

FORTY-SECOND DAY

Monday, March 29, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the Vice-President in the Chair.

The Divine Blessing was invoked by Mr. Robert J. Baer of the First Church of Christ Scientist of Honolulu, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-First Day.

Senator Kuroda then introduced to the members of the Senate Mr. Bobby Lee, the Chairman of the Boxing Commission.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 186 to 232) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 186), submitting for consideration and confirmation to the Board of Agriculture, the nominations of Federico Galdones and Shoichi Nagamine, terms to expire December 31, 1985, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 187), submitting for consideration and confirmation to the Board of Agriculture, the nomination of David K. Oshiro, term to expire December 31, 1984, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 188), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of Wayne K. Ogasawara, term to expire December 31, 1984, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 189), submitting for consideration and confirmation to the Board of Acupuncture, the nomination of Paul R. Hoffmeister, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 190), submitting for consideration and confirmation to the Board of Barbers, the nominations of Donald F. Kaye and Otto M. Ah Ching, terms to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov.

Msg. No. 191), submitting for consideration and confirmation to the CATV Advisory Committee, the nomination of Cecilio "Tio" Alconcel, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 192), submitting for consideration and confirmation to the Board of Chiropractic Examiners, the nomination of John T. Rathjen, D.C., term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 193), submitting for consideration and confirmation to the Contractors License Board, the nominations of S. R. Schenck, Malcolm T. Koga and Marvin Sagum, terms to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 194), submitting for consideration and confirmation to the Board of Cosmetology, the nomination of Esther C. Izu, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 195), submitting for consideration and confirmation to the Board of Massage, the nominations of George D. Curtis and Ella Kuulei Takenouchi, terms to expire December 31, 1985 and John R. Wheat, Jr., term to expire December 31, 1982, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 196), submitting for consideration and confirmation to the Board of Nursing, the nomination of Carole Ann Ishimaru, term to expire December 31, 1984, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 197), submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of Dennis Kuwabara, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 198), submitting for consideration and confirmation to the Board of Pharmacy, the nomination of Garth T. Hansen, term to expire December

31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 199), submitting for consideration and confirmation to the Board of Certification for Practicing Psychologists, the nominations of Herbert B. Weaver, term to expire December 31, 1983, and Craig H. Robinson, term to expire December 31, 1982, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 200), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nominations of Bella Ayako Nagatoshi and Akira Tanaka, terms to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 201), submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of Gary Toshio Ota, D.V.M. and Zacarias Baricuatro, terms to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 202), submitting for consideration and confirmation to the Animal Species Advisory Commission, the nomination of Vincent Chuen-Sun Chang, term to expire December 31, 1985, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 203), submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Hawaii, the nomination of Gerald H. Kang, term to expire December 31, 1985, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 204), submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nominations of Edwin K. Yokouchi and Marvin Romme, terms to expire December 31, 1985, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 205), submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Kauai, the nominations of Glenn Y. Ikemoto and Herbert H. Honjo, terms to expire December 31, 1985, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 206), submitting for consideration

and confirmation to the Natural Area Reserves System Commission, the nomination of William L. Theobald, Ph.D., term to expire December 31, 1985, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 207), submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of Moses Kealoha, term to expire December 31, 1985, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 208), submitting for consideration and confirmation to the Hawaii Education Council, the nominations of Doris Taitano, Emiko I. Kudo, Paula A. Guanzon Yano, Lydia C. Enoki and Sharon Mahoe, terms to expire December 31, 1985, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 209), submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of Edward Naihe, Sr., term to expire December 31, 1982, Elizabeth L. Cockett, Antoinette L. Lee and Gwendolyn L. Joseph, terms to expire December 31, 1985, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 210), submitting for consideration and confirmation to the Library Advisory Commission, County of Kauai, the nominations of Robert A. Gahran and Marvin Tung-Loong, terms to expire December 31, 1985, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 211), submitting for consideration and confirmation to the Civil Defense Advisory Council, the nominations of Les S. Ihara, Sr. and Roy M. Seki, terms to expire December 31, 1985, was referred to the Committee on Government Operations and Intergovernmental Relations.

