaii will be spending over \$2 billion for oil. The state, however, has the potential to achieve 100% electrical energy self-sufficiency by 1990.

"The Hawaii taxpayer, for 1980-81, will be spending approximately one million three hundred thousand dollars for gasoline for cars operated by the state.

"These are reasons enough to search for an alternative, but there is more.

"In Hawaii we have the cleanest air of any state in the union, and it's being threatened, largely by the number of cars on the road emitting pollution.

"I introduced Senate Resolution No. 20, primarily because our congressional delegation, the executive and our legislators, in spite of much effort, have not succeeded in persuading Washington to store 10 million barrels of oil in Hawaii for emergency purposes. On March 8, 1977, I introduced House Resolution No. 459, which urged the federal energy agency to stockpile 10 million barrels of crude oil in Hawaii so that our state could contend with an emergency caused by an oil embargo.

"Since that time, I was able to get over two-thirds of the state legislative leaders to join our congressional delegation and the Governor in trying to get Washington to act. At this point, no results.

"Unlike House Resolution No. 459, which highlighted our dependency on oil, the resolution before us today emphasizes our need for self-sufficiency.

"Before the United States Senate Committee on Energy and Natural Resources last year, I made the following statement: 'Hawaii's critical dependence upon imported oil and the fact that Hawaii has the cleanest air of any state in the union, underscore the need to develop, for our state, alternative energy resources that are clean, dependable

and reasonable in cost. One of the most promising of alternatives in the field of transportation is the electric car.' That's the subject of this resolution.

"Since most of the senators were not privy to the testimony submitted, related to the resolution, I feel it only fair, as a matter of fact, necessary, to point out that the Departments of Transportation and Accounting and General Services are opposed to the resolution. DAGS said this: 'As a participant in the Transportation Committee of the Hawaii Conservation Council and the Advisory Committee of the Energy Functional Plan, DAGS supported the proposal to utilize electric motor vehicles in their operation whenever feasible. We concur with the Department of Transportation that it is premature to conduct a study of the possibility of converting our present gasoline-powered vehicles at this time.'

"The Department of Transportation had this to say: 'The Department agrees that Hawaii has the cleanest air of any state in the union, and that the use of energy sources emitting a minimum of environmental pollutants would result in maintaining the cleanliness of Hawaii's air. The Department does not agree, however, that the use of electric vehicles in Hawaii would reduce petroleum consumption, since Hawaii's electrical power plants continue to be dependent upon petroleum, and based on today's fuel prices in Hawaii, there is no significant saving to the consumer between gasoline and electricity to travel a given distance.'

"In response to DOT's major contention that the use of electric vehicles in Hawaii would not reduce oil consumption since Hawaii's electrical plants continue to be dependent upon petroleum, let me share with you a report from the Hawaii Natural Energy Institute Electric Vehicle Demonstration Project. It says, in part: 'For a given unit of petroleum, an electric engine produces more power than a comparable internal combustion engine. Studies have shown that for every gallon of gasoline used to power an internal combustion engine, only 15% is used to actually set a car in motion. The remaining 85% of a gallon of gas providing power to an internal combustion engine, is transformed into heat. On the other hand, an electric engine, using one gallon of gasoline to provide electricity uses 30% of its inputted energy to set a car in motion. Thus, an electric engine is two times more efficient than an internal combustion engine.'

"Relative to the battery problem, Donald Hanson said this: 'Speaking as a member of the Hawaii Energy Conservation Council, I support this resolution, which recommends the greater use of electric vehicles by the state and counties. Hawaii seems to be ideally suited for conversion to electric vehicles. Distances are relatively short, making battery operation, even today, feasible.'

"The Department of Transportation said there was no important saving to the consumer between gasoline and electric-powered cars. According to Alex Hirota, who is the chief of the automotive division of the Department of Accounting and General Services, operational costs for state vehicles average approximately 18¢ to 19¢ per mile.

"The Electric Vehicle Project of the University of Hawaii says: 'The electric vehicle costs about 10.5¢ per mile to operate.'

"So much for the departments' positions related to the electric car. Now for some concluding statements.

"(1) According to DAGS, state vehicles travel 22.5 miles per day. The electric vehicles can travel up to 50 miles before recharging, thereby being a viable replacement for the gas-powered car.

"(2) According to an article in the Advertiser, dated September 7, 1980: 'The city of Berkeley, California, and Amctran Inc., of Dallas, Texas, have announced plans to mass produce what a spokesman termed the world's first high-performance electric car. Operating costs, including depreciation and battery replacement, are estimated at five cents per mile.'

"(3) Here is an interesting headline in the Advertiser, May 10, 1979: 'Postal Service Triples Electric Fleet.' The article goes on to say: 'The Postal Board of Governors yesterday approved one major energy saving step, the purchase of 750 more battery-powered mail delivery vehicles to cut gasoline use.' The article continues: 'The Board was told that the use of electric vehicles has shown they produce energy savings and low noise.'

"(4) As pointed out by the Hawaii Natural Energy Institute, compared to the gasoline-powered vehicles, electric-powered vehicles require less maintenance, thereby costing less to operate. The reason behind lower maintenance costs is that electric engines have

fewer moving parts. Unlike a gasoline engine, an electric engine does not have pistons, a water pump, oil pump, fuel pump, or a carburetor. In addition, an electric engine does not require engine oil, radiator, air cleaner, exhaust system, nor a gas tank. In years to come, with the utilization of longer lasting batteries, the need for battery replacement will be eliminated. With further development, electric engines could possibly be virtually maintenance free.

"(5) Some of the advantages of the electric car:

A. Electric vehicles use energy that can be provided by resources other than imported oil. Solar, wind, biomass, etc.

B. The net energy required for electric vehicles is less than that of gasoline-powered internal combustion engine vehicles, even if oil fired electrical generation is used, as currently in Hawaii.

C. Electric vehicles create very little environmental pollution compared with gasoline engines.

D. No energy is expended or pollutants expelled when an electric vehicle is coasting or stopped.

"The Hawaii Natural Energy Institute of the University of Hawaii, in direct contradiction to the Department of Transportation, says: 'The popular use of electric vehicles in Hawaii may be a practical solution for the oil shortage and air pollution problems in this state.'

"An editorial in the Advertiser, dated Monday, April 20, 1981, focuses on the problem in this way: 'Here in Hawaii, we continue to believe that alternative energy sources should not be left on the back burner as something that will not become important for a decade or more.'

"I think a strong case exists for the state to simply conduct a study of the possibility of converting our present gasoline-powered state and county vehicles into electric-powered vehicles."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ADOPTION OF ELECTRIC CARS FOR STATE AND COUNTY VEHICLES," was adopted.

Senator Kawasaki, for the Committee

on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1094) recommending that Senate Resolution No. 233 be adopted.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.R. No. 233, entitled: "SENATE RESOLUTION REGARDING STREAMLINING ADMINISTRATIVE RULES AND REGULATIONS OF THE STATE AND COUNTIES," was adopted.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1095) recommending that Senate Resolution No. 237, as amended in S.D. 1, be adopted.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.R. No. 237, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO STOCKPILE OIL IN HAWAII FOR POTENTIAL EMERGENCY NEEDS," was adopted.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1096) recommending that Senate Resolution No. 244 be adopted.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.R. No. 244, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO UNDERTAKE MEASURES TO REDUCE STATE EMPLOYEES' TRAVEL EXPENSES," was adopted.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1097) recommending that Senate Resolution No. 283 be adopted.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.R. No. 283, entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF THE DEPARTMENT OF BUDGET AND FINANCE IN CONJUNCTION WITH THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND THE STATE COMPTROLLER, TO DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES TO ENSURE THAT CONSIDERATION BE GIVEN TO MULTIPLE AGENCY FACILITIES IN THE BUDGET PLANNING AND EXECUTION PROCESS,"

was adopted.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1098) recommending that Senate Resolution No. 289 be adopted.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.R. No. 289, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO TAKE THE APPROPRIATE ACTION TO ESTABLISH A NATIONAL TYPE APPROVAL PROGRAM," was adopted.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1099) recommending that Senate Resolution No. 202 be referred to the Committee on Ways and Means.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.R. No. 202, entitled: "SENATE RESOLUTION URGING THE COUNTIES TO CONSIDER INCREASING THE REAL PROPERTY TAX HOME EXEMPTION," was referred to the Committee on Ways and Means.

Senator Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 1100) recommending that Senate Concurrent Resolution No. 65 be referred to the Committee on Ways and Means.

