

FIFTY-NINTH DAY

Thursday, April 22, 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 President in the Chair.

The Divine Blessing was invoked by the Reverend William Smith, Pastor of Waialae Baptist Church, after which the Roll was called showing all Senators present.

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

Senator Ajifu made the following introduction to the members of the Senate and stated:

"Mr. President, this morning I'd like to introduce to you and the members of the Senate an honoree who is sitting in the chambers.

"Recently, the American Mothers Committee of Hawaii presented their selection of the 1982 State Mother of Hawaii and I'm honored to introduce her to you. This woman is a very loving, caring, and supportive mother of eleven children. She has devoted much of her time to community work, especially working with the youth and the handicapped. We all know her because for twelve years she served as First Lady of Honolulu.

"Mr. President, it is a great pleasure and honor for me to introduce to you the State Mother of the Year, Mrs. Joyce Fasi.

"Accompanying the honoree is Mrs. Anita Moepono who is the president of the American Mothers Inc. of Hawaii and Mrs. Lucille Abreu, the 1982 Search Committee Chairman of the American Mothers, Inc. of Hawaii, and the 1978 State Mother of Hawaii."

Senator Kawasaki then added:

"Mr. President, I think a lot of mothers and the ladies in the entire state are wondering how Mrs. Fasi, Joyce, can remain so beautiful and look so fresh and have such a good disposition with eleven children and certainly a husband who's more controversial than some of us over here.

"Mrs. Moepono, incidentally, is mother of 'Ses' Brundage who is on Senator Carpenter's staff. I had the pleasure of serving with Mrs. Moepono as a director of HGEA in the years when

the HGEA was 'a very progressive organization' not making unreasonable demands of the legislators here."

Mrs. Fasi was then presented with a Senate Certificate by Senator Ajifu and a lei by Senator Carpenter.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 323) transmitting copies of a report on the cost-buster housing program, dated April 8, 1982, prepared by the Hawaii Housing Authority, in response to House Resolution No. 233 (1981), was read by the Clerk and was referred to the Committee on Housing and Hawaiian Homes.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 620 to 625) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 620) transmitting House Concurrent Resolution No. 94, H.D. 1, which was adopted by the House of Representatives on April 21, 1982, was placed on file.

By unanimous consent, H.C.R. No. 94, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO PROMOTE LEGISLATION TO ESTABLISH A CONGRESSIONAL COMMISSION TO STUDY HAWAII'S MARITIME BOUNDARIES," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 621), transmitting House Concurrent Resolution No. 103, H.D. 1, which was adopted by the House of Representatives on April 21, 1982, was placed on file.

By unanimous consent, H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW THE ADMINISTRATION AND ADEQUACY OF THE UNEMPLOYMENT COMPENSATION FUND, INCLUDING THE UNEMPLOYMENT TRUST FUND ACCOUNT, AND THE RELATED STATUTORY

PROVISIONS," was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 622), transmitting House Concurrent Resolution No. 130, H.D. 2, which was adopted by the House of Representatives on April 21, 1982, was placed on file.

By unanimous consent, H.C.R. No. 130, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROCEED WITH PRELIMINARY DISCUSSIONS WITH LANDOWNERS WITH THE INTENT TO ACQUIRE BY PURCHASE AND/OR LAND EXCHANGE, ANY COMBINATION THEREOF, OR BY ANY OTHER AVAILABLE ALTERNATIVES, LAND FOR PARK PURPOSES AT BIG BEACH IN MAKENA, MAUI," was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 623), transmitting House Concurrent Resolution No. 164, which was adopted by the House of Representatives on April 21, 1982, was placed on file.

By unanimous consent, H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE ESTABLISHMENT OF ENTERPRISE ZONES," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 624), transmitting House Concurrent Resolution No. 165, which was adopted by the House of Representatives on April 21, 1982, was placed on file.

By unanimous consent, H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SENATE ADVISE AND CONSENT TO THE UNITED STATES PACIFIC ISLANDS FRIENDSHIP TREATIES," was referred to the Committee on Government Operations and Intergovernmental Relations.

A communication from the House (Hse. Com. No. 625), transmitting House Concurrent Resolution No. 176, which was adopted by the House of Representatives on April 21, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY (HCDA), ITS STAFF,

AND ITS EXECUTIVE DIRECTOR, RAYMOND H. SUEFUJI, FOR A JOB WELL DONE," was adopted.

SENATE RESOLUTION

A resolution (S.R. No. 141), entitled: "SENATE RESOLUTION REQUESTING THE MONTH OF MAY 1982 AS MENTAL HEALTH MONTH IN HAWAII," was offered by Senators Cayetano, Uwaine, Abercrombie, Kuroda, Kobayashi, Carpenter, Toyofuku, O'Connor, Kawasaki, Machida, Ushijima, Holt, Mizuguchi, Yamasaki and Campbell, and was read by the Clerk.

On motion by Senator Cobb, seconded by Senator Anderson and carried, S.R. No. 141, was adopted.

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. 2904-82, S.D. 1, presented a report (Conf. Com. Rep. No. 76-82) recommending that S.B. No. 2904-82, S.D. 1, 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, action on Conf. Com. Rep. No. 76-82 and S.B. No. 2904-82, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A WATER COMMISSION AND FORMULATION OF A STATE WATER CODE," was deferred for a period of 48 hours.

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. 2760-82, S.D. 2, presented a report (Conf. Com. Rep. No. 77-82) recommending that S.B. No. 2760-82, 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, action on Conf. Com. Rep. No. 77-82 and S.B. No. 2760-82, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 978-82) informing the Senate that Conference Committee Report Nos. 68-82 to 75-82, Senate Resolution No. 141, and Stand. Com. Rep. Nos. 979-82 to 1018-82 have been printed and distributed to

all members of the Senate.

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 report (Stand. Com. Rep. No. 979-82) recommending that Senate Resolution No. 57 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and S.R. No. 57, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO IMPLEMENT CARDIOPULMONARY RESUSCITATION TRAINING IN HIGH SCHOOLS," was adopted.

Senators Cayetano and Abercrombie, for the Committee on Health and the Committee on Education, presented a report (Stand. Com. Rep. No. 980-82) recommending that Senate Concurrent Resolution No. 41 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO IMPLEMENT CARDIOPULMONARY RESUSCITATION TRAINING IN HIGH SCHOOLS," was adopted.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 981-82) recommending that Senate Resolution No. 130, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 130, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF HAWAII'S SUBSTANCE ABUSE AND MENTAL HEALTH SERVICE SYSTEM," was referred to the Committee on Legislative Management.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 982-82) recommending that Senate Resolution No. 58, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 58, S.D. 1, entitled: "SENATE RESOLUTION URGING LANDOWNERS OF THE PEARL HARBOR AREA TO SUPPORT WETLAND AGRICULTURE," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 983-82) recommending that Senate Concurrent Resolution No. 43, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING LANDOWNERS OF THE PEARL HARBOR AREA TO SUPPORT WETLAND AGRICULTURE," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 984-82) recommending that Senate Resolution No. 117 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 117, entitled: "SENATE RESOLUTION REQUESTING THE RELEASE OF THE EXISTING KAPALAMA MILITARY RESERVATION BY THE UNITED STATES GOVERNMENT TO THE STATE OF HAWAII AND ITS USE AS A CENTRAL MARSHALLING FACILITY FOR AN AGRICULTURAL COOPERATIVE," was adopted.

Senator George, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 985-82) recommending that Senate Resolution No. 97 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the majority of the Committee was adopted and S.R. No. 97, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY FEDERAL AND STATE REGULATIONS RELATING TO TINTED MOTOR VEHICLE GLAZING MATERIAL," was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senators George and Kobayashi, for the Committee on Transportation and the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 986-82) recommending that Senate Resolution No. 82 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and S.R. No. 82, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE RECREATIONAL BOATING PROGRAM," was adopted.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 987-82) recommending that the Senate advise and consent to the nomination of Lucille W. Chung to the Board of Registration, Island of Hawaii, in accordance with Governor's Message No. 227.

By unanimous consent, action on Stand. Com. Rep. No. 987-82 and Gov. Msg. No. 227 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 988-82) recommending that the Senate advise and consent to the nomination of Gertrude K.P. Frantz to the Board of Registration of Maui, Molokai, Lanai and Kahoolawe, in accordance with Governor's Message No. 228.

By unanimous consent, action on Stand. Com. Rep. No. 988-82 and Gov. Msg. No. 228 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 989-82) recommending that the Senate advise and consent to the nominations of Joan L. Husted and Teresita U. Okihara to the Commission on the Status of Women, in accordance with Governor's Message No. 229.

By unanimous consent, action on Stand. Com. Rep. No. 989-82 and Gov. Msg. No. 229 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 990-82) recommending that the Senate advise and consent to the nomination of Cora K. Lum to the Hawaii Crime Commission, in accordance with Governor's Message No. 264.