A message from the Governor (Gov. Msg. No. 212), submitting for consideration and confirmation to the Board of Health, the nominations of Duk Hee Murabayashi and Doris Segal Matsunaga, terms to expire December 31, 1985, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 213), submitting for consideration and confirmation to the Advisory Commission on Drug Abuse and Controlled Substances, the nominations of Robert Sing Jung Hu, term to expire December 31, 1983 and Joseph Leonard Mancinelli, term to expire December 31, 1984, was

referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 214), submitting for consideration and confirmation to the Commission on the Handicapped, the nominations of Paula C. Purington, Josephine G. Bucaneg and Ahmad Saidin, terms to expire December 31, 1985 and June K. Motokawa, term to expire December 31, 1984, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 215), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, the nomination of Jean L. J. Lum, Ph.D., term to expire December 31, 1985, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 216), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Hawaii County Hospital System, the nominations of Ernest Matsumura and Patricia Akuna, terms to expire December 31, 1985, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 217), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Kauai County Hospital System, the nominations of Jose S. L. Valencia, M.D. and Yolanda Liane, terms to expire December 31, 1985, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 218), submitting for consideration and confirmation to the Postsecondary Education Commission, the nomination of Leticia Tesoro Gaoing, term to expire December 31, 1985, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 219), submitting for consideration and confirmation to the Advisory Council for Housing and Construction Industry, the nominations of Joseph A. Tanega and Howard H. Tasaka, terms to expire December 31, 1985, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 220), submitting for consideration and confirmation to the Factory-Built Housing Advisory Board, the nominations of Donald R. Gradle, Harry H. Kiyota and Christine G. K. Dahilig, terms to expire December 31, 1985, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 221), submitting for consideration

and confirmation to the Advisory Council for Children and Youth, the nominations of Glen Makakaualii Kila and Rodney Veary, terms to expire December 31, 1984, and Mildred Macugay and Jerry Susumu Hashimoto, terms to expire December 31, 1985, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 222), submitting for consideration and confirmation to the Policy Advisory Board for Elderly Affairs, the nomination of Raymond M. Hightower, term to expire, December 31, 1983, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 223), submitting for consideration and confirmation to the Board of Vocational Rehabilitation, the nominations of Frank E. Wherley, term to expire December 31, 1983 and Laura T. Chock, term to expire December 31, 1985, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 224), submitting for consideration and confirmation to the Campaign Spending Commission, the nomination of Linda Cravalho, term to expire December 31, 1985, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 225), submitting for consideration and confirmation to the State Ethics Commission, the nomination of Edith K. Kleinjans, term to expire December 31, 1985, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 226), submitting for consideration and confirmation to the Intake Service Center Board, the nominations of Harry H. Kanada and Theodore J. Goldman, Ph.D., terms to expire December 6, 1982, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 227), submitting for consideration and confirmation to the Board of Registration, Island of Hawaii, the nomination of Lucille W. Chung, term to expire December 31, 1985, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 228), submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of Gertrude K. P. Frantz, term to expire December 31, 1985, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 229), submitting for consideration and confirmation to the Commission on the Status of Women, the nominations of Joan L. Husted and Teresita U. Okihara, terms to expire December 31, 1985, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 230), submitting for consideration and confirmation to the Medical Advisory Board, the nomination of Danelo R. Canete, M.D., term to expire, December 31, 1985, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 231), submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District, the nomination of Joseph G. Williams, term to expire December 31, 1985, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 232), submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District, the nomination of Mary H. Wong, term to expire December 31, 1985, was referred to the Committee on Ways and Means.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 66 and 67) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 66), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING WITH THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN TO AMEND THE STATE'S MEDICAID PROGRAM TO INCLUDE WAIVERS FOR HOME AND COMMUNITY-BASED SERVICES," was offered by Senators Saiki and Uwayne.

By unanimous consent, S.R. No. 66 was referred jointly to the Committee on Human Resources and the Committee on Health.