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO CONSIDER INCREASING THE REAL PROPERTY TAX HOME EXEMPTION," was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### FINAL READING

Conference Committee Report No. 47 (H.B. No. 1267, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 47 and H.B. No. 1267, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 48 (S.B. No. 1699, S.D. 1, H.D. 2,

C.D. 1):

Senator Abercrombie moved that Conf. Com. Rep. No. 48 be adopted and S.B. No. 1699, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

At this time, Senator Abercrombie rose to speak in favor of the measure:

"Mr. President, I am speaking in favor of this bill. I believe that this bill is virtually a textbook example of how a concern can be articulated into ideas, transposed into bill form in a very general way, then as a result of public discussion and intense effort on the part of legislators in both houses, up to and including the conference, arrive at a conclusion which very easily serves the intention, in this particular instance, to end violence and vandalism in our public schools.

"I think that this bill most particularly addresses the constitutional amendment concerning the policy-making functions of the Board of Education and is an ideal example of the kinds of results that can come from the cooperation of many groups and individuals in the community, including the Prosecutor's Office, the Hawaii Crime Commission, the Parents, Teachers and Students Association, the collective bargaining agent for the teachers, the collective bargaining agent for the educational officers and the United Public Workers, the DOE itself and the Board.

"In particular, I want to thank the members of the Education Committee and most especially, in the House, Representative Charles Toguchi, chairman of the Education Committee, Representative John Waihee on the Conference Committee and Representative Dennis Yamada, for recognizing that this area of confidence has been lacking in our public school system and that to regain control over the schools, to re-establish discipline in the schools, for the benefit not only of the children and teachers, but for the benefit of the tax paying public which expects to see that our school system is in proper running order. The result of all this, is that we can be proud of this bill and utilize it as a stepping stone, if not a foundation stone, for turning the public school system around in this most crucial area of violence and vandalism.

"No doubt, Mr. President, with your many duties in the past couple of weeks, you have not had time to peruse much of the news magazines, but nonetheless, I want to bring to

your attention that the Newsweek magazine, in particular, is now in the second part of a three-part series on public school education in the United States. It considers the area of public education so important that it has, in unprecedented fashion, taken upon itself an analysis on a nationwide basis of the public school system covering three parts.

"It was interesting to note that on a nationwide basis discipline in the schools was the major concern of parents throughout the nation in every school district. It took the No. 1 priority. In our state, I think this bill is not only recognition of that concern here in Hawaii, but is an ideal example of what can be done by legislators who put their minds to work, and their talents to work, and their energy to work on behalf of good public policy.

"I would be most grateful for unanimous passage of this bill as an indication of our will and determination and intent to see to it that violence and vandalism in our public schools are ended."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 48 was adopted and S.B. No. 1699, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AND VANDALISM IN THE PUBLIC SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

Conference Committee Report No. 49 (H.B. No. 293, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 49 and H.B. No. 293, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 50 (H.B. No. 300, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 50 and H.B. No. 300, S.D. 1, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 51 (S.B. No. 126, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 126, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL

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

Ayes, 19. Noes, 1, (Soares). Excused, 5 (Abercrombie, Anderson, Campbell, Kawasaki and Yamasaki).

Conference Committee Report No. 52 (H.B. No. 919, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 52 and H.B. No. 919, S.D. 1, C.D. 1, was deferred to the end of the evening calendar.

#### MATTERS DEFERRED FROM APRIL 23, 1981

#### FINAL READING

Conference Committee Report No. 2 (H.B. No. 769, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 2 and H.B. No. 769, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 18 (H.B. No. 50, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 18 and H.B. No. 50, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 30 (H.B. No. 1048, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 30 (H.B. No. 1048, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 37 (H.B. No. 1680, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37 and H.B. No. 1680, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the evening calendar.

Conference Committee Report No. 40 (H.B. No. 728, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Young, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 728, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

Conference Committee Report No. 44 (S.B. No. 163, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 44 and S.B. No. 163, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the evening calendar.

At 12:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:27 o'clock p.m.

#### MATTERS DEFERRED FROM APRIL 22, 1981

#### THIRD READING

House Bill No. 792, H.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 792, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes.

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

House Bill No. 73:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

House Bill No. 1107:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 1107, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

House Bill No. 1583:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 1583, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

Standing Committee Report No. 955 (H.B. No. 114, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 955 and H.B. No. 114, H.D. 1, was deferred to the end of the evening calendar.

#### MATTERS DEFERRED FROM APRIL 23, 1981

#### THIRD READING

House Bill No. 1339, H.D. 1:

By unanimous consent, action on H.B. No. 1339, H.D. 1, was deferred to the end of the evening calendar.

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

Standing Committee Report No. 956 (H.B. No. 753):

Senator Abercrombie moved that Stand. Com. Rep. No. 956 be adopted and H.B. No. 753, having been read throughout, pass Third Reading, seconded by Senator Ajifu.

At this time, Senator Kawasaki remarked:

"Mr. President, while I will vote for this bill, I trust that the land board would not allow themselves to be used in subsidizing entrepreneurs in the agricultural field who want sort of a subsidy by having the state charge them, in the way of water rates, less than what it costs the state to provide the water.

"I think this bill was advocated by the Department of Land and Natural Resources primarily to take care of some Waimanalo water rate situations, which is a little different because of extenuating circumstances. However, the law will now allow the charging



of water rates below what it costs the state. As I said, I would hope the land board very judiciously exercises what's allowed in this law right now and not provide water rates cheaper than what it costs the state to provide the same for agricultural activities."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 753, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS RATES AND CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 5 (George, Kawasaki, Kobayashi, O'Connor and Saiki). Excused, 3 (Anderson, Campbell and Yamasaki).

#### MATTERS DEFERRED FROM APRIL 23, 1981

Standing Committee Report No. 970  
(Gov. Msg. No. 161):

Senator Carpenter moved that Stand. Com. Rep. No. 970 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Carpenter then moved that the Senate advise and consent to the nomination of Tany S. Hong as Attorney General, term to expire December 6, 1982, seconded by Senator Cayetano.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Campbell and Yamasaki).

Standing Committee Report No. 1025  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1025 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1026  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1026 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1027  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1027 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1028  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1028 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1029  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1029 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1030  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1030 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1031  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1031 and Gov. Msg. No. 283 was deferred to the end of the evening calendar.

Standing Committee Report No. 1047  
(Gov. Msg. No. 315):

Senator Cobb moved that Stand. Com. Rep. No. 1047 be received and placed on file, seconded by Senator Uwayne and carried.

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

Victor H. Zuercher, Jr., term to expire December 31, 1983; and

Francis L. Lock and Karen J. Bardin-Billman, terms to expire December 31 1984,

seconded by Senator Uwayne.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1048  
(Gov. Msg. No. 314):

Senator Cobb moved that Stand. Com. Rep. No. 1048 be received and placed on file, seconded by Senator Uwayne and carried.

Senator Cobb then moved that the

Senate advise and consent to the nomination of Patricia N. Kramer to the Board of Cosmetology, term to expire December 31, 1984, seconded by Senator Uwaine.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1061 (Gov. Msg. No. 310):

Senator Uwaine moved that Stand. Com. Rep. No. 1061 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Uwaine then moved that the Senate advise and consent to the nomination of James Clark to the Hawaii Public Employment Relations Board, term to expire six years from date of appointment, seconded by Senator Abercrombie.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1066 (Gov. Msg. Nos. 130 and 228):

Senator Abercrombie moved that Stand. Com. Rep. No. 1066 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nomination of Rose P. Kaneapua and Gard N. Kealoha to the King Kamehameha Celebration Commission, terms to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Senator Abercrombie then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission as follows:

Leona L. Ryder, term to expire December 31, 1982; and

Solomon K. Colburn, Jr., term to

expire December 31, 1983,

seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1067 (Gov. Msg. Nos. 131, 132, 229, 230 and 231):

Senator Abercrombie moved that Stand. Com. Rep. No. 1067 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nomination of Edgar S. Himeda to the Library Advisory Commission, City and County of Honolulu, term to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Senator Abercrombie then moved that the Senate advise and consent to the nomination of Yaeko Ono to the Library Advisory Commission, County of Maui, term to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

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

Linda O. Chang, term to expire December 31, 1982;

Judy Becker, term to expire December 31, 1982;

Deborah Macer Chun, term to expire December 31, 1984; and

Susan M. Ichinose, term to expire December 31, 1984,

seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Senator Abercrombie then moved that the Senate advise and consent to the nomination of Lena K. Palama to the Library Advisory Commission, County of Kauai, term to expire December 31, 1981, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Senator Abercrombie then moved that the Senate advise and consent to the nomination of M. Dee Dudley to the Library Advisory Commission, County of Maui, term to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1068 (Gov. Msg. No. 227):

Senator Abercrombie moved that Stand. Com. Rep. No. 1068 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nominations of Franklin S. Odo, Joanne Trotter and David Pearce Penhallow to the State Foundation on Culture and the Arts, terms to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1069 (Gov. Msg. No. 232):

Senator Abercrombie moved that Stand. Com. Rep. No. 1069 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nomination of Elaine K. Kono to the Hawaii Public Broadcasting Authority, term to expire December 31, 1986, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1070 (Gov. Msg. No. 290):

Senator Abercrombie moved that Stand. Com. Rep. No. 1070 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nomination of Hiroshi Yamashita to the Education Commission of the States, term to expire December 31, 1983, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1071 (Gov. Msg. No. 291):

Senator Abercrombie moved that Stand. Com. Rep. No. 1071 be received and placed on file, seconded by Senator Kuroda and carried.