By unanimous consent, action on Stand. Com. Rep. No. 990-82 and Gov. Msg. No. 264 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 991-82) recommending that the Senate advise and consent to the nomination of Amado Ilar Yoro to the Board of Registration of the Island of Oahu, in accordance with Governor's Message No. 265.

By unanimous consent, action on Stand. Com. Rep. No. 991-82 and Gov. Msg. No. 265 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee

on Judiciary, presented a report (Stand. Com. Rep. No. 992-82) recommending that the Senate advise and consent to the nomination of Edward M. Yoshimasu to the Criminal Injuries Compensation Commission, in accordance with Governor's Message No. 295.

By unanimous consent, action on Stand. Com. Rep. No. 992-82 and Gov. Msg. No. 295 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 993-82) recommending that the Senate advise and consent to the nomination of Elsie M. Hirai to the Commission on the Status of Women, in accordance with Governor's Message No. 296.

By unanimous consent, action on Stand. Com. Rep. No. 993-82 and Gov. Msg. No. 296 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 994-82) recommending that House Bill No. 1558, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1558, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIAL COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 995-82) recommending that Senate Resolution No. 30, as amended in S.D. 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 995-82 and S.R. No. 30, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON FILM STUDIOS IN HAWAII," was deferred until Wednesday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 996-82) recommending that Senate Resolution No. 90 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 90, entitled: "SENATE RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

TO CONDUCT A STUDY ON HAWAII'S ECONOMIC REVITALIZATION OPPORTUNITIES," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 997-82) recommending that Senate Concurrent Resolution No. 63 be adopted.

On motion by Senator Cobb, seconded by Senator Henderson and carried, the report of the Committee was adopted and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO CONDUCT A STUDY ON HAWAII'S ECONOMIC REVITALIZATION OPPORTUNITIES," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 998-82) recommending that Senate Resolution No. 98, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Henderson and carried, the report of the Committee was adopted and S.R. No. 98, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT PUBLIC INSTITUTIONS IN HAWAII INCREASE THEIR USE OF LOCALLY CANNED TUNA," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 999-82) recommending that Senate Resolution No. 100 be adopted.

On motion by Senator Cobb, seconded by Senator Henderson and carried, the report of the Committee was adopted and S.R. No. 100, entitled: "SENATE RESOLUTION REQUESTING THE U.S. CONGRESS TO AUTHORIZE THE EXTENSION THROUGH FY 1985 OF PUBLIC LAW 92-444, THE CENTRAL, WESTERN AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT AND THE FUNDING AT \$5 MILLION PER YEAR," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1000-82) recommending that Senate Concurrent Resolution No. 69 be adopted.

On motion by Senator Cobb, seconded by Senator Henderson and carried, the report of the Committee was adopted and S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE U.S. CONGRESS TO AUTHORIZE THE EXTENSION THROUGH FY 1985 OF PUBLIC LAW 92-444, THE CENTRAL, WESTERN AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT AND THE FUNDING

AT \$5 MILLION PER YEAR," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1001-82) recommending that Senate Resolution No. 118 be adopted.

On motion by Senator Cobb, seconded by Senator Henderson and carried, the report of the Committee was adopted and S.R. No. 118, entitled: "SENATE RESOLUTION ENCOURAGING ACCELERATION AND BROADENING OF ECONOMIC TRADE RELATIONS BETWEEN CANADA AND HAWAII, REQUESTING THE GOVERNOR OF HAWAII TO PROCLAIM 'CANADA-HAWAII WEEK,' AND REQUESTING A REPORT FROM THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT (DPED) AS TO THE FEASIBILITY OF ESTABLISHING A 'CANADA-HAWAII TRADE ASSOCIATION,'" was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1002-82) recommending that Senate Resolution No. 128 be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 128, entitled: "SENATE RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A SMALL BUSINESS ADVISORY COMMITTEE AND REQUESTING THE GOVERNOR TO APPOINT ITS MEMBERS," was adopted.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1003-82) recommending that the Senate advise and consent to the nominations of Donald M. Kuyper, Thomas Trask and Aaron Levine to the Board of Directors of Aloha Tower Development Corporation, in accordance with Gov. Msg. No. 132.

By unanimous consent, action on Stand. Com. Rep. No. 1003-82 and Gov. Msg. No. 132 was deferred until Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1004-82) recommending that the Senate advise and consent to the nomination of Raymond Sasaki, Jr., to the Board of Planning and Economic Development, in accordance with Governor's Message No. 133.

By unanimous consent, action on Stand. Com. Rep. No. 1004-82 and Gov. Msg. No. 133 was deferred until Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1005-82) recommending that the Senate advise and consent to the nomination of Moses Kealoha to the Board of Land and Natural Resources, in accordance with Governor's Message No. 207.

By unanimous consent, action on Stand. Com. Rep. No. 1005-82 and Gov. Msg. No. 207 was deferred until Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1006-82) recommending that the Senate advise and consent to the nominations of Lee Gray and Peter Starn to the Board of Planning and Economic Development, in accordance with Governor's Message No. 247.

By unanimous consent, action on Stand. Com. Rep. No. 1006-82 and Gov. Msg. No. 247 was deferred until Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1007-82) recommending that the Senate advise and consent to the nomination of Winona Rubin to the Land Use Commission, in accordance with Governor's Message No. 308.

By unanimous consent, action on Stand. Com. Rep. No. 1007-82 and Gov. Msg. No. 308 was deferred until Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1008-82) recommending that the Senate advise and consent to the nomination of Lawrence Chun to the Land Use Commission, in accordance with Governor's Message No. 308.

By unanimous consent, action on Stand. Com. Rep. No. 1008-82 and Gov. Msg. No. 308 was deferred until Friday, April 23, 1982.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1009-82) recommending that the Senate advise and consent to the nomination of Frederick P. Whittemore to the Land Use Commission, in accordance with Governor's Message No. 309.

By unanimous consent, action on Stand. Com. Rep. No. 1009-82 and Gov. Msg. No. 309 was deferred until Friday, April 23, 1982.

Senator George, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1010-82) recommending that Senate Resolution No. 76, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 76, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE SENATE COMMITTEE ON TRANSPORTATION REGARDING MERCHANDISE DELIVERY FEES AT HONOLULU INTERNATIONAL AIRPORT," was adopted.

Senator Ajifu, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1011-82) recommending that Senate Resolution No. 115, as amended in S.D. 1, be adopted.

Senator Cobb then moved that Stand. Com. Rep. No. 1011-82 be adopted and S.R. No. 115, S.D. 1, be adopted, seconded by Senator Anderson.

Senator Abercrombie rose to support the resolution and stated:

"Mr. President, this resolution is very important to the State of Hawaii, especially with respect to circumstances we find ourselves faced with in terms of federal aid.

"It seems that the President in very cavalier fashion has gone off to the Caribbean trying to take care of their problem and at the same time fails to recognize that in the approach that he is taking he has the potential for seriously undermining both tourism and sugar in terms of our economy in our state.

"This resolution is very pertinent and is not put forward from the Committee on Agriculture simply as a gesture, but rather as an urgent problem that has to be faced and I most certainly hope that our congressional delegation will utilize this resolution as part and parcel of their attempts to bring some rationale to the Caribbean aid package that the President is proposing. It is very ill-conceived. It is not thought out in economic terms with respect to the disadvantages that will accrue to the United States. I think it is a gesture which ostensibly has connections to an attempt to create a good impression among so-called third world nations, yet, the impact that it will have will not be a substantial one in terms of benefiting the ordinary person, either in the Caribbean or make much of an impression in the so-called third world. On the other hand, it would do great

damage to the State of Hawaii in particular and will bring no good benefit to the United States as a whole, whether in terms of its foreign policy or its economic foreign policy."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 1011-82 was adopted and S.R. No. 115, S.D. 1, entitled: "SENATE RESOLUTION RESPECTFULLY URGING THAT THE UNITED STATES CONGRESS AND PRESIDENT REAGAN EVALUATE ALL REASONABLE ALTERNATIVE APPROACHES TO THE U.S. CARIBBEAN AID PACKAGE BEFORE APPROVING OR OTHERWISE PERMITTING IMPLEMENTATION OF THE CARIBBEAN AID PACKAGE," was adopted.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1012-82) recommending that the Senate advise and consent to the nominations of James Carras and Mack H. Hamada to the Hawaii Public Employment Relations Board, in accordance with Governor's Message No. 321.

By unanimous consent, action on Stand. Com. Rep. No. 1012-82 and Gov. Msg. No. 321 was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1013-82) recommending that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts of the following:

M. Naomi Morita and Robert K. Fujita, in accordance with Governor's Message No. 135; and

Dennis T. Toyomura, in accordance with Governor's Message No. 281.

By unanimous consent, action on Stand. Com. Rep. No. 1013-82 and Gov. Msg. Nos. 135 and 281 was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1014-82) recommending that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

Howard H. Crowell and Mary Lani Rawlins, in accordance with Governor's Message No. 136; and

Elizabeth L. Cockett, Antoinette L. Lee, Gwendolyn L. Joseph, and Edward Naihe, Sr., in accordance with Governor's Message No. 209.