A resolution (S.R. No. 67), entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE LEGAL AID SOCIETY OF HAWAII," was offered by Senators Kawasaki, Yee, Wong, Kobayashi, Saiki, Abercrombie, Cobb, Soares, Young, Toyofuku, Anderson, Kuroda, Campbell, George, Henderson, Carpenter and Ushijima.

By unanimous consent, S.R. No. 67 was referred to the Committee on Judiciary, then to the Committee on Legislative Management.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of

the Chair.

The Senate reconvened at 11:48 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 578-82) informing the Senate that Standing Committee Report Nos. 571-82 to 577-82, Senate Resolution Nos. 66 and 67, Governor's Message Nos. 186 to 232 and Standing Committee Report No. 579-82 have been printed and have been distributed to the members of the Senate.

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

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 579-82) recommending that Senate Resolution No. 24 be adopted.

On motion by Senator Cobb, seconded by Senator Uwayne and carried, the report of the Committee was adopted and S.R. No. 24, entitled: "SENATE RESOLUTION REQUESTING THE MERCHANTS IN THE STATE OF HAWAII TO EXTEND DISCOUNTS PRESENTLY GIVEN TO QUALIFIED SENIOR CITIZENS TO QUALIFIED HANDICAPPED CITIZENS," was adopted.

ORDER OF THE DAY

THIRD READING

House Bill No. 2333-82, H.D. 1:

By unanimous consent, action on H.B. No. 2333-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE REFERENCE BUREAU," was deferred until Tuesday, March 30, 1982.

House Bill No. 2507-82:

By unanimous consent, action on H.B. No. 2507-82, entitled: "A BILL FOR AN ACT RELATING TO TRIALS," was deferred until Tuesday, March 30, 1982.

House Bill No. 2175-82:

By unanimous consent, action on H.B. No. 2175-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 30, 1982.

House Bill No. 2178-82:

By unanimous consent, action on

H.B. No. 2178-82, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," was deferred until Tuesday, March 30, 1982.

House Bill No. 2208-82, H.D. 1:

By unanimous consent, action on H.B. No. 2208-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF QUALIFIED STATE APPRAISERS AS WELL AS INDEPENDENT APPRAISERS TO DETERMINE THE VALUE OF REMNANTS," was deferred until Tuesday, March 30, 1982.

House Bill No. 2176-82, H.D. 2:

By unanimous consent, action on H.B. No. 2176-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 30, 1982.

House Bill No. 2177-82, H.D. 1:

By unanimous consent, action on H.B. No. 2177-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," was deferred until Tuesday, March 30, 1982.

House Bill No. 2934-82, H.D. 1:

By unanimous consent, action on H.B. No. 2934-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931," was deferred until Tuesday, March 30, 1982.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

At this time, Senator Henderson, Chairman of the Committee on Economic Development, requested a waiver of the 48-hour notice of a Public Hearing on the following measure:

H.B. No. 2697-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

and the President granted the waiver.

At this time, Senator Abercrombie rose and addressed the members of the Senate as follows:

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

"I will not try to keep you and the members long, but the item is of vital interest, I believe, to every voter in this state who loves democracy and

wants the widest possible choice in selecting candidates for public office.

"The recent federal court decision overturning the reapportionment of electoral district lines is a severe and possibly fatal blow to the fundamental goal of political freedom and protecting the means of retaining that freedom.

"I am speaking out because it has been reported that the Lieutenant Governor does not intend to appeal this terrible decision. I say to the Lieutenant Governor that failure to appeal will cause her to be the author of a bitter legacy for which she will be held responsible. Not to exhaust all resources available to her, including appeal, before succumbing to the federal court action is a sin against democratic procedure. To do otherwise is to ignore the fact of our legal history where time and time again higher courts have rejected the view of lower courts as the issues involved became more clearly established. Often it is found that the issues in the original presentation of the case were not weak but that the method of the argument was revealed to be weak or elements that should have been presented were neglected or made in a manner which subsequent appeal allowed to be improved upon and made convincing.

"I am speaking out because some people are trying to create the impression that this decision is somehow a victory for the voters and in particular will benefit one of the major political parties. No theory could be both more foolish and farther from the truth of the matter.