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

Chieko Tanimoto and Alfred Evangelista, terms to expire December 31, 1984;

Robert Sanborn and Verna Mae Delo Santos, terms to expire December 31, 1983;

Grace Kekaulike Basque, term to expire December 31, 1982; and

Daisy U. Smith, term to expire December 31, 1981,

seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1072 (Gov. Msg. No. 311):

Senator Abercrombie moved that Stand. Com. Rep. No. 1072 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Abercrombie then moved that the Senate advise and consent to the nominations of Kiyoto Tsubaki, Sister Brenda Lau and Masako H. Ledward to the Hawaii Education Council, terms to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1074 (Gov. Msg. No. 318):

Senator Kobayashi moved that Stand. Com. Rep. No. 1074 be received and placed on file, seconded by Senator George and carried.

Senator Kobayashi then moved that the Senate advise and consent to the nominations of Robert L. Shuford, Tom Okuda and Sharon Weiner to the Stadium Authority, terms to expire December 31, 1984, seconded by Senator Kuroda.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1075 (Gov. Msg. Nos. 125 and 223):

Senator Henderson moved that Stand. Com. Rep. No. 1075 be received and placed on file, seconded by Senator Yee and carried.

Senator Henderson then moved that the Senate advise and consent to the nomination of Thomas S. Yagi to the Board of Land and Natural Resources, term to expire December 31, 1984, seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Senator Henderson then moved that the Senate advise and consent to the nomination of James Douglas Keauhou Ing, to the Board of Land and Natural Resources, term to expire December 31, 1984, seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1076 (Gov. Msg. Nos. 126 and 224):

Senator Henderson moved that Stand. Com. Rep. No. 1076 be received and placed on file, seconded by Senator Yee and carried.

Senator Henderson then moved that the Senate advise and consent to the nomination of Lloyd T. Sadamoto to the Board of Planning and Economic Development, term to expire December 31, 1984, seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Senator Henderson then moved that the Senate advise and consent to the nominations to the Board of Planning and Economic Development as follows:

Leonard K. Kapahulehua, term to expire December 31, 1983; and

Robert T. German, term to expire December 31, 1984,

seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1077 (Gov. Msg. No. 127):

Senator Henderson moved that Stand. Com. Rep. No. 1077 be received and placed on file, seconded by Senator Yee and carried.

Senator Henderson then moved that the Senate advise and consent to the nominations to the Hawaii Fisheries Coordinating Council as follows:

Alika Cooper, Bill Choy, Louis Agard and Winfred Ho, terms to expire December 31, 1983; and

Asahi Okamoto, Frank Goto and Charles Spinney, terms to expire December 31, 1982,

seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1078 (Gov. Msg. No. 316):

Senator Henderson moved that Stand. Com. Rep. No. 1078 be received and placed on file, seconded by Senator Yee and carried.

Senator Henderson then moved that the Senate advise and consent to the nomination of Teofilo Tacbian to the Land Use Commission, term to expire December 31, 1984, seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1079 (Gov. Msg. No. 316):

Senator Henderson moved that Stand. Com. Rep. No. 1079 be received and placed on file, seconded by Senator Yee and carried.

Senator Henderson then moved that the Senate advise and consent to the nomination of Robert Tamaye to the Land Use Commission, term to expire December 31, 1984, seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

Standing Committee Report No. 1080 (Gov. Msg. No. 316):

Senator Henderson moved that Stand. Com. Rep. No. 1080 be received and placed on file, seconded by Senator Yee and carried.

Senator Henderson then moved that the Senate advise and consent to the nomination of Everett Cuskaden to the Land Use Commission, term to expire December 31, 1984, seconded by Senator Yee.

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Yamasaki).

At 12:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Standing Committee Report No. 1081 (Gov. Msg. No. 313):

Senator Cobb moved that Stand. Com. Rep. No. 1081 be received and placed on file, seconded by Senator Kuroda and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Robert M. Lee to the Boxing Commission, term to expire December 31, 1982, seconded by Senator Kuroda.

At this time, Senator Kuroda rose to speak in favor of the appointment as follows:

"Mr. President, I rise to speak in support of the appointment of Robert M. Lee to the Boxing Commission. Mr. Lee did well in the Committee on Consumer Protection and Commerce public hearing and in spite of all the accusations made against him, he has come out with flying colors and I believe that the proper vote for this man is an 'aye' vote. Thank you."

Senator O'Connor remarked:

"Mr. President, I am going to vote in favor of Mr. Lee, but I rise to speak on another related issue and that is the handling of Mr. Lee in the committee. I've already talked to the chairman of the committee concerning the matter."

"I believe it would be an improper precedent for us in the Senate to establish, when we handle advise and consent matters, sanctions against individuals seemingly in return for the advise

and consent in a favorable fashion.

"I believe that whether Mr. Lee did correctly or incorrectly use monies, evidently for a testimonial, should have been considered but I do not believe it is our function to require that monies be paid back, or retribution, or any sort of a sanction where such a matter is being considered. I would hate to see that established as any kind of precedent in this body for the future handling of matters on advise and consent."

Senator Kuroda rose to speak in rebuttal as follows:

"Mr. President, I rise to speak in rebuttal of the statement made by the critic of the chairman's action.

"I serve on the committee; I was at the hearings and it was my motion with regard to following a recommendation and I suggested that the possible solution is for restitution to be made back into the fund from which the money had come six years ago.

"It was in no way a mandatory request on the appointee. It was a matter of 'we'd like to suggest this, and if you will do that, then we will take further action on this matter,' but it was not a mandatory request."

Senator Abercrombie then remarked:

"Mr. President, I've been thinking about this nomination right to this moment, as to whether to vote for or against. I had been inclined, after reading Mr. Easterwood's editorial in the Star-Bulletin last night, to vote for the nomination, but in considering all the factors, I rise to speak against this nomination.

"I will not vote for Mr. Lee. I can't dispute the qualifications, especially as outlined to me very kindly by Senator Kuroda. I will not speak against the character of Mr. Lee. I believe this business of the check was done in good faith, on his part, and I don't consider that there was any wrong-doing.

"I have spoken with the chairman about this matter, as well, the other night, and I indicated to him that I was interested to see what Mr. Lee would do with the request because I know what I would do with the request--that has to do with my own views and not Mr. Lee's, but it gives me an indication that my original concerns are in order. My concern is the World Boxing Association and the World Boxing Council.

"I have had occasion, in recent days, to read extensively in two magazines devoted to sports activities, 'Sports Magazine' and 'Sports Illustrated,' articles making a critical examination, in-depth examinations, of the World Boxing Council and the World Boxing Association. I had indicated to the chairman that I would be most interested in whether or not any of the nominees would want to withdraw the State of Hawaii from participation with the World Boxing Council and the World Boxing Association.

"I think we have every reason to believe that these two organizations are as corrupt and derogatory a force in boxing as that which existed in the late 40's and early 50's in the United States at the time the International Boxing Club was under Frankie Carbo and the Mafia associations. The people who run these organizations are at best susceptible to corruption and at worse they are outright crooks and thieves.

"The rankings in the World Boxing Council and World Boxing Association are up for sale; they are subject to prejudice and discrimination; they are arbitrary, capricious; they do more harm to people who are engaged in boxing than any possible good that they might do; and it is disgraceful for this state to be associated with these two organizations in any respect.

"As it is my understanding that Mr. Lee would be the chairman of the Boxing Commission, and there apparently is no indication on his part that he will try to take the Commission out of these two organizations or refuse to recognize their validity in the State of Hawaii, I don't think that I can vote for him, and I would ask the other members of the Senate to consider that if we are going to have a Boxing Commission which participates in these two organizations, then it is my conclusion that we are directly contributing to the corruption and subversion of the welfare of boxing both on a national and international basis, as well as in our state."

Senator Cobb stated:

"Mr. President, I would like to address, in rebuttal, a couple of points raised.

"First of all, that the nomination was contingent on the repayment. We started circulating a committee report well over an hour before we received any communication, check or letter from Mr. Lee or his associates.

"Secondly, that if I had been convinced that this individual had been an instigator of the check, or done so knowingly with malice that it was wrong, there's no way that even a million dollars would have bought him this nomination and I don't view this as a buying of the nomination, but a repayment of money that was wrongfully expended in contravention of the rules or purpose clause of the Hawaii Association Welfare Boxers' Fund. As such, I view it as an expungement of the record because I could not and would not ask the Senate to pass in judgment on the check if that remained an item of controversy.