By unanimous consent, action on

Stand. Com. Rep. No. 1014-82 and Gov. Msg. Nos. 136 and 209 was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1015-82) recommending that the Senate advise and consent to the following nominations:

Patricia W. Buckman to the Library Advisory Commission, City and County of Honolulu, in accordance with Governor's Message No. 137;

Daisy U. Smith and Diana Mae Miyaji to the Library Advisory Commission, County of Hawaii, in accordance with Governor's Message No. 138;

Eleanor L.D. Tamura, Margaret R. O'Leary, Lena K. Palama, and Kathleen A. Koerte to the Library Advisory Commission, County of Kauai, in accordance with Governor's Message No. 139;

Robert A. Gahrn and Marvin Tung-Loong to the Library Advisory Commission, County of Kauai, in accordance with Governor's Message No. 210;

Linley Chapman and Marian A. Harris-de-Ochoa to the Library Advisory Commission, City and County of Honolulu, in accordance with Governor's Message No. 250; and

Alyce B. Haines and Winston S. Miyahira to the Library Advisory Commission, County of Maui, in accordance with Governor's Message No. 305.

By unanimous consent, action on Stand. Com. Rep. No. 1015-82 and Gov. Msg. Nos. 137, 138, 139, 210, 250 and 305 was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1016-82) recommending that the Senate advise and consent to the nomination of Ann B. Simpson to the Board of Public Broadcasting, in accordance with Gov. Msg. No. 140.

By unanimous consent, action on Stand. Com. Rep. No. 1016-82 and Gov. Msg. No. 140 was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1017-82) recommending that the Senate advise and consent to the nominations of Doris Taitano, Emiko I. Kudo, Paula A. Guanzon Yano, Lydia C. Enoki and Sharon Mahoe to the Hawaii Education Council, in accordance with Governor's Message No. 208.

By unanimous consent, action on Stand. Com. Rep. No. 1017-82 and Gov. Msg. No. 208 was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1018-82) recommending that the Senate advise and consent to the nominations of Elmer F. Cravalho, Francis M. Stillman, Sr., Edward J. Burns, Barbara Daly, Clayton K.K. Naluai, Barbara Meheula, Wayne Ishihara, Herbert E. Wolff, Sandi Eagleson and Domingo Los Banos to the 1984 Hawaii Statehood Silver Jubilee Committee, in accordance with Governor's Message No. 249.

By unanimous consent, action on Stand. Com. Rep. No. 1018-82 and Gov. Msg. No. 249 was deferred until Friday, April 23, 1982.

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

The Senate reconvened at 12:33 o'clock p.m.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1019-82) recommending that Senate Concurrent Resolution No. 48 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1019-82 and S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO GRANT RESTITUTION FOR AMERICANS OF JAPANESE ANCESTRY," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1020-82) recommending that the Senate advise and consent to the nomination of Harry H. Kanada and Theodore J. Goldman to the Intake Service Center Board, in accordance with Governor's Message No. 226.

By unanimous consent, action on Stand. Com. Rep. No. 1020-82 and Gov. Msg. No. 226 was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1021-82) recommending that Senate Resolution No. 8, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1021-82 and S.R. No. 8, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED BAIL REFORM LEGISLATION,"

was deferred until Friday, April 23, 1982.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1022-82) recommending that Senate Resolution No. 139, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1022-82 and S.R. No. 139, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF THE ALLEGATIONS OF BRUTALITY AGAINST INMATES OF THE OAHU COMMUNITY CORRECTIONAL CENTER ARISING FROM AND OF THE PROCEDURES UTILIZED IN THE PRISON SHAKEDOWN," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1023-82) recommending that Senate Resolution No. 86 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1023-82 and S.R. No. 86, entitled: "SENATE RESOLUTION URGING PURSUIT OF ALL AVAILABLE MEANS TO PUT AN END TO THE CAMPAIGN OF GENOCIDE AGAINST THE BAHAI FAITH IN IRAN," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1024-82) recommending that Senate Resolution No. 109, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1024-82 and S.R. No. 109, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE HAWAII CRIMINAL JUSTICE SYSTEM TO ENSURE THE RIGHT TO SPEEDY TRIAL," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1025-82) recommending that Senate Resolution No. 111, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1025-82 and S.R. No. 111, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII CRIME COMMISSION TO CONDUCT A STUDY ON SPEEDING UP HAWAII'S CRIMINAL JUSTICE PROCEDURES," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1026-82)

recommending that Senate Resolution No. 46, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1026-82 and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HAWAII SUPREME COURT TO ALLOW THE BROADCASTING OF COURT PROCEEDINGS FOR CRIMINAL CASES," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1027-82) recommending that Senate Concurrent Resolution No. 30, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1027-82 and S.C.R. No. 30, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII SUPREME COURT TO ALLOW THE BROADCASTING OF COURT PROCEEDINGS FOR CRIMINAL CASES," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1028-82) recommending that Senate Resolution No. 133, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1028-82 and S.R. No. 133, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO ENCOURAGE PUBLIC INPUT TO THE SELECTION OF JUDGES," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1029-82) recommending that Senate Concurrent Resolution No. 86, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1029-82 and S.C.R. No. 86, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO ENCOURAGE PUBLIC INPUT TO THE SELECTION OF JUDGES," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1030-82) recommending that Senate Concurrent Resolution No. 16, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1030-82 and S.C.R. No. 16, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING FINANCIAL AND MANAGEMENT AUDITS OF THE OAHU COMMUNITY CORRECTIONAL

CENTER," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1031-82) recommending that Senate Concurrent Resolution No. 54, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1031-82 and S.C.R. No. 54, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE AND HOUSE TO CONSIDER THE TELEVISION OF IMPORTANT COMMITTEE PUBLIC HEARINGS ON CABLE TELEVISION STATEWIDE," was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1032-82) recommending that Senate Resolution No. 27, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1032-82 and S.R. No. 27, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ORTHOPEDIC UNIT TO SERVE ORTHOPEDICALLY HANDICAPPED AND OTHER HEALTH-IMPAIRED CHILDREN IN THE CENTRAL OAHU AREA," was deferred until Friday, April 23, 1982.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1033-82) recommending that Senate Concurrent Resolution No. 17, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1033-82 and S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ORTHOPEDIC UNIT TO SERVE ORTHOPEDICALLY HANDICAPPED AND OTHER HEALTH-IMPAIRED CHILDREN IN THE CENTRAL OAHU AREA," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1034-82) recommending that Senate Resolution No. 16, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 1034-82 and S.R. No. 16, entitled: "SENATE RESOLUTION REQUESTING FINANCIAL AND MANAGEMENT AUDITS OF THE OAHU COMMUNITY CORRECTIONAL CENTER," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1035-82) recommending that Senate Resolution No.

67, as amended in S.D. 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 1035-82 and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE LEGAL AID SOCIETY OF HAWAII," was deferred until Friday, April 23, 1982.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1036-82) recommending that Senate Resolution No. 124 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 1036-82 and S.R. No. 124, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE CONCEPT OF CREATING A DEPARTMENT OF CORRECTIONS," was deferred until Friday, April 23, 1982.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1037-82) recommending that the Senate advise and consent to the following nominations:

Joseph G. Williams to the Board of Taxation Review, Second Taxation District, in accordance with Governor's Message No. 231;

Mary H. Wong to the Board of Taxation Review, Fourth Taxation District, in accordance with Governor's Message No. 232; and

Frank K. Hamada and Sharon R. Himeno to the Board of Taxation Review, First Taxation District, in accordance with Governor's Message No. 303.

By unanimous consent, action on Stand. Com. Rep. No. 1037-82 and Gov. Msg. Nos. 231, 232, and 303 was deferred until Friday, April 23, 1982.

At this time, Senator Cayetano made the following introduction to the members of the Senate and stated:

"Mr. President, sitting in the gallery today are two members of the Office of the Prosecutor, City and County of Honolulu, Mr. Tom Pico and Mr. Arthur Ross.

"Mr. President, you remember in yesterday's newspaper that Mr. Marsland got upset when one of his deputies told him what I said. Well, I just want to let you (deputy) know that I excuse you for telling Charlie what I told

you, but will he excuse you for your telling me what you told me about him."

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 19, 1982

FINAL READING

Senate Bill No. 1308, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1308, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was deferred until Friday, April 23, 1982.

Senate Bill No. 2470-82, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 2470-82, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," was deferred until Friday, April 23, 1982.