"Let me point out that the vote on the Reapportionment Commission was consistently a clear majority of both parties. To my knowledge and in my recall of events there was never an issue at point in which the Chairman was required to cast a deciding vote. In other words, both sides were forced to give in the interests of achieving their duty to redraw the district lines.

"Let me point out that cries of gerrymandering were inevitable--and I emphasize this, Mr. President--no matter what lines were ultimately drawn, cries of gerrymandering would take place, and for a very simple reason. The public was under the impression that geography and general population figures were the basis for drawing the lines when in fact the number of actual voters and a strict formula for distributing

those voters within the lines was the legal basis upon which the Commission was compelled to act under our Constitution. The Commission was acting in good faith on precedent which had been found to meet the test of fairness in previous reapportionment activities. Inevitably then, the lines would not be concentric circles or squares or rectangles, etc. which meet some cosmetic standard of neatness. The argument is made other states use general population for their districts. Yes--and look at the results! Using registered voters rather than the general population as a base is actually an advance by Hawaii over other states just as using General Funds to finance education in Hawaii is an advance over other jurisdictions which use property taxes.

"I am speaking out because there is good reason not to use geography or overall population as the basis of reapportionment. In fact, Mr. President, I will say with all the moral authority I can command on behalf of protecting our vital political freedom that such measures destroy the very concept of one person--one vote.

"Let me move from theory to reality. Modern existence which includes freeways, condominium and apartment districts, conversion of agricultural land to spot urban or residential development and intensive population increase on the same amount of limited land in Hawaii have altered significantly the nostalgic conceptions of the definition of community and its relation to geography.

"The residential patterns of the general population which emerge with respect to those who actually register and vote bear no relation to one another in terms of the political boundaries which would be drawn depending on which of the two sources you use as your reference.

"The key point is this. You would use the general population as the basis of upholding the one person--one vote principle only if every adult citizen was obligated to vote. The idea of one person--one vote evolved out of circumstances where great numbers of citizens were denied the right to vote because of race, ethnic origin, religious or party orientation. This is not the case in Hawaii. No one regardless of these factors is denied his or her voting opportunity.

"Thus, one person--one vote makes sense only if it refers to the actual registered voter. To submerge that voter in a more general population is to deliberately create a false base upon which representation is judged.

"Obviously an elected official, regardless of how many potential voters exist as opposed to actual voters, must uphold the Constitution for everyone. So we may dispense with that as a counter argument. Does anyone suppose for even a moment that candidates will divert their attention to anyone other than those registered to vote?

"The fact that candidates may attempt to increase registration of the general population base in redrawn districts serves only to make my case. It is the registered voters who constitute the sum and substance of the actual thrust of the election. A consistently successful registration campaign would be reflected in the next reapportionment which took place. The emphasis would thus remain with, and reward in effect, those who work hard to achieve high registration.

"Personally, I am an advocate of the position that every eligible voter should be required to vote. I believe it is the single most important obligation of any citizen in a democracy. Then I would have no problem whatever with using the general population of eligible voters as a base. But in the absence of universal voting or automatic registration, how can one justify discriminating against those who do take the time and make the effort to register and vote?

"This leads to the other element of this pernicious decision which in my judgment is the greatest invitation to political bossism I have encountered--the idea that this decision will lead to single member districts.

"This decision cries out for appeal and if for no other reason than that single member districts--the hope and prayer of every tightly organized, highly financed pressure group--will come into existence.

"If you want political hacks, total flunkies; if you want big money to rule your life; if you want independent minded candidates no matter what their party affiliation to be smothered and smashed in election after election; if you want to limit your political choices to the narrowest possible field--then you want single member districts.

"If there has ever been an idea which has more deceived the innocent, been the darling of the naive or more calculated to establish an oligarchy of the haves against the have-nots, it is the notion of single member districts. It is a dream come true for those who would rule

rather than govern.

"Cynical political insiders cultivate the image of true blue citizen/politicians taking a few minutes out of their work lives to drop in on their neighbors, let them know they'd like to devote some of their spare time to everyone's benefit in office and happy, smiling members of the community contentedly going into the polling booth to send substitute Jimmy Stewarts off to the local city council, the state legislature or the Congress of the United States. What a fraud! What a deception!