"So it became very clear, in the course of the hearing, that not only was Mr. Lee not the instigator of the check, but that he was a reluctant participant in its signing, and that those individuals, including Mr. Minn and Mr. Tomihara, who were the instigators for the writing of the check, were to contribute equally in its reimbursement, thus involving a sharing of the parties and the sharing of the responsibility. And the point was made, I think, in validity, that it was a request, not a demand.

"I would further point out that one of the complaining witnesses, who brought up the matter of the check, himself had written a \$36 check on the same welfare fund as an expenditure for a dinner to revise the bylaws of that very fund and that too was determined to be improper upon rather lengthy questioning. He agreed that it would be a good idea to also reimburse the fund. So the reimbursements are not limited to the nominee by any means. It goes to those who were involved in it on both sides.

"I think finally, Mr. President, the points raised by Senator Abercrombie do deserve some examination. I'm going to be watching what happens on the Boxing Commission and I'm going to be watching, very closely, what happens to the welfare fund, in the months to come. Thank you."

Senator Cayetano rose to speak in favor of the appointment:

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

"In response to Senator Abercrombie's comments, let me say that I too have read the articles on the World Boxing Association and the other boxing association. I think it is premature, at this time, to label, as crooks, corrupt, etc., people associated with those

organizations based on an article in 'Sports Illustrated.'

"I think it is contrary to our system of due process and justice; I think it's also unfair to hold against a nominee like Mr. Lee, a position which was, from my understanding, never explored at the committee hearing. I don't know if anyone asked him how he felt about the boxing associations. I do know this though, our own Sergeant-at-Arms, Ben Villafior, once held the title of Junior Lightweight Champion of the World, the World Boxing Association version.

"Every champion today, whether it's Larry Holmes or Mike Weaver, holds a title with either the World Boxing Association or the World Boxing Council. It's really unrealistic, I think, and even unfair to expect that one man, chairman of the committee, under those circumstances in which world title fights are sanctioned by either the World Boxing Association or the Council... to place on his shoulders the burden of getting the Hawaii Boxing Commission to withdraw, if you will, recognition of boxers who fight under those banners, it's an impossible situation.

"If we're going to do anything about it, and I think this is pointed out in the article in 'Sports Illustrated,' the remedy has to be done on a federal basis. The United States of America has to create, simply, a Federal Boxing Commission. That's the only way it can be done; otherwise, we here in Hawaii, will not be getting fights, title fights, because all of the world champions, as I said, 'Sugar' Ray Leonard, Larry Holmes, etc., all fight for one council or the other."

Senator Abercrombie then stated:

"Mr. President, on the basis of the representation of the chairman about considering the points raised regarding the World Boxing Council and the World Boxing Association, I would point out that Mr. Lee was president of the World Boxing Association prior to this time.

"In consideration of the remarks by Senator Cayetano, which I think I need to respond to briefly, I'm quite aware of the fact that boxers do not have much in the way of choice, these days, because of the World Boxing Association and the World Boxing Council and the promotions that are associated with these two organizations--self-created, by the way. These associations are self-appointed; that's why I brought up the point that boxers

can be victimized in the sense of having to court, if you will, the approval of these two associations. But I do recognize the point raised by Senator Cayetano about the idea of a possible Federal Boxing Commission or federal law in this area.

"As I indicated, I was thinking, right up until this time, about what I might do. I had not heard of the Committee on Consumer Protection and Commerce chairman's concern until he enunciated it at this time. So with those things in mind, I would withdraw my objection to Mr. Lee on the grounds that I would follow the same route as the chairman and watch very closely to see what happens in this area and urge that we do, indeed, withdraw from these organizations in terms of recognizing their validity."

Senator Kuroda commented:

"Mr. President, on the possibility that we may win another vote or more votes, I'd like to share with the people present that when Herbert Minn gave testimony at the hearing, he showed us two editions of 'Sports Illustrated' which talked about the corruption that goes on in boxing throughout the nation and specifically noted that no mention was made of Bobby Lee in a negative way. We look upon that as positive support for Bobby Lee."

Roll Call vote having been ordered, the motion to advise and consent to the nomination of Robert M. Lee to the Boxing Commission, term to expire December 31, 1982, was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 16. Noes, 4 (George, Kawasaki, Saiki and Uwaine). Excused, 5 (Anderson, Ajifu, Campbell, Carpenter and Yamasaki).

At 12:54 o'clock p.m., on motion by Senator Cobb, seconded by Senator Yee and carried, the Senate stood in recess until 7:00 o'clock p.m. or subject to the call of the Chair.

#### NIGHT SESSION

The Senate reconvened at 10:40 o'clock p.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 325 to 327) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 325), transmitting the

Department of Transportation's annual report for fiscal year ending June 30, 1980, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 326), transmitting a report entitled: "Hawaii State Report to the 1981 White House Conference on Aging," was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 327), advising the Senate of the withdrawal of the nomination to the State Health Planning and Development Agency of KeNam Kim, term to expire December 6, 1982, under Governor's Message No. 293, was placed on file.

In compliance with Gov. Msg. No. 327, the nomination listed under Gov. Msg. No. 293 was returned.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 630 to 648) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 630), informing the Senate that the amendments proposed by the Senate to House Bill No. 511, H.D. 1, were agreed to by the House; and H.B. No. 511, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 631), informing the Senate that the amendments proposed by the Senate to House Bill No. 564, H.D. 1, were agreed to by the House; and H.B. No. 564, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 632), informing the Senate that the amendments proposed by the Senate to House Bill No. 695, H.D. 1, were agreed to by the House; and H.B. No. 695, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 633), informing the Senate that the amendments proposed by the Senate to House Bill No. 721, H.D. 1, were agreed to by the House; and H.B. No. 721, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.



A communication from the House (Hse. Com. No. 634), informing the Senate that the amendments proposed by the Senate to House Bill No. 722, H.D. 1, were agreed to by the House; and H.B. No. 722, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 635), informing the Senate that the amendments proposed by the Senate to House Bill No. 726, H.D. 1, were agreed to by the House; and H.B. No. 726, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 636), informing the Senate that the amendments proposed by the Senate to House Bill No. 729, H.D. 1, were agreed to by the House; and H.B. No. 729, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 637), informing the Senate that the amendments proposed by the Senate to House Bill No. 781 were agreed to by the House; and H.B. No. 781, S.D. 2, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 638), informing the Senate that the amendments proposed by the Senate to House Bill No. 808, H.D. 2, were agreed to by the House; and H.B. No. 808, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 639), informing the Senate that the amendments proposed by the Senate to House Bill No. 822 were agreed to by the House; and H.B. No. 822, S.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 640), informing the Senate that the amendments proposed by the Senate to House Bill No. 824, H.D. 1, were agreed to by the House; and H.B. No. 824, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House

(Hse. Com. No. 641), 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. 1022, H.D. 1, was adopted by the House; and H.B. No. 1022, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 642), 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. 55, S.D. 1, was adopted by the House; and S.B. No. 55, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 643), returning Senate Concurrent Resolution No. 40, which was adopted by the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 644), returning Senate Concurrent Resolution No. 29, S.D. 1, which was adopted by the House of Representatives on April 24, 1981, in an amended form, was placed on file.

Senator Kobayashi moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 29, S.D. 1, and that S.C.R. No. 29, S.D. 1, H.D. 1, be adopted, seconded by Senator George.

At this time, Senator Kobayashi explained that "the House changed 'executive order' to having the compacts negotiated on an interim basis until there is legislative approval."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.C.R. No. 29, S.D. 1, and S.C.R. No. 29, S.D. 1, H.D. 1, entitled: **SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO NEGOTIATE INTERSTATE COMPACTS FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTES,** was finally adopted.

A communication from the House (Hse. Com. No. 645), 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. 293, H.D. 1, was adopted by the House; and H.B. No. 293, H.D. 1, S.D. 1, C.D. 1, passed Final Reading

in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 646), 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. 300, was adopted by the House; and H.B. No. 300, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 647), 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. 1681, S.D. 2, was adopted by the House; and S.B. No. 1681, S.D. 2, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

A communication from the House (Hse. Com. No. 648), 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. 1699, S.D. 1, was adopted by the House; and S.B. No. 1699, S.D. 1, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on April 24, 1981, was placed on file.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 336 to 343) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 336), entitled: "SENATE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1981 AND THE CONVENING OF THE REGULAR SESSION OF 1982," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 336 was adopted.

A resolution (S.R. No. 337), entitled: "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE ELEVENTH LEGISLATURE, REGULAR SESSION OF 1981," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded

by Senator Yee and carried, S.R. No. 337 was adopted.

A resolution (S.R. No. 338), entitled: "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, ELEVENTH LEGISLATURE, 1981, STATE OF HAWAII, WITH AN INSPIRATIONAL INVOCATION," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 338 was adopted.