FINAL READING

Conference Committee Report No. 6-82 (H.B. No. 2815-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 6-82 and H.B. No. 2815-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 7-82 (H.B. No. 2817-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 7-82 and H.B. No. 2817-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFF-ROAD VEHICLES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 8-82 (H.B. No. 2826-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 8-82 and H.B. No. 2826-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO TRAINING SCHOOL AND HOSPITAL," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 9-82 (S.B. No. 2550-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on

Conf. Com. Rep. No. 9-82 and S.B. No. 2550-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 10-82 (H.B. No. 791, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 10-82 and H.B. No. 791, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 11-82 (H.B. No. 1988-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 11-82 and H.B. No. 1988-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 12-82 (H.B. No. 2201-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 12-82 and H.B. No. 2201-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 13-82 (H.B. No. 2838-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 13-82 and H.B. No. 2838-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 14-82 (S.B. No. 1697, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 14-82 and S.B. No. 1697, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB-SHARING IN THE DEPARTMENT OF EDUCATION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 15-82 (S.B. No. 2350-82, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 15-82 and S.B.

No. 2350-82, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 16-82 (S.B. No. 2353-82, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 16-82 and S.B. No. 2353-82, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 17-82 (S.B. No. 2561-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 17-82 and S.B. No. 2561-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 18-82 (H.B. No. 2444-82, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 18-82 and H.B. No. 2444-82, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 19-82 (S.B. No. 2765-82, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 19-82 and S.B. No. 2765-82, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 20-82 (H.B. No. 2192-82, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 20-82 and H.B. No. 2192-82, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 21-82 (H.B. No. 1553, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 21-82 and H.B. No. 1553, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

MERGERS OR CONSOLIDATIONS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 22-82 (H.B. No. 2890-82, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 22-82 and H.B. No. 2890-82, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INDUSTRIAL LOAN COMPANY GUARANTY ACT," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 23-82 (H.B. No. 1653, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 23-82 and H.B. No. 1653, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REQUIREMENTS FOR AMENDMENT OF THE DECLARATION AND BYLAWS OF CONDOMINIUM ASSOCIATIONS UNDER THE HORIZONTAL PROPERTY ACT," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 24-82 (H.B. No. 2870-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 24-82 and H.B. No. 2870-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENSITIVITY-AWARENESS GROUPS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 25-82 (S.B. No. 2531-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 25-82 and S.B. No. 2531-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIPS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 26-82 (H.B. No. 2183-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 26-82 and H.B. No. 2183-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS COORDINATION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 27-82 (H.B. No. 2408-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 27-82 and H.B. No. 2408-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT UNIONS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 28-82 (H.B. No. 2057-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 28-82 and H.B. No. 2057-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 29-82 (H.B. No. 2477-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 29-82 and H.B. No. 2477-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 30-82 (S.B. No. 2145-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 30-82 and S.B. No. 2145-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIDESHARING," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 31-82 (H.B. No. 2836-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 31-82 and H.B. No. 2836-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICING," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 32-82 (H.B. No. 2936-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 32-82 and H.B. No. 2936-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 33-82 (H.B. No. 2813-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 33-82 and H.B. No. 2813-82, H.D. 1, S.D. 1, C.D.

1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 34-82 (S.B. No. 2399-82, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 34-82 and S.B. No. 2399-82, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 35-82 (S.B. No. 2513-82, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action Conf. Com. Rep. No. 35-82 and S.B. No. 2513-82, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES: FRANCHISE TAX," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 36-82 (H.B. No. 2313-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 36-82 and H.B. No. 2313-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION AND TRAINING FUND," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 37-82 (H.B. No. 2359-82, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37-82 and H.B. No. 2359-82, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS SECURITY AND PROTECTION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 38-82 (H.B. No. 2559-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 38-82 and H.B. No. 2559-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND DILLINGHAM CORPORATION DBA HAWAIIAN DREDGING AND CONSTRUCTION COMPANY," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 39-82 (H.B. No. 2679-82, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 39-82 and H.B. No. 2679-82, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 40-82 (H.B. No. 3119-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 40-82 and H.B. No. 3119-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL GROUP LIVING," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 41-82 (H.B. No. 1948-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 41-82 and H.B. No. 1948-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 42-82 (H.B. No. 2511-82, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 42-82 and H.B. No. 2511-82, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLIANCE RESOLUTION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 43-82 (H.B. No. 2947-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 43-82 and H.B. No. 2947-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AQUACULTURE AND LIVE-STOCK FEEDS PRODUCTION PROGRAM," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 44-82 (H.B. No. 509, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 44-82 and H.B. No. 509, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 45-82 (H.B. No. 2295-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 45-82 and H.B. No. 2295-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGULATORY LICENSING REFORM ACT," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 46-82 (H.B. No. 2778-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 46-82 and H.B. No. 2778-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL CHILDREN," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 47-82 (H.B. No. 2767-82, H.D. 3, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 47-82 and H.B. No. 2767-82, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 48-82 (S.B. No. 2346-82, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 48-82 and S.B. No. 2346-82, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL FEES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 49-82 (H.B. No. 2331-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 49-82 and H.B. No. 2331-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 50-82 (H.B. No. 2332-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 50-82 and H.B. No. 2332-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES FOR AGRICULTURAL USE," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 51-82 (H.B. No. 2888-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 51-82 and H.B. No. 2888-82, H.D. 1, S.D. 1, C.D.

1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 52-82 (H.B. No. 3078-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 52-82 and H.B. No. 3078-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 53-82 (S.B. No. 400, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 53-82 and S.B. No. 400, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 54-82 (S.B. No. 2388-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 54-82 and S.B. No. 2388-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 55-82 (S.B. No. 2638-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 55-82 and S.B. No. 2638-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES AND TRANSFER OF REAL PROPERTY SITUATED IN HAZARDOUS AREAS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 56-82 (S.B. No. 65, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 56-82 and S.B. No. 65, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 57-82 (S.B. No. 2147-82, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 57-82 and S.B. No. 2147-82, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," was deferred

until Friday, April 23, 1982.

Conference Committee Report No. 58-82 (S.B. No. 2467-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 58-82 and S.B. No. 2467-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 59-82 (H.B. No. 2348-82, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 59-82 and H.B. No. 2348-82, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO METAL AND GEM DEALERS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 60-82 (H.B. No. 2377-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 60-82 and H.B. No. 2377-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RIGHT TO FARM ACT," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 61-82 (H.B. No. 2606-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 61-82 and H.B. No. 2606-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMITTED PERSONS, FURLOUGH, EMPLOYMENT," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 62-82 (S.B. No. 2454-82, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 62-82 and S.B. No. 2454-82, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 63-82 (H.B. No. 2407-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 63-82 and H.B. No. 2407-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 64-82 (H.B. No. 2176-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 64-82 and H.B. No. 2176-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 65-82 (H.B. No. 3136-82, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 65-82 and H.B. No. 3136-82, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 66-82 (H.B. No. 2318-82, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 66-82 and H.B. No. 2318-82, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS," was deferred until Friday, April 23, 1982.

Conference Committee Report No. 67-82 (H.B. No. 2177-82, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 67-82 and H.B. No. 2177-82, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," was deferred until Friday, April 23, 1982.

THIRD READING

Standing Committee Report No. 971-82 (H.B. No. 2571-82, H.D. 2):

On motion by Senator Cobb, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 971-82 was adopted and H.B. No. 2571-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF ATTORNEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED
FROM APRIL 21, 1982

THIRD READING

House Bill No. 2096-82, H.D. 2:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2096-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NONRESIDENT VEHICLE PERMITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2149-82:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2149-82, entitled: "A BILL FOR AN ACT RELATING TO BRANDS AND AMENDING SECTION 142-41, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2158-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2158-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2163-82:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2163-82, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE DEPARTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2166-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2166-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY/STATE HOSPITAL SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2271-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2271-82, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LEASES OF PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2445-82:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2445-82, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2564-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2564-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREATION OF SPECIAL HANDLING FEES FOR REVIEW OF CORPORATION AND PARTNERSHIP DOCUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2684-82, H.D. 1:

Senator Cobb moved that H.B. No. 2684-82, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

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

"Mr. President, I'm voting against this bill and speaking against this bill because what in effect it does is to raise the interest rates payable by the State Government on the Hawaii Housing bonds from eight percent to eighteen percent.

"I think for the state to be tied in to a bond payment plan of an eighteen percent interest rate over a long period of years would not make it possible for the state to take advantage of any interest rate down-turn. We would be tied in paying eighteen percent over a long period of time and I think this restricts the State Government to take advantage of flexibility in the way of interest payment.

"Secondly, by raising it ten whole percent, from eight percent to eighteen percent is sort of taking a very fatalistic attitude that the State Government doesn't have any hopes of interest rates coming down.

"Everyone is concerned about high rates of interest that people have to pay, including government entities. This writing into the law an eighteen percent figure that the state pays, I think, is not having the state, at the least, take some initiative toward the encouragement of lower rate of interest to be paid by both individuals and governments. I will vote against this bill."

The motion was put by the Chair and carried, and H.B. No. 2684-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3121-82, H.D. 2:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3121-81, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY HOUSING LOAN PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3133-82, H.D. 2:

Senator Cobb moved that H.B. No. 3133-82, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

The Chair then explained to the members of the Senate as follows:

"The Governor sent down a message requesting emergency passage of this bill and I have been informed by the Clerk that that message was filed about two days ago."