"They know perfectly well in the real world of limitless campaign spending which the Nixon Supreme Court has given us that pressure groups will be able to concentrate their money, their so-called volunteers and their organizational power on selected districts more easily than ever. Instead of a number of candidates to be elected, only one can emerge. The voter will be deprived of the chance to broaden the spectrum of choice. The independent voice in terms of candidates will more often than not be buried in the paper and cash onslaught of his or her well-connected opponents. Candidates will end up as they did under the Daley Machine in Chicago coming with reverential steps into the sanctorum of the machine headquarters praying for the official blessing.

"The so-called reform of single member districts is the latest and the most devious traps yet devised to undermine and eliminate the independent, free-thinking candidate of whatever political persuasion. Do you believe for a moment that less money will be spent? Such districts simply mean more money than ever will be spent in a smaller area.

"Mr. President, I do not say all the conclusions of the Reapportionment Committee were perfect. Virtually every already elected official, and those who hope to be, could have drawn a different set of lines more individually beneficial in terms of being elected. But we all came under the same chance in the outcome. As always some will have it tougher, some easier, some no difference. If some lines need to be redrawn to more adequately implement the formula in relation to registered voters, let us do so. But let us not throw out the process wholesale because there may be isolated imbalances. Let us correct them.

"Mr. President, in sum, I am saying I want a fight made to preserve the process that is the fairest in comparison to what is being proposed. I want an appeal made to preserve the chance for free men and women to battle entrenched

powers and concentrations of influence. I want to protect the capacity of the voter in a world of massive campaign spending to have a series of candidates among which to choose.

"Mr. President, Elizabeth Jackson once admonished her son, who was to become President Andrew Jackson as follows:

'Make friends by being honest, keep them by being steadfast.'

"If we are to be honest with the voters, if we are to truly be the friend of democracy, let us keep faith with them and it by steadfastly resisting this decision.

"I call on the Lieutenant Governor to fight back with an appeal--today.

"Thank you."

Senator Cobb then rose and stated:

"Mr. President, I would like to add to the previous remarks that have just been made.

"In effect, when the court made its decision, and this has been reported in the press, there was no census data available by tracts. In fact, such census data was obviously not available to the 1981 Reapportionment Commission and the newspaper accounts on this latest decision have indicated it's going to be several weeks or months before such data becomes available.

"In essence, what the court was doing was saying the standard you used violated the Constitution, but you didn't have the details or the data to follow a standard. Second, in effect, the court found the Hawaii State Constitution to be unconstitutional since it is based on registered voters, not population.

"Yet, the Supreme Court of the United States has conformed to the diminimus rule which says that if your deviation does not exceed ten percent, plus or minus, that is a valid criteria for which no explanation is necessary for drawing a reapportionment line.

"To give you an example, Mr. President, of what can happen on a basis of population, let's take a look at Schofield Barracks. We have over 25,000 individuals, but less than 1,000 registered voters. That area would qualify as a separate House District. Or, let's take the case of Iroquois Point Naval Housing and the Pearl Harbor Naval Complex, where you have over 60,000 residents,

yet less than 500 registered voters-- that area would qualify as an entire Senatorial District.

"Personally, I would love to be running from such a district. All you'd have to do is to convince 500 voters and you'd be assured that in the next election there'd be another new 500 voters to meet.

"Finally, Mr. President, I think the court's decision has utterly destroyed the spending ceiling because now no one in the Legislature or the Congress who's running from Hawaii knows what their district is. In effect, by the time the districts come out--if they come out at all--a lot of money, of preparation, will have been already spent, and in most cases it will probably exceed what the previous limit is.

"The Senator from the Sixth District is absolutely correct when he says that a single member district is an invitation to high pressure lobbying and unlimited spending. I hope this decision is appealed."

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

The Senate reconvened at 12:29 o'clock p.m.

ADJOURNMENT

At 12:30 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., Tuesday, March 30, 1982.