A resolution (S.R. No. 339), entitled: "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE ELEVENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 339 was adopted.

A resolution (S.R. No. 340), entitled: "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 340 was adopted.

A resolution (S.R. No. 341), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 341 was adopted.

A resolution (S.R. No. 342), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO EXPEND FUNDS AFTER ADJOURNMENT," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 342 was adopted.

A resolution (S.R. No. 343), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY," was offered by Senators Cobb and Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, S.R. No. 343 was adopted.

At this time, Senator Cobb congratulated all of the legislative staff for a job well done.

#### CONFERENCE COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 815, S.D. 2, presented a report (Conf. Com. Rep. No. 54) recommending that S.B. No. 815, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 815, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTER'S INCOME TAX CREDIT."

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1298, S.D. 1, presented a report (Conf. Com. Rep. No. 55) recommending that S.B. No. 1298, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 1298, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL EXPENSES."

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1507, S.D. 2, presented a report (Conf. Com. Rep. No. 56) recommending that S.B. No. 1507, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 1507, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES."

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1167, H.D. 1, presented a report (Conf. Com. Rep. No. 57) recommending that H.B. No. 1167, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final

Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of H.B. No. 1167, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE VENTURE CAPITAL INFORMATION CENTER."

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 335, S.D. 2, presented a report (Conf. Com. Rep. No. 58) recommending that S.B. No. 335, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 335, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE."

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 557, S.D. 1, presented a report (Conf. Com. Rep. No. 59) recommending that S.B. No. 557, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 557, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

#### STANDING COMMITTEE REPORTS

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1101) recommending that the Senate advise and consent to the nomination of Suzanne D. Peterson to the Board of Agriculture, in accordance with Governor's Message No. 96.

Senator Ajifu then requested that Rule No. 33 of the Rules of the Senate be waived in order to consider the nomination of the candidates as presented in Standing Committee Report No. 1101, and by unanimous consent, the waiver was granted.

Senator Ajifu moved that Stand. Com. Rep. No. 1101 be received and placed on file, seconded by Senator Kobayashi and carried.

Senator Ajifu then moved that the Senate advise and consent to the nomination of Suzanne D. Peterson to the Board of Agriculture, term to expire December 31, 1984, seconded by Senator Kobayashi.

Roll Call vote 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 Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1102) recommending that House Bill No. 767, H.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 767, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION PLANS FOR PUBLIC EMPLOYEES."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1103) recommending that House Bill No. 1406, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 1406, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL COST RECOVERY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 27, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1406, H.D. 1.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1104) recommending that House Bill No. 867 pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 867, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS IN THE DEPARTMENT OF THE ATTORNEY GENERAL."

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1105) recommending that House Concurrent Resolution No. 147,

H.D. 1, be adopted.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and H.C.R. No. 147, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ACQUISITION OF THE BIG BEACH AREA OF MAKENA, MAUI, FOR A STATE PARK," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1106) recommending that House Bill No. 35, H.D. 1, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 35, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR SOLAR ENERGY DEVICES."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1107) recommending that House Bill No. 440, H.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 440, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE TAX CREDIT."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1108) recommending that House Bill No. 630, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 630, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 27, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 630, H.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1109) recommending that House Bill No. 741 pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 741, entitled: "A BILL

# FOR AN ACT RELATING TO DISCRIMINATORY EMPLOYMENT PRACTICES."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1110) recommending that House Bill No. 1584 pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1584, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD."

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1111) recommending that the Senate advise and consent to the nominations to the Commission on the Year 2000 as follows:

Virginia Dee Costello and Francis S. Oda, in accordance with Gov. Msg. No. 129; and

Lester E. Cingcade, in accordance with Gov. Msg. No. 226.

By unanimous consent, action on Stand. Com. Rep. No. 1111 and Gov. Msg. Nos. 129 and 226 was deferred until Monday, April 27, 1981.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1112) recommending that the Senate advise and consent to the nominations to the Commission on Population and the Hawaiian Future as follows:

David M. Murata, Bailey R. Center, George L. Butterfield, Jr. and Franklin Ty Kudo, in accordance with Gov. Msg. No. 225; and

Paul T. Tajima, in accordance with Gov. Msg. No. 128.

By unanimous consent, action on Stand. Com. Rep. No. 1112 and Gov. Msg. Nos. 225 and 128 was deferred until Monday, April 27, 1981.

## ORDER OF THE DAY

### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 1092 (S.R. No. 245, S.D. 1):

Senator Henderson moved that Stand. Com. Rep. No. 1092 and S.R. No. 245, S.D. 1, be adopted, seconded by Senator Yee.

At this time, Senator Kuroda remarked:

"Mr. President, it was my intention to speak against and vote against this resolution; however, I have met with the chairman and he has explained some things to me and I am going to vote for it. However, I'd like to make these statements.

"The functional plans have been before us for several sessions and each time they have been deferred by this Senate for another year, and the reason being that the Senate has not had sufficient time to study these plans. I believe that one or more of these plans are ready and they have been ready for adoption. The reasons especially given have been that there are conflicts among plans.

"The original Senate Resolution No. 245, as submitted, makes certain statements that we questioned during the public hearing that was conducted. However, the committee report makes statements that the Economic Development Committee will conduct interim studies and will meet with the experts in the various fields. This has satisfied me as far as it is the intent of this Senate to now make some interim studies and devote attention to these plans. I don't think that we can ask the departments to continue making studies and making reports without the senators involving ourselves with time and effort.

"Again, as I say, I am satisfied now with the chairman's explanation and look forward to the interim studies so that we can adopt the functional plans in the next session. Thank you."

Senator Henderson rose to speak in favor of the measure:

"Mr. President, the Senate Economic Development Committee recommends passage of this resolution so that there may be an extensive effort during the interim to improve the plans. The objective of the resolution is not to delay the plans; it is an honest and sincere effort to resolve the conflicts, impose fiscal responsibility and increase the input of private sector expertise.

"I urge a vote in favor of Senate Resolution No. 245."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.R. No. 245, S.D. 1, entitled: "SENATE RESOLUTION DIRECTING THE POLICY COUNCIL AND THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO TRANSMIT A REPORT ON THE FUNCTIONAL PLANS," was adopted.

## FINAL READING

Conference Committee Report No. 47 (H.B. No. 1267, H.D. 1, S.D. 2, C.D. 1):

Senator Yamasaki moved that Conf. Com. Rep. No. 47 be adopted and H.B. No. 1267, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Uwiane.

At this time, Senator Kawasaki remarked:

"Mr. President, I am voting for this bill with the very distinct understanding that the Senate Committee on Human Resources will expend some earnest effort to improve the statute that this bill will become, upon the Governor's signing of this bill. Improve it in the following manner.

"First of all, to look into the possibilities of including other handicapped people, other physically handicapped people in addition to the blind, so that these people, other than the blind, could also qualify for these vendor locations.

"Secondly, I'd like to make sure that the standards established, as to who among the visually blind, be very definite so that, in effect, only people who are without the use of their sight would qualify.

"Thirdly, I'd like to see some mechanism worked out so that a small percentage or proportion of the income received by these people fortunate enough to obtain these locations, because we may have a number of blind people or physically retarded people who may not be fortunate enough to get these locations, that a portion of the revenue derived by these vendors be set aside in a fund to be administered, perhaps by Ho'Opono, or other agencies like that, so that all physically handicapped people will somehow benefit by the expending of these funds for programs catering to the needs of the physically handicapped and not only to the blind.

"With these improvements and with the understanding that these considerations will be given great thought, I will vote for this bill."

Senator Uwiane thanked the Senator from the Fifth Senatorial District and assured him that his concerns would be addressed in the coming session.

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 47 was adopted and H.B. No.

1267, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF PUBLIC BUILDINGS BY BLIND OR VISUALLY HANDICAPPED PERSONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 49 (H.B. No. 293, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 49 and H.B. No. 293, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conference Committee Report No. 50 (H.B. No. 300, S.D. 1, C.D. 1):

Senator Carpenter moved that Conf. Com. Rep. No. 50 be adopted and H.B. No. 300, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Anderson.

At this time, Senator Carpenter rose to speak in favor of the measure:

"Mr. President, I'd like to speak in favor of this bill.

"Just as much as law is to protect human life, a law must also protect human dignity. The heinous offense of rape, which often threatens life and certainly always mutilates human dignity, must be adequately proscribed by our penal statutes.

"Mr. President, our current rape laws must be changed to reflect our concern for the priority of our right to life and the dignity of the victim. I suggest that such changes are a message to the courts that the citizenry believes the victim of the ordeal of rape should never be allowed to suffer an added ordeal in the courtroom where such person must defend the failure to have forcibly resisted an attacker.