The motion was put by the Chair and carried, and H.B. No. 3133-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF COUNTY EMERGENCY MEDICAL SERVICES DEFICITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 o'clock p.m.

Standing Committee Report No. 862-

82 (H.B. No. 2010-82):

By unanimous consent, action on Stand. Com. Rep. No. 862-82 and H.B. No. 2010-82, 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 Friday, April 23, 1982.

House Bill No. 3109-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3109-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Campbell and Yee).

House Bill No. 2017-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2017-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2220-82, H.D. 1:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2220-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2451-82:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2451-82, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2811-82:

On motion by Senator Cobb, seconded

by Senator Anderson and carried, H.B. No. 2811-82, entitled: "A BILL FOR AN ACT RELATING TO THE COMPOSITION OF THE BOARD OF TRUSTEES FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:47 o'clock p.m.

House Bill No. 725:

Senator Cobb moved that H.B. No. 725, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Young rose to speak in support of the measure and stated:

"Mr. President, the purpose of H.B. 725 is to reduce the Hawaiian blood requirement for a spouse or offspring of a Hawaiian homestead lessee to qualify as a successor to a homestead lease.

"Under the present law, the designated successor of a homestead lessee must be of at least 50% Hawaiian blood to qualify as a successor to a homestead lease. This bill would reduce the blood requirement for a spouse or offspring of a lessee to one-quarter Hawaiian blood quantum.

"Testimony was received from the Department of Hawaiian Home Lands and several native Hawaiian groups and individuals who spoke in favor of this bill.

"The Department of Hawaiian Home Lands testified that since 1975, eight leases had been cancelled because the spouse or children of the deceased lessee did not meet the blood requirement. Three of those eight had been cancelled in 1981. A 1976 study carried out by the Department identified 329 families which could be affected by this section. The Waianae Valley Homestead Community Association identified 15 families in a community of 153 which were in jeopardy of being dislocated through the death of the lessee.

"Your committee is concerned that these situations threaten family security and stability and frustrates the intent of the Hawaiian Homes Commission

Act which is to assist the Hawaiian people by returning them to the land.

"Mr. President, I urge the members to vote for this measure."

Senator Cayetano then rose to speak in support of the measure and stated:

"Mr. President, I will support the chairman of this bill, however, I do want to make some comments.

"I hope the passage of this bill will not set a precedent with respect to the application or admission of Hawaiians to Hawaiian home lands. If that happens, I think there will be a real problem because the fifty percent blood quantum has been standing for a long time and for those who are coming on for the first time, I think we should maintain that.

"This bill proposed to reduce it to twenty-five percent, as I understand it, so that those who are on right now can pass it on to their children who have at least that percent blood quantum.

"I do think, however, that if there is one fault with this bill it is that perhaps that what we're really doing is postponing coming to grips with the problem for another generation or so. Sooner or later the Legislature is going to have to decide, as more of the Hawaiian population intermarries, whether for even passing it on to heirs, we would have to reduce the blood quantum further. When that time comes, Mr. President, you and I will probably no longer be in this Legislature or maybe on this earth."

Senator Young, in response, stated: "Mr. President, this bill would not let an original lessee to get on... that person must still have fifty percent Hawaiian blood.

"The original intent of this act did not specify any blood quantum. The original act stated that any Hawaiian or part-Hawaiian may get on to leasehold land. It has been diluted since then, but the original intent was not to bar but to put any Hawaiian with even one-sixteenth or one-thirty-second blood quantum to get on this land, but through various schemes it has been reduced to 50%."

Senator Abercrombie also rose to speak for the measure and stated:

"Mr. President, speaking in favor but at the same time registering some of the comments made by Senator Cayetano, perhaps elucidating a little bit more.

"Historically, with the advent of the act there were arguments made as to just precisely who was going to be considered Hawaiian. I guess we all know that that argument hasn't ended right to this very moment. I guess it all depends on whether it's to your advantage at the moment as to what degree you make that kind of argument.

"The reference made by Senator Young had to do with the attempts of the sugar companies and some other mercantile interests to assure themselves of an advantage with respect to the land...its control I should say. They couldn't own it so they wanted to control it.

"There were arguments that took place at that time whether one should be full-blooded Hawaiian or whether it should be down to one-thirty-second. We're down to one-quarter here with this bill, and in my discussions with Senator Young I indicated that for someone like myself who has come to the islands much later in history, as have most other people alive now today in terms of their ancestry, not being able to trace it back to the native Hawaiian who themselves came from some place else in the Pacific, it really creates a dilemma, because the intent, regardless of how it came about originally, quite clearly stated fifty percent blood quantum. When you change it to one-quarter you're changing the intent and this is a lease situation.

"The people who wanted the land understood perfectly well that if they were not able to maintain the fifty percent quantum that they were not entitled. This is not in fee simple, after all. There are lots of people who have the fifty percent quantum who never have had the opportunity to get on the land.

"Now, I understand that it's not supposed to discriminate against them, but as we know with the administration of this law and the rules and regulations all the way through, lots of things that weren't supposed to happen, happened, and continue to happen. Lots of things that are supposed to happen, don't happen, and that continues. So you have this continuous acrimony, suspicion, hard-feelings, and now we move to one-quarter.

"If you move to one-quarter, there's no logic to the one-quarter in a sense of not taking it all the way down to then an eighth and a sixteenth and a thirty-second and a sixty-fourth, and on down.

"If the argument is made today that having one drop blood quantum of Hawaiian blood, that is to say to be able to trace one's ancestry on either side of one's family to any Hawaiian ancestor, qualifies you to be Hawaiian in an ethnic or racial sense, then what possible argument can be made that there is a rationale or logic to one-quarter blood quantum other than for the convenience of those who wish to pass it on to those who qualify now.

"What about those who will not qualify?"

"It simply runs against the grain of modern historical analysis to think that they will not continue to be outmarried. And to that extent that that is going to be the social reality, we should recognize it now. We should either stick with the fifty percent figure or we should get rid of it entirely. When I say 'we,' those of us who have the responsibility today. I can't take the responsibility of what happened 50 or 100 or 200 years ago, but I have to take the responsibility for what we do today as it might affect those people who come 50 or 100 or 200 years down the road, just as they should have done back in the days to which I was referring in the past.

"Now, as a result of that I'm saying that I have no advantage here. I'm not qualified nor will I ever be qualified to have any of this land. I'm not involved in it. I'm not in the business that would put me into a situation where I'd be trying to get general leases or anything of the kind. So, in that sense I feel, from an objective point of view, no personal advantage that not only are we postponing the problem, that is to say that what Senator Cayetano mentioned about having to move to a different blood quantum, but we are continuing the problem of what effect this act is supposed to accomplish. I don't think it's doing it.

"The reason that I'm voting for it is that Senator Young has assured me that this bill will push this argument to the Congress in terms of what the act should be related to in modern circumstances. I think they're going to have to take it up. The one-quarter does not make any sense. Once you move from the fifty percent it does not make any sense to stop at one-quarter. What does make sense is to say the Hawaiian people, to the degree that we are going to define people as Hawaiian in terms of blood quantum, should be anyone who had ancestral claim with respect to the Hawaiians. To do anything else is simply create one series of tragedy after another where people will be

reduced to pawing through ancestral records to make sure that they can squeeze themselves into the proper category.

"And we completely ignore the equally true fact of Hawaiian life that many people have been raised by Hawaiian families as Hawaiians in the eyes of their children and in the eyes of all of society, and I don't know if in the eyes of God... probably in the eyes of God, but maybe not in the eyes of the registration department or whoever keeps those records, but in the records of people's minds and hearts those children are their children. So, it seems to me that we should stop playing around with this issue and recognize the difficulties for what they are and move away from the one-quarter entirely. To do otherwise, it seems to me, is not just to postpone the problem, but to commit a continuing sin against the object of the act in the first place."

Senator Kuroda also spoke in support of the bill and remarked:

"Mr. President, passage of this bill will help the physical environment. I don't think this has been mentioned with regard to the positive effect of this change. Although most of the present Hawaiian homesteaders have positive attitudes and have maintained their home improvements some still fear and hesitate to make improvements because of the eventual loss of their homes. What this does in a positive way is to encourage the present Hawaiian homesteaders to make these improvements on their domicile and their surroundings. So this is something that we need to keep in mind. Thank you."

At 12:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:01 o'clock p.m.

Senator O'Connor also spoke for the measure and stated:

"Mr. President, I'm going to vote in favor of this bill but in doing so I want to point out that we are essentially seeking an amendment to the Hawaiian Homes Commission Act of 1920 in taking this action.

"As I understand Article XII of our State Constitution, this action shall not become effective until such time as the action that we take here is proposed in the Congress of the United States and the Congress there takes similar actions to amend the Hawaiian Homes Commission Act.

"It is clear that the Hawaiian Homes Commission Act, as presently drafted, would preclude the action sought by this bill."