"In 1980, the Legislature made certain changes to the definitions of sexual intercourse and forcible compulsion. This Legislature reviewed the Hawaii Crime Commission's recommendations to replace the rape statutes with similar sexual assault offenses in Senate Bill No. 610. This review was chronologically followed by public outcry--I believe the culmination of years of frustration--with a march on the Capitol.

"The Senate held a hearing where the public came to voice their many concerns and suggestions for amendments to these laws. Your Committee on Judiciary,

Mr. President, reviewed House Bill No. 300 on offenses against the person and decided to use it as a vehicle to address these concerns.

"An ad hoc committee involving the Attorney General's Office, the Crime Commission, the Honolulu Prosecutor's Office, attorneys from the Senate staff and from the private sector, and numerous private interest groups concerned with needed changes to the rape laws, concentrated on three major areas of concern. First, the definition of forcible compulsion; second, the social companion subsection of first degree rape; and third, the prompt complaint regarding the reporting of rape and its occurrence.

"Mr. President, your Committee on Judiciary formulated a Senate draft to the bill addressing these three major concerns. House Bill No. 300, Senate Draft 1, passed the Senate and was returned to the House with the House subsequently disagreeing to some of the new amendments, thereby requiring further review and resolution of differences by both House and Senate conferees.

"Mr. President, your conferees, with the House, reviewed again the entire statute on rape with participation from the public as well as participation from the House attorneys. I ought to point out here that five of the House conferees are also practicing attorneys in the State of Hawaii. Both conference committees ultimately agreed on this draft now before you.

"This bill redefines forcible compulsion which now means 'the use of or attempt to use one or more of the following to overcome a person: (a) a threat, express or implied, that places a person in fear of bodily injury to the individual or another person, or in fear that the person or another person will be kidnapped; (b) a dangerous instrument; or (c) physical force.'

"This bill also modifies the provision of social companion in rape in the first degree. The retention and modification of this provision was made at the request of the Honolulu Prosecutor's Office. Mr. Charles Marsland recommended temporary retention of this provision until the Legislature is able to further study all sections regarding the laws on rape and sodomy. He also suggested the amendment to this provision.

"All conferees agreed that a continuing review and revision are still needed to more fairly address the crimes of rape and sodomy.

"Mr. President, I believe the time has come for the Legislature to seriously analyze the entire rape statute so that every provision, included in these statutes, conforms to the seriousness of the crime so that prosecution and justice may be forwarded.

"We have also repealed Section 707-740 on prompt complaint. That section limited prosecution of a rape occurrence by mandating that notice of the occurrence be brought forward within three months of the rape or no prosecution could be instituted or maintained. By repealing this section, the law aligns the statute of limitations of rape to those of other violent crimes. Existing limitations for a Class A felony allows prosecution to be instituted or maintained for a period of six years from the date of occurrence. For Class B and C felonies, equivalent to second and third degree rape, the period is three years.

"This is a reasonable and rational bill, Mr. President, that the Legislature has prudently drafted after first going through many steps and analysis of the present rape statutes. Many professional people, including lawyers, social workers and others who are well versed in the prosecution of rape and the treatment of rape and for some the experience of rape, helped to generate the revisions as set forth in this bill. This bill is definitely a concerted effort by many and one in which we all feel a step in the right direction which will lead us to more complete revision of the rape laws that will finally allow our statutes to reflect reality.

"Mr. President, I strongly urge all of my colleagues to vote for passage of this bill. Thank you."

Senator George then remarked:

"Mr. President, I rise as a somewhat reluctant voice in support of the bill. My Conference Committee chairman has spoken most eloquently about all the provisions of it.

"I think we have all heard a good bit of somewhat persuasive testimony that the statute we have only recently amended should be given a chance to settle in; we should find out whether or not it's going to work.

"I do not find this persuasive because the present statute has three elements in it which I find in common with most of the women who have testified on behalf of change. These three things are totally insupportable as far as

this particular statute is concerned. One is the element of resistance. The crime of rape is the only one, under present statute, which requires that the victims are obliged to furnish testimony in proof of resistance. The other one is prompt complaint, which means that this is the only crime where there is a necessity to report, within three months, that a rape has happened and that the statute of limitations, which is normal to other criminal activities, will not be effective.

"These two dreadful deficiencies are corrected in the measure to which the Conference Committee chairman has just alluded, and for that reason, I will support the bill because if we can get rid of these two totally dreadful aspects of it, we've got something going for ourselves.

"However, there's still some things to which I take great exception and that is the fact that there is a requirement in this measure that provides that if a prior social companion commits the offense of rape, he is eligible for second degree rape; if someone who is not a prior social companion, who is a stranger rapist, he is then eligible for a first degree rape. This is, I think, a totally insupportable, a totally ludicrous criterion that will distinguish one rapist from another rapist.

"I, however, am persuaded that all the members of the Conference Committee, both House and Senate, made the commitment that they believe that this was an unsatisfactory, insupportable, criterion and that every effort would be made to amend the law next year; that we would work during the interim as a House committee, as a Senate committee and if necessary, as a committee of the whole between the two, to get rid of this factor which doesn't belong in the law.

"On that basis, Mr. President, I will reluctantly ask my colleagues to support House Bill No. 300. Thank you."

Senator Soares then rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of House Bill No. 300. I believe that this bill represents a major change, not just in the law, but in the attitudes of the community, as they are reflected by the Legislature, toward the crime of rape.

"Mr. President, I am saddened that it took such a shocking series of events to cause this transformation but I am

heartened by the permanent changes that have occurred because of these events.

"I saw these changes begin during the course of the lengthy hearing that we held, as person after person expressed long, unspoken anger about the state of our laws. I saw my fellow Senators learn the depths of a problem that we simply had not confronted and become committed to resolving it. I saw these changes continue to occur, in private, away from the public eye, as we tried to write an adequate law.

"I saw old, unconsciously held positions surface and fade in the new environment:

'Rape is not a crime of passion--it is a crime of violence.'

'Women do not invite rape--they are assaulted with it.'

'Rape is not a crime that women claim without merit.'

'Police records show that it is a crime that women will rarely claim--no matter how grievous.'

"We have learned that these statements are false. We must express our education by the passage of this bill.

"Less than three months ago, the Hawaii Court of Appeals restated the 70-year-old requirement in our law, that a woman must try and physically fend off her attacker, or lose a rape case. We have required a woman to show 'actual' and 'real' physical resistance. A woman has only been excused from this if her life or health was being threatened.

"No other crime in Hawaii requires the victim to resist. Thirty other states have long ago dropped resistance. Now is our opportunity to remove this unfair burden and slander against women.

"I am proud of this bill and proud of my fellow colleagues. We saw a need and we made a sincere attempt to meet it. The result is one of the most important laws regarding the rights of women that we have ever enacted. Such a bill deserves unanimous consent and I urge all my colleagues to support this bill."

Senator Cobb remarked:

"Mr. President, very briefly. As one of the conferees, I must express a reservation similar, if not identical, to that expressed by Senator Mary George.



"During the course of the hearing, it became clear that the retention of even a one-day social companion provision was repugnant to women. I share that; I agree with that. The only reason it is being retained, even temporarily, is that the prosecutor, in his testimony, stated that without that kind of provision, most of the rapes that are prosecuted as first degree rape will in fact be prosecuted as second degree.

"I look forward to the work that the Senate and House committees, in the interim, will be doing to remove this provision because I consider it nothing more than a 30-day license for lechery."

Senator Uwaine then commented:

"Mr. President, I was one of the conferees on this bill and I will be voting in favor of this bill. However, I would also like to say that it is important that we remember that our laws are not to be changed for the convenience of the prosecutor, but to protect the innocent. Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 50 was adopted and H.B. No. 300, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 52 (H.B. No. 919, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 52 and H.B. No. 919, S.D. 1, C.D. 1, entitled, "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF A JUDGMENT BETWEEN THE STATE OF HAWAII AND SYLVIA GAMINO," was deferred until Monday, April 27, 1981.

Conference Committee Report No. 2 (H.B. No. 769, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 2 and H.B. No. 769, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 1984 SILVER JUBILEE OF HAWAII'S STATEHOOD AND MAKING AN APPROPRIATION THEREFOR," was deferred until Monday, April 27, 1981.

Conference Committee Report No.

18 (H.B. No. 50, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 18 and H.B. No. 50, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was deferred until Monday, April 27, 1981.

Conference Committee Report No. 30 (H.B. No. 1048, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 30 and H.B. No. 1048, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Monday, April 27, 1981.

Conference Committee Report No. 37 (H.B. No. 1680, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37 and H.B. No. 1680, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," was deferred until Monday, April 27, 1981.

Conference Committee Report No. 44 (S.B. No. 163, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 44 and S.B. No. 163, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEXING THE HAWAII REVISED STATUTES," was deferred until Monday, April 27, 1981.

### THIRD READING

Standing Committee Report No. 955 (H.B. No. 114, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 955 and H.B. No. 114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Monday, April 27, 1981.