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

"Mr. President, I think the words spoken by Senator Abercrombie were profound words. In the occasional spasms we have around here with good humor levity, I delight in hearing some very serious discussion of a serious issue. I think this matter of the blood quantum issue should be settled once and for all, and I don't think as Senator Abercrombie says, acceding to a twenty-five percent blood quantum decision is improving matters any.

"For that reason, I will vote against this bill, unlike people who argue against the present trend but will have to vote for it. I am voting against this bill."

Senator Carpenter spoke in favor of the measure and stated:

"Mr. President, I would just like to say that I share the same concerns as Senator O'Connor and with the assurance that that will be the flow of this bill, that is, to the Congress for their approval prior to this bill's enactment, I will be in support of the bill.

"I have expressed on several occasions to the chairman of the Hawaiian Homes Commission some of the concerns that have been raised. Basically, it goes to the same concerns that Senator Abercrombie spoke to. I think the question which will come back from the Federal Government will ask the Hawaiian Homes Commission whether or not, in fact, they have made every effort to accommodate the individuals who are presently of fifty percent blood quantum in the scheme of things in the foreseeable future. If they have not, then I don't think the Congress will have any choice but to deny this application. Thank you."

The motion was put by the Chair and carried, and H.B. No. 725, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kawasaki).
Excused, 2 (Campbell and Yee).

House Bill No. 1521, H.D. 1:

Senator Cobb moved that H.B. No. 1521, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Cobb then rose on a point of clarification and stated:

"Mr. President, I'd like to make a Journal entry for the Revisor of Statutes to correct an error that was discovered in the post review of the bill.

"There is a typographical error on page 4, lines 1 and 2, phrase 'or guarantee against loss' is a typographical error and should be deleted as the phrase 'guarantees against loss' is typed twice. Again, on page 4, line 5, the word 'arrangements' is misspelled.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 1521, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAKE-OVER BIDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes 23. Noes, none. Excused, 2 (Campbell and Yee).

House Bill No. 1944-82:

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1944-82, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CODE OF MILITARY JUSTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Campbell and Yee).

ADVISE AND CONSENT

Standing Committee Report No. 877-82 (Gov. Msg. No. 283):

By unanimous consent, action on Stand. Com. Rep. No. 877-82 and Gov. Msg. No. 283 was deferred until Friday, April 23, 1982.

Standing Committee Report No. 878-82 (Gov. Msg. No. 286):

By unanimous consent, action on Stand. Com. Rep. No. 878-82 and Gov. Msg. No. 286 was deferred until Friday, April 23, 1982.

Standing Committee Report No. 881-82 (Gov. Msg. No. 186):

Senator Cobb moved that Stand.

Com. Rep. No. 881-82 be received and placed on file, seconded by Senator Anderson and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of Federico Galdones and Shoichi Nagamine to the Board of Agriculture, terms to expire December 31, 1985, seconded by Senator Anderson.

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

Ayes, 23. Noes, none. Excused, 2 (Campbell and Yee).

Standing Committee Report No. 882-82 (Gov. Msg. No. 187):

Senator Cobb moved that Stand. Com. Rep. No. 882-82 be received and placed on file, seconded by Senator Anderson and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of David K. Oshiro to the Board of Agriculture, term to expire December 31, 1984, seconded by Senator Anderson.

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

Ayes, 23. Noes, none. Excused, 2 (Campbell and Yee).

Standing Committee Report No. 889-82 (Gov. Msg. No. 307):

Senator Cobb moved that Stand. Com. Rep. No. 889-82 be received and placed on file, seconded by Senator Anderson and carried.

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

Jack K. Suwa, term to expire December 31, 1982; and

Alexander Napier, Jr., term to expire December 31, 1985,

seconded by Senator Anderson.

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

Ayes, 23. Noes, none. Excused, 2 (Campbell and Yee).

Standing Committee Report No. 892-82 (Gov. Msg. No. 159):

By unanimous consent, action on Stand. Com. Rep. No. 892-82 and Gov.

Msg. No. 159 was deferred until Friday, April 23, 1982.

Standing Committee Report No. 894-82 (Gov. Msg. No. 290):

By unanimous consent, action on Stand. Com. Rep. No. 894-82 and Gov. Msg. No. 290, nomination of Walter R. Steiger to the Board of Regents, University of Hawaii, was deferred until Friday, April 23, 1982.

Standing Committee Report No. 895-82 (Gov. Msg. No. 290):

By unanimous consent, action on Stand. Com. Rep. No. 895-82 and Gov. Msg. No. 290, nomination of James F. Gary to the Board of Regents, University of Hawaii, was deferred until Friday, April 23, 1982.

Standing Committee Report No. 896-82 (Gov. Msg. No. 290):

By unanimous consent, action on Stand. Com. rep. No. 896-82 and Gov. Msg. No. 290, nomination of Kenneth N. Kato to the Board of Regents, University of Hawaii, was deferred until Friday, April 23, 1982.

Standing Committee Report No. 925-82 (Gov. Msg. No. 277):

Senator Cobb moved that Stand. Com. Rep. No. 925-82 be received and placed on file, seconded by Senator Anderson and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Ronald Okamura to the Board of Dispensing Opticians, term to expire December 31, 1985, seconded by Senator Anderson.

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

Ayes, 23. Noes, none. Excused, 2 (Campbell and Yee).

At 1:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:08 o'clock p.m. with the Vice-President in the Chair.

Standing Committee Report No. 945-82 (Gov. Msg. No. 236):

Senator Cobb moved that Stand. Com. Rep. No. 945-82 be received and placed on file, seconded by Senator Anderson and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of George Kaahanui, Jr., to the Boxing Commission, term to expire December 31, 1984, seconded by Senator Anderson.

At this time, Senator Wong rose to speak against the confirmation and stated:

"Mr. (Vice) President, I rise to speak in opposition to the Senate's confirmation of George Kaahanui, Jr., to the Boxing Commission, Vance Cannon, Roy Nakamoto and Masanori Emoto to the Hawaii Housing Authority, and Tim Scott Farr to the Board of Regents.

"Mr. (Vice) President, in speaking against these nominations, I must begin by making it absolutely clear that I am not speaking against the nominees as individuals. I believe they are all good and capable people. In no way should my remarks be construed as disparagement or criticism of them.

"My opposition to their confirmation is based on constitutional grounds.

"To fully and fairly consider the issue before the Senate, let me place the issue in its proper historical and constitutional context.

"First, let us review article V, section 6, of the Hawaii State Constitution, relating to executive and administrative offices and departments, and especially those clauses which bear directly on the issue before us.

"The Constitution states:

'When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall expire, unless such appointment is confirmed, at the end of the next session of the senate. The person so appointed shall not be eligible for another interim appointment to such office if the appointment failed to be confirmed by the senate.'

"And the Constitution also states:

'No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.'

"Thus, the authority of the governor to make interim appointments is conditioned by two explicit restraints in the Constitution:

First, he can make interim appointments only when the Senate is not in session and a vacancy occurs; and second, he cannot make an interim appointment of a person who has previously been nominated but who has failed to receive the consent of the Senate. These are the two major points to keep in mind.

"We are being asked to provide our consent to the same persons who were nominated in 1981, whose nominations were withdrawn in 1981, and who were then appointed to vacancies which had existed even before the Senate adjourned in 1981.

"The history is so recent that we can all recall what happened last session. The Senate did not confirm these nominees. For a number of reasons, we did not feel that they were the precise people we felt were appropriate for the positions to which they had been named. We did not say they were unqualified people.

"In any event, in the face of Senate opposition, the Governor withdrew these nominees from Senate consideration.

"But can the Governor then proceed, after the Senate adjourned sine die to grant interim appointments to these same nominees? He did so, and in so proceeding, he took an 'end run' around the Constitution and the Senate's power of confirmation.

"In the first place, the persons were granted interim appointments to vacancies which did not occur after the Senate adjourned. These vacancies had in fact occurred previously, and in the second place, to appoint persons whose names were formally submitted to the Senate and then withdrawn is a direct circumvention of the Senate's constitutional powers to advise and consent.

"I submit to this body that if we consent to these nominations, we would be making a mockery of our constitutional power of advise and consent. Rather than defend that power, we would be extending an invitation to the Governor to again circumvent that power and render it meaningless.

"That power has been challenged in the past, in an open constitutional arena.

"In the 1968 Constitutional Convention, as some of you who were members of the convention may remember, a formidable assault was attempted to strip the Senate of its confirmation powers. In reviewing the debate that took place, I was heartened to read

how perceptive some delegates were in appreciating the Senate's confirmation power in our system of checks-and-balances. I was impressed in particular by one delegate's measured statement in support of the Senate's power to advise and consent.

"I will share that delegate's thoughts with you. He said, and I quote:

'I think that what is important... (in) the retention of power to advise and consent to the governor's nominees is the opportunity that is granted to review and go over the various nominees. The governor is one man. By conferring with the senators and by being required to get the consent of the senate, what happens is that more people who represent people on a smaller level are able to point out to the governor... things that may be very helpful to the governor in his decision as to whether or not a particular name should be sent down...'

And that delegate concluded very simply but very effectively:

'And I feel that this kind of opportunity for the people to be heard through the senate should be continued.'

"It was through the able defense of the Senate's confirmation powers by this delegate and others in the 1968 convention that the effort to strip the Hawaii Senate's power to advise and consent--a power that goes back to the origins of the Organic Act--was defeated.

"That delegate who was in the forefront of the fight to defend the Senate's confirmation power, and whose words I have just quoted, is a person, Mr. (Vice) President, whom we all hold in deep respect. And surely, such an eloquent defender of the Senate and an advocate of respect for the Senate's power should not be kept in mystery. That delegate was delegate George Ariyoshi, then member of the 1968 Constitutional Convention, then member of the Senate, and now Governor of the great State of Hawaii.

"I remind my colleagues that the Senate's power of confirmation, a power that has its genesis with the beginnings of the United States Constitution is surely a power that should be zealously safeguarded.

"I believe, Mr. (Vice) President, it was Alexander Hamilton, one of the Founding Fathers, writing in what has come to be known as the Federalist Papers, who said of the United States Senate's confirmation powers on April 1, 1788:

'To what purpose then require

the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon...the president, and would tend greatly to prevent the appointment of unfit characters...'

"And Alexander Hamilton went on to write:

'It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of this choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing.'

"So what we have before us, members of the Senate, is an issue that runs much deeper than merely passing judgment on the individual nominees. It is an issue that runs to the heart of the American system of government, after which our own State Government is patterned. It runs to the heart of our system of separation of powers and checks-and-balances, of which the Senate--through its confirmation powers--is such an important part.

"Approve these nominees, and we are saying, in effect, we are only a rubber stamp, that the Senate's powers of advise and consent are meaningless and that the Senate's constitutional power of confirmation may be circumvented by the Governor at will.

"I submit to you, Mr. (Vice) President, reject these nominees, as I urge that you all do, and we will be safeguarding the power of advise and consent which as has been conferred upon us by the people. And in addition, Mr. (Vice) President, that in this government--the government of the State of Hawaii--this Senate will judiciously exercise its responsibility under the Constitution and under the principles of the American system of government.

"Thank you very much."

Senator O'Connor then spoke in favor of the nomination and stated:

"Mr. (Vice) President, I rise to speak in favor of Governor's Messages 236, and 259, 260, 261 and 301.

"Mr. (Vice) President, we are not dealing, when we consider these messages,

with some esoteric debate on political position. We're dealing with people who are human, who have feelings, who have positions in the community, who are real people.

"I don't know all of these people, but I do know some of them. I know Mr. Roy Nakamoto to be one of the finest attorneys in Hilo. I have had the pleasure of working with him on several matters and in trying several law suits against him in court. To deal with Mr. Roy Nakamoto or any of these other nominees in this fashion is wrong.

"If this position concerning advise and consent is to be taken it should have been properly taken in committee--raised there, disposed of there, and not have people who are to my knowledge outstanding people in this community used simply as a gesture in this body.

"I'm going to vote in favor of these people and I would urge everyone here to vote in favor because the committees that reviewed them have reported them to us favorably, as people, and I don't believe that we should on a point of principle wreck the reputations, or in any other way, invade the situations concerning these individuals in this body in this public fashion.

"I would urge everyone to vote in favor of these nominees."

Senator Ushijima then rose on a point of inquiry and remarked:

"Mr. Presiding Officer, I listened with great interest to the President of the Senate who brought up the constitutional question involved in the confirmation of these various individuals. The question I have is this...that this is a very serious matter that this body is discussing at the present time...and my question to the President of the Senate would be, if he is willing to yield to the question that I have, that if these matters had been contemplated by the President and he feels so strongly as to his constitutional interpretation, whether these matters have been seriously discussed with the Governor as to the position that he's taken on the interpretation of the Constitution? Will the President of the Senate answer the question?"

Senator Wong answered as follows:

"Mr. (Vice) President, I will yield to the question.

"In answer to my distinguished colleague from the Big Island, I think it would behoove all of us to know that the discussion on these nominees ensued

after the session last year. We met with the Governor in November in a meeting at Washington Place for breakfast. I told the Governor quite honestly that these nominees were definitely in trouble and asked him not to submit their names to the Senate.

"In early January of this year, I met once again with the Governor and asked the Governor if he would withdraw the names of the present nominees that we are discussing.

"Again, in February, I met with the Governor and asked him if he would withdraw the names because there was definite opposition in the Senate toward the appointment of these individuals. As a matter of fact, Mr. (Vice) President, the respective chairmen of the respective committees had a conversation with the Governor and they personally told him to withdraw the nominations.

"Last Friday, I again approached the Governor and told him that his nominees were definitely in trouble here in the Senate and asked that their names be withdrawn. His comment was that he was the appointing authority and therefore he did not want to ask the nominees to withdraw. If anything were to happen, it would be because the nominees themselves requested their names be taken off.

"To date, of the six nominees the Senate was concerned about, one nominee to SHPDA, Mr. KeNam Kim, submitted a letter to the Governor asking that his name be withdrawn from consideration by the Senate. To date this is the only message that I have received from the Governor and as late as yesterday afternoon I spoke with the Governor and told him that the nominees were definitely in trouble and that I was willing to hold back action on the committee reports until such time as he had an opportunity to talk to these individuals again."

Senator Ushijima thanked Senator Wong then continued:

"Well, the question that I had more specifically was that besides your asking the Governor to withdraw the names, the matter that you brought up here, that of your interpretation of the Constitution that what the Governor is doing is illegal in bringing down the names again... that is the question that I had in mind.

"I would think the proper thing would be that if you are going to ask this body to reject these names on

constitutional grounds, then certainly there should be some kind of opinion expressed by some qualified people as to whether your position is right or wrong.

"I would ask, first of all, if there was an Attorney General's opinion as to whether the actions taken by the Governor is illegal under the Constitution. And this, I have grave doubts about. So, based upon the argument by the Senate President, on that basis alone, that you should reject these nominees, I cannot accept that. I'm going to vote for all these four nominees.

"Thank you."

Senator Cobb then rose to speak on the confirmations and stated:

"Mr. (Vice) President, last session, in impartial rebuttal to the comments from my colleague from the Seventh District and in support of the position taken by the President, I recall very clearly being criticized on the floor of the Senate for not bringing the name out of the committee.

"I've had numerous discussions with the Governor and have sat in the presence of both the Governor and the President of the Senate, as the power and the whole concept of the role of advise and consent was being discussed, and would verify everything that the President has said relative to not only the position that's been staked out, but also the courtesy that's been given to the Governor in terms of the communication of the difficulties that existed as well as the circumvention of the Senate's right of advise and consent when an interim appointment is made, withdrawn, and then another interim appointment is made. The Governor has intimated that he wanted to see the entire Senate vote on the matter and that courtesy is being accorded."

Senator Holt then spoke in support of the nominations and stated:

"Mr. (Vice) President, speaking in favor of these nominations and before we take a vote to reject or approve, the previous speaker talked about courtesy to the Governor... asking him to withdraw the nominations, and now we're going ahead and we're going to act on these. But, I just have a question to the previous speaker as chairman of the committee whether the courtesy was extended to that nominee for the last two years to even appear before the committee for a hearing?"

Senator Cobb responded: "The individual

in question did appear last year and then this year the committee report was circulated."

Senator Holt then continued and stated:

"Mr. (Vice) President, I don't know who's pulling whose leg, but this gentleman, George Kaahanui, Jr., to my knowledge, was not informed of a hearing last year. He did not attend a hearing last year because he was not invited; also this year.

"It's unfortunate that we're taking the issue of this constitutional 'end run' by the Governor at the sake of some individuals in the community who have a lot to contribute and if we're going to be courteous to the Governor the least we could do is be courteous to these nominees.

"I can sincerely say that there's no reason why we're going through with this vote here on the floor right this minute when there is blanket position by the Senate coalition to reject these individuals. I don't see why we don't take them one at a time and decide why they should be nominated or not on the basis of merit and I sincerely suggest and ask that each and everyone of you to think about what you are doing right now and vote your conscience.

"Thank you."

Senator O'Connor then rose to inquire:

"Mr. (Vice) President, I rise on a point of parliamentary inquiry. We have had the chairman of the Consumer Protection Committee admit that he had no hearing on Governor's Message 236 this year. I would ask whether or not the Housing and Hawaiian Homes Committee had hearings on Governor's Messages 259, 260, and 261, and whether or not Higher Education had a hearing on Governor's Message 302 this year?"

The Chair then responded:

"In order to clarify some of the inquiries made here I will pose the question to the individual senators of the respective committees.

"First of all to the chairman of the Senate Committee on Consumer Protection, if he will answer the question of whether he had held hearings on the nominee?"