House Bill No. 1339, H.D. 1:

Senator Carpenter moved that H.B. No. 1339, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Carpenter rose to speak in favor of the measure:

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

"Mr. President, the bill before us today amends the definition of committee in Section 11-191 for election campaign contributions and expenditures. A similar campaign spending bill, which had gone through conference, included the same provisions that are in this bill and both the House and Senate conferees agreed, in principle, that the campaign spending law should not be discriminatory, especially concerning these provisions. It should either include all of the organizations presently exempted by law or none of them. The bill now conforms to this principle, and we have adopted the principle, that all of the organizations presently excluded from the present law be included in this bill.

"The change now mandates all committees, including unions and corporations as defined in this section, making expenditures in the aggregate of more than \$1,000 per election to influence the nomination and election of candidates or ballot questions on issues, to file reports as required by law. This bill exempts committees, however, making expenditures in the aggregate of less than \$1,000, from filing reports to preclude the necessity for a horrendous task which would be assigned ultimately to the Campaign Spending Commission. In addition, Mr. President, the bill excludes individuals, that is, individual people, from the definition of committee.

"The purpose of this bill is to encourage active participation in the elective process without unduly burdening organizations, who make small expenditures, with the task of filing a report. It also ensures that organizations spending in excess of \$1,000 per election will still be subject to the reporting provisions of this chapter.

"Mr. President, both Common Cause and Campaign Spending Commission Director, Jack Gonzales, testified that these changes would allow more accurate records to be compiled by that Commission, while at the same time allowing the Commission to monitor those committees making significant contributions for expenditures in behalf of or against candidates and or ballot issues.

"Mr. President, this sometimes has been called the HGEA loophole law, or loophole provision, but it impacts more than a particular union; it impacts all unions and corporations.

"Mr. President, I think it is a fair bill and I strongly urge passage of it. Thank you."

Senator O'Connor rose and inquired as follows:

"Mr. President, I wonder if the chairman of the committee would yield to a question."

The chairman, Senator Carpenter, replied that he would.

Senator O'Connor then asked:

"Mr. President, I'm somewhat confused by this bill in that the Section (D) proposed in the bill requires certain reports of a committee which falls under Section (A). As I understand this overall Section 11-191 (6), it's the definition section. Do I understand, Mr. President, that the (D) portion which refers to committee reports is an exclusive reporting section and only refers to those committees which are outlined in Section (A) of the bill?"

Senator Carpenter replied that that was correct.

Senator O'Connor continued:

"Therefore, do I understand, Mr. President, if I vote in favor of this measure, that is the only report required of committees hereafter under Chapter 11?"

In answer thereto, Senator Carpenter noted:

"Under the entire chapter, the other sections pertaining to campaign contributions will apply in accordance with those provisions in the other portions of Chapter 11."

Senator O'Connor questioned further:

"Therefore, if I vote in favor of this bill, committees, as redefined, will not only have to comport with the reporting requirements outlined in (D) of the definition of committees, but also they will have to comport with those reporting requirements which are contained elsewhere in Chapter 11 for committees. Is that correct?"

Senator Carpenter answered in the affirmative.

The motion was put by the Chair and carried, and H.B. No. 1339, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES," having been read throughout, passed Third Reading on the following showing

of Ayes and Noes:

Ayes, 17. Noes, 8 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku, Ushijima and Yee).

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No. 1025  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1025 and Gov. Msg. No. 283 was deferred to the end of the calendar.

Standing Committee Report No. 1026  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1026 and Gov. Msg. No. 283 was deferred to the end of the calendar.

Standing Committee Report No. 1027  
(Gov. Msg. No. 283):

Senator Saiki moved that Stand. Com. Rep. No. 1027 be received and placed on file, seconded by Senator Cobb and carried.

Senator Saiki then moved that the Senate advise and consent to the nomination of Stephen Bess to the Board of Regents of the University of Hawaii, term to expire December 31, 1982, seconded by Senator Cobb.

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

Ayes, 24. Noes, 1 (Toyofuku).

Standing Committee Report No. 1028  
(Gov. Msg. No. 283):

Senator Saiki moved that Stand. Com. Rep. No. 1028 be received and placed on file, seconded by Senator Cobb and carried.

Senator Saiki then moved that the Senate advise and consent to the nomination of Gregory Dela Cruz to the Board of Regents of the University of Hawaii, term to expire December 31, 1983, seconded by Senator Cobb.

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

Ayes, 24. Noes, 1 (Toyofuku).

Standing Committee Report No. 1029

(Gov. Msg. No. 283):

Senator Saiki moved that Stand. Com. Rep. No. 1029 be received and placed on file, seconded by Senator Cobb and carried.

Senator Saiki then moved that the Senate advise and consent to the nomination of Julia Frohlich, M.D. to the Board of Regents of the University of Hawaii, term to expire December 31, 1984, seconded by Senator Cobb.

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

Ayes, 24. Noes, 1 (Toyofuku).

Standing Committee Report No. 1030  
(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1030 and Gov. Msg. No. 283 was deferred to the end of the calendar.

Standing Committee Report No. 1031  
(Gov. Msg. No. 283):

Senator Saiki moved that Stand. Com. Rep. No. 1031 be received and placed on file, seconded by Senator Cobb and carried.

Senator Saiki then moved that the Senate advise and consent to the nomination of Burt K. Tsuchiya to the Board of Regents of the University of Hawaii, term to expire December 31, 1981, seconded by Senator Cobb.

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

Ayes, 24. Noes, 1 (Toyofuku).

MATTERS DEFERRED TO  
THE END OF THE CALENDAR

Conference Committee Report No. 49 (H.B. No. 293, H.D. 1, S.D. 1, C.D. 1):

Senator Carpenter moved that Conf. Com. Rep. No. 49 be adopted and H.B. No. 293, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Anderson.

At this time, Senator Carpenter rose to speak in favor of the measure:

"Mr. President, I rise to speak in favor of House Bill No. 293, H.D. 1, S.D. 1, C.D. 1, on firearms.

"Mr. President, your Conference Committee, with the House conferees, worked diligently, many hours, and deliberated on many drafts, before finally reaching agreement on the bill before you.

"I want to thank both the House and Senate conferees for their concerted efforts, and especially Lt. Carl Wong of the Honolulu Police Department for lending his expertise during every conference hearing held on this bill. His participation helped to generate a bill on firearms which I believe is both workable and fair legislation which the police can enforce within its existing system.

"This bill addresses the issue of insuring safety in our communities and enables our police departments to review the mental health history of everyone desiring to possess a firearm in this state. Your conferees have developed standards and requirements which speak to the issue of preventing ownership of firearms for those who may be a potential threat to our society.

"These same standards and requirements have been designed to help guarantee protection to all of our citizens and at the same time does not place undue hardship on anyone wishing to acquire a firearm. The bill now requires a permit, under a section called 'Permits to Acquire,' for all firearms obtained or brought into this state.

"We've instituted a ten-day waiting period for anyone applying for a permit to acquire to enable the police to make a thorough check on the applicant. We've only waived the ten-day waiting period for firearm dealers, law enforcement officers and persons applying for a license to carry a concealed weapon under emergency situations to conform to existing statutes and present police practice.

"One of the items we did not resolve to everyone's satisfaction, but a policy decision was agreed to by the conferees, not to provide an exemption for the ten-day waiting period until we see what kind of need develops. This will be certainly readdressed next session.

"The bill also now prohibits, Mr. President, ownership and possession of any firearm by persons who have had a significant emotional, behavioral, or mental disorder as defined by the most current manual of the American Psychiatric Association. Included in this group are persons who have

also been civilly committed to psychiatric institutions and those acquitted of a crime on grounds of mental disorder, defect, or disease. This prohibition is valid unless the person has been medically documented to be cured of such an affliction.

"The bill, I believe, is a positive step toward the prevention of future incidents like the 'pali sniper,' the 'Waikiki sniper,' the 'Kawaiaho Plaza sniper,' and recent shootings perpetuated by those who had been acquitted of crimes on grounds of insanity.

"We have further amended these statutes by also excluding from ownership persons who are under indictment for having committed a felony or any crime of violence. In addition, the violation for a felon in possession of firearms has been increased from a Class C felony to a Class B felony.

"The bill also clarifies Chapter 134 on firearms by relocating specific subsections to sections which are more pertinent to that particular subject. This will make the chapter easier to read and easier to understand.

"Mr. President, this bill is not, I repeat, is not a panacea for what may ail certain members of our society, but represents the best efforts toward the protection of our community from persons who should not possess firearms.

"I urge all of my colleagues to vote in favor of the passage of this bill. Thank you."

Senator Abercrombie then rose to speak in favor of the measure:

"Mr. President, I'd like to speak in favor of this bill.

"Mr. President, as you are well aware, this bill is a controversial one and represents a controversial issue and I know, from discussions with many colleagues, that there are minds being made up at this moment as to whether or not passage is in order. I merely ask that we reflect for a moment on the reality of what we are about to do in voting yes or no.

"We get so used to being in these chambers for the sixty days--the sixty working days are actually just about four months--that sometimes I wonder if there is another world, another life somewhere other than being here in the halls of the legislature, stumbling home sometimes. In the last week, it's been difficult even to do that.

"The reason I raise that point is

that sometimes our sense of reality and our sense of closeness to one another might even prevent us, once in a while, from realizing that we're actually doing things that affect everybody in the state. We know that we affect one another and that we are sometimes infected, I suppose, with one another, but nonetheless it is a cold fact of not just political life, but of the legislative life of the state that what we do has an impact on the lives of everyone around us, all of the citizens and others living under the jurisdiction of the state.

"For that reason, I ask us to think very, very hard, especially those who may still be making up their minds about this bill, as to whether or not this is the right thing to do because in the end that's what it's going to come down to, I believe, in this vote.

"I would ask that we vote in the affirmative for some of the following reasons. I won't reiterate the various provisions as enunciated by the chairman, but ask you to consider a couple of things in terms of implication.

"I look at this bill as someone who has never fired a gun and someone who does not possess a gun, and I try to think, would this bill be fair in terms of myself. Is there something in this which is onerous to me as, I hope, a civil libertarian, someone who is conscious of the Constitution, who respects the Constitution, who respects individual rights? Would I want to be treated in this fashion in respect to the use of firearms? And I concluded, yes; I concluded yes in every issue.

"I looked on this not as a gun control law as such, but rather as a gun licensing law; and I looked upon this as I would any other licensing procedure, and I asked, given the potential for possible societal harm as well as individual harm, is this licensing procedure a fair one? Is it something that would cause any individual who is presumed--and I emphasize presumed--not to be a criminal, not to be intent upon a criminal act, but rather an individual in good standing in the community who desires a firearm for sporting purposes, for protection, or any other legitimate purpose. Is this a measure then that a person would find to be repugnant in terms of constitutional fairness, constitutional right? Again, I concluded that this bill meets the test on every count.

"There, to be sure, is a degree of regulation involved, applications need to be made. Frankly, the

applications aren't much different than the kinds of applications you make for loans and probably could be less than that. I only had an opportunity to make those latter applications lately, but I don't think I'm eligible. I'm probably more eligible for a gun than for a loan, although with the cost going up, I might have to get a loan to get a gun. But nonetheless, in looking at the provisions, I think that none of us would find them unreasonable.

"In concluding, I want to focus on just one or two aspects which I mentioned when the bill first came up, before it was revised, and that is to make an honest and good faith attempt to deal with those people who are mentally disturbed or emotionally disturbed in our society.

"I would ask you to consider that many of the killings that take place-- I won't use the word murder because unfortunately even though we define it in terms of law as murder--most of the killings take place in highly emotional circumstances between people who know each other very well. The notorious aspects of robbery, armed robbery and assault, etc. make the headlines and constitute a criminal element, but so much of the killing is done by individuals who know one another.

"As a probation officer myself, I was called upon, one day, to try to assist the police in disarming a man who was emotionally disturbed over separation from his wife and I recall, very vividly, the trepidation I felt walking to that house, knowing that man had a shotgun, and that I was being asked to help disarm him of that shotgun under those circumstances.

"This bill reaches that question in a way that I probably would not have believed possible, going in to the original hearings on the bill and most certainly in the conference. The conferees are to be congratulated for dealing with that very difficult area. If for no other reason than that this bill covers the area of the mentally disordered and emotionally disturbed so well, I think that it deserves passage.

"On that basis, I ask that we take the lead in this area and have the courage to pass a gun licensing bill which will not do any harm, constitutionally, to those who wish to possess firearms."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 49 was adopted and H.B. No. 293, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

Ayes, 14. Noes, 11 (Campbell, Henderson, Holt, Kobayashi, Machida, Mizuguchi, O'Connor, Soares, Toyofuku, Ushijima and Yamasaki).

At 11:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Senator Yamasaki moved that the Senate reconsider its action on Senate Bill No. 2099, S.D. 2, H.D. 2, seconded by Senator Anderson and carried.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2099, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 2099, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

At 11:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

At this time, Senator Yee rose on a point of personal privilege as follows:

"Mr. President, our conferees on the budget have worked especially hard, and I'd like to read a statement in their behalf.

"The Senate coalition has completed its negotiations on the state budget. It is our position that conferees for both the Senate and the House agreed, today, to all items essential to a responsible and fiscally sound budget. Therefore, we find it unfortunate that the House is now insisting that the taxes and the state budget be contingent upon the passing of the executive bill, which would grant increases up to 20%, a pay raise significantly greater than those negotiated for public employees. The significant achievements of the Conference Committee on the state

budget have been placed in jeopardy by the disagreement over the executive salary bill.

"We, the members of the Senate coalition, stand united in stating that this is one issue that's surely not worth destroying the hard work and good will embodied in our budget agreement; and we also urge the House to act accordingly. Thank you."

Senator O'Connor also rose on a point of personal privilege:

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

"Mr. President, there are many of us who are not conferees on the budget. We have sat patiently waiting for the conferees, on the budget, to conclude their work.

"Three weeks ago, there was a hurried budget passed through this body with some imperfections that were discussed at the time. The reason that it was rushed through was so that it could quickly go into conference.

"Worksheets were supposed to be exchanged immediately.

"We were informed a week or so ago that leaders of the coalition anticipated that this session would end two days early because of the crisp, precise, outstanding negotiations which were going forward on the budget and the other money matters. And then, we were informed that the budget would be decked on Wednesday in order that we could conclude tonight.

"The open conference, which was held between the Finance Committee and the Ways and Means Committee, went on for four days and failed, publicly. Then there were secret conferences that went on for two days of which we know naught, except that we hear a statement tonight, something about a blow up over the pay raise bill, but we still don't see a budget on deck.

"There's no budget for us to look at and the crisp and clear negotiations have evidently come to naught.

"In sum and substance, Mr. President, it appears to some of us that our negotiators just haven't done the job and since it appears also that the Governor is going to extend us, I would please ask you, as the administrative officer of this organization, to urge our negotiating team to get back at it and do a job, or else let's have some different negotiators."

The Chair then asked Senator Yee if he would like to respond to the good Senator.

Senator Yee replied as follows:

"Yes, I would like to respond to the Senator from the Seventh Senatorial District.

"They have done an excellent job and they worked hard. There are times that, because of late hours, members get a little bit edgy and it's a lot easier to sit down in a quiet room with a few people, rather than about twenty individuals expressing their own desires; otherwise we would be here forever.

"Now, my understanding is that everything has been put to bed; everything has been agreed to; and unfortunately, there's this one particular issue that's holding the Senate from adjourning this evening. I think this is part of the democratic negotiating process and I think both sides are sincere in their desire to come out with a good budget.

"Remember, also, that this year we have a ceiling we have to work under and it's difficult trying to satisfy everybody's needs and desires without exceeding the spending limit. This is what took long hours and tedious days.

"As I said, they got everything basically agreed to and there's only one little thing left. We're going to ask for only one day's extension and if it doesn't happen, 'sayonara.'"

Senator Uwayne noted:

"Mr. President, just a point of clarification, the Senate did not ask for the extension."

The Chair remarked:

"That is correct.

"Just to set the record straight, it's been the Chair's opinion that we should not have asked the Governor for an extension. I did not ask the Governor for an extension. However, in his wisdom, he felt that we should have another day. I can assure the Senators that if by 5:00 o'clock p.m. on Monday, there is no decking of the conference draft of the budget, you can rest assured that we will adjourn and go home."

#### MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 328), transmitting an Executive

Order providing for an extension of the 1981 Session of the Eleventh 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 1981 regular session of the Eleventh Legislature of the State of Hawaii for a period of twenty-four (24) hours following 12:00 midnight, April 24, 1981, 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 27th day of April, 1981.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Tany S. Hong

TANY S. HONG  
Attorney General"

was read by the Clerk and was placed on file.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No. 1025  
(Gov. Msg. No. 283):

By unanimous consent, action on  
Stand. Com. Rep. No. 1025 and Gov.

Msg. No. 283 (Gerard Jervis to the Board of Regents of the University of Hawaii) was deferred until Monday, April 27, 1981.

Standing Committee Report No. 1026 (Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1026 and Gov. Msg. No. 283 (Tim Scott Farr to the Board of Regents of the University of Hawaii) was deferred until Monday, April 27, 1981.

Standing Committee Report No. 1030

(Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 1030 and Gov. Msg. No. 283 (Alice Guild to the Board of Regents of the University of Hawaii) was deferred until Monday, April 27, 1981.

#### ADJOURNMENT

At 11:58 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 27, 1981.