Senator Cobb answered: "We had a hearing last year. I'm going to be checking with my staff to verify whether we held another hearing this year on the same nominee."

At 1:29 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 1:31 o'clock p.m.

The Chair then queried the chairman of the Committee on Higher Education and Senator Saiki replied:

"Yes, Mr. (Vice) President, we certainly did. In fact, I had three meetings with the Governor on the matter. I held a public hearing last year and another public hearing this year and even extended my courtesy to the nominee with a one hour private meeting."

Senator O'Connor then said: "Mr. (Vice) President, with those answers, I would suggest to the Chair, on a point of parliamentary order, that Governor's Message No. 236 (George Kaahanui) is not properly before us if no public hearing was held on that nominee this year as that of the Governor's message which was given to this body this year."

Senator Wong interjected: "Mr. (Vice) President, I think the question has been answered in reference to public hearings. All three chairmen having jurisdiction over these nominees said that public hearings were held.

"Mr. (Vice) President, I would like to make a request at this time that rather than a blanket motion to take all of these nominees with one motion, I'd much prefer that we take each Governor's message by roll call vote."

The Chair answered: "Yes, I intend to make that suggestion.

"Now, Senator O'Connor, coming back to your inquiry, do you wish to appeal the Chair who at this point takes the stand that everything is in order or do you wish to appeal the decision of the Chair?"

Senator O'Connor responded and stated:

"Mr. (Vice) President, maybe I didn't hear correctly.

"I heard the chairman of the Consumer Protection Committee say in this body no longer than a few minutes ago that there had been no public hearing this year on this Governor's Message (236), and the requirement that I believe we have is that there shall be a public hearing on these Governor's messages before they are brought before this body on the floor.

"Now, he said they had one last year. That was a different Governor's

message, a different year, as the earlier speaker indicated and, therefore, I challenge the validity of having Governor's Message No. 236 acted upon at this time."

The Chair then asked: "Senator O'Connor, would you then want to disqualify the Governor's message on that particular appointee from even being considered for vote today?"

Senator O'Connor answered: "It is not properly before this body, Mr. (Vice) President."

The Chair remarked and asked: "It's your contention that it is not properly by procedure before this body, then we take no action one way or the other on that nominee. Is that your desire?"

Senator O'Connor answered: "Mr. (Vice) President, all I'm seeking at this time is a ruling on parliamentary procedure as to whether or not that message is properly before this body if there has been no public hearing on it."

Senator Wong then rose on a point of order and said:

"Mr. (Vice) President, Senator Cobb, the chairman of Consumer Protection Committee was ready to answer the question but now I believe Senator Kuroda can verify whether or not there was a hearing, in fact, on Governor's Message 236."

Senator Kuroda responded and remarked:

"Mr. (Vice) President, Senator Cobb has authorized me to make a statement inasmuch as he is waiting for confirmation of the announcement. I was at the public hearing when it was conducted and the name George Kaahanui was on the agenda because I was present and interested in that confirmation hearing especially with that name on it."

The Chair thanked Senator Kuroda for the clarification and said:

"For the record then, every committee chairman has had hearings on each one of these nominees. That matter is settled."

At this time, Senator Cobb announced as follows:

"Mr. (Vice) President, a hearing was held on Thursday, April 15, 1982 at 2:00 p.m. in Senate conference room 2, including Governor's Message No. 236, Boxing Commission, George Kaahanui, term to expire December

31, 1984."

Senator Wong then requested and said: "Mr. (Vice) President, again, may I make a request that we take the five nominees by a roll call vote, if there be no objection by the members of the Senate?"

Senator Cobb, on a point of order, then said: "Mr. (Vice) President, Standing Committee Report No. 946 includes three messages in one. I think the motion would be proper if it stated a roll call vote for each of the standing committee reports."

Senator Holt then asked: "Mr. (Vice) President, before we take a vote on this motion, can I ask a question of the chairman of the Consumer Protection Committee?"

The Chair answered in the affirmative and Senator Holt asked: "Mr. Chairman, I'm wondering, before we take this vote, I'm not familiar with each and every one of these individuals, but I'm just wondering, before we take up the first one, Governor's Message No. 236, whether all the Senators here even know who this gentleman is or what he looks like, or even yourself, knowing that he has not appeared before your committee?"

Senator Cobb answered: "I think I saw him before my committee last year."

The Chair also responded and said: "Senator Holt, to answer your question, every member of this body has a notice of all nominees up for hearings. Each name is printed. It is the responsibility of each Senator here to attend or not attend the hearings on these nominees, if they so desire. If they want information, it is their responsibility to make sure that they attend these meetings."

Senator Abercrombie then stated:

"Mr. (Vice) President, I rise to speak on the issue raised by Senator Wong with respect to the constitutionality of the process of advise and consent.

"Mr. (Vice) President, I stood on this floor in years past and, I think, devoted a good portion of an hour to a discussion of advise and consent, as to what it meant, and I said at that time that we would face this issue again, and I warned at that time that if we did not take a strong position with respect to what advise and consent meant that we would face the situation with the executive, whether it's this governor or any governor to come.

"We'd face a situation in which the

governor would attempt to overturn, if he or she desires has every right to try it, would attempt to overturn the Rules of the Senate by making interim appointments in place of those nominations which had been rejected, and we had been warned about the possibility of this situation as far back as the Federalist Papers which recorded to good effect by the President and which I would like to refer to again.

"Speaking of the nominations of a president, but having reference, of course, to the executives in general and legislative bodies in general, the Federalist Paper No. 76, and I quote:

'But his nomination may be overruled: this it certainly may, yet it can only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted by the preference they might feel to another to reject the one proposed; because they could not assure themselves that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected and might have the appearance of a reflection upon the judgment of the Chief Magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

'To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. And, in addition to this, it would be an efficacious source of stability in the administration.'

"Now, the President has quoted that particular paragraph which has been read into the record of this body previously in the remarks that I made and that spectre is coming back to haunt us today. That's why the President had to repeat it. But I will go on and say:

'It will readily be comprehended that man who had himself the sole disposition of officers would be governed much more by his private inclinations and interests than when he was bound to submit the propriety of his to the discussion.'

Again, the President has brought forth these words that I had entered into the record previously.

'The possibility of rejection would be a strong motive to take care in proposing. . . . But it is as little to be doubted that there is always a large proportion of the body which consists of independent and public-spirited men who have an influential weight in the councils of the nation. Hence it is (the present reign not excepted) that the sense of that body is often seen to control the inclinations of the monarch, both with regard to men and to measures. Though it might therefore be allowable to suppose that the executive might occasionally influence some individuals in the Senate, yet the supposition that he could in general purchase the integrity of the whole body would be forced and improbable.'

"What this comes down to, Mr. (Vice) President, is that this is in fact, regardless of whether or not we wish to personalize the situation, a situation in which a principle is involved. If the Senate would consent to the nominations before us, we would in effect be saying to this governor and any other governor that the way around the advise and consent procedure is simply to renominate individuals on an interim, put the pressure on as a result of the ensuing days and months until the next session can be held and then succeed in that fashion. This puts the individuals on commissions and boards in an untenable situation because they would be on tender hoofs from year to year wondering whether or not they're going to succeed.

"I would submit that it is not the Senate that has put these nominees into this position, but rather the disposition of the executive. This is not the way to conduct business. When the nominee has been rejected, another nominee should be brought forward, and then the Senate has the responsibility to say again whether they would reject.

"As Hamilton points out in the Federalist Papers, I think, the likelihood of constant rejections of the executive by a woeful and obstreperous Senate is unlikely because it would . . . by the same token render disingenuous the process on the part of the Senate, the legislative body, as to how it was coming to these

decisions. So it needs to be understood here, and understood quite clearly that these individuals find themselves in the position they are in today because of the desire of the executive and for no other reason, whether it is this governor or any other governor. And for that reason I support the position taken by the President.

"Once we've had the rejection, let's get new names down here to the Senate and then deal with it accordingly. That's the way to handle this thing."

At 1:48 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Cayetano then said:

"It's not very clear in my mind how we got to this point, but it seems to me the principle articulated by our President and also by Senator Abercrombie is well-taken. However, should I be privileged to return to this body next year, let me say that the integrity of the process quoted and spoken of in the Federalist Papers by the previous speakers, I will make sure that they extend also to the rejection process."

Senator Holt rose to speak in support of the nominee and stated:

"Mr. (Vice) President, I rise to speak in favor of George Kaahanui as gubernatorial nominee to the Boxing Commission. I too do not understand what's going on here, how it has come to arrive at this point, but I would like to say that in support of the nominee by the Governor that he's an outstanding individual, a very warm and honest human being. He's a hardworking man, a good father. He happens to be a pastor at a local Episcopal Church; very active in the community having been with the Golden Gloves and the Puuhale Boxing Club for many years; a good Hawaiian at heart.

"I do not understand how a Senate committee can reject a nominee like this who has so much to contribute to the community. If it's principle that we're voting on, I think you've got to look further than that, each and everyone here who is voting, because this is a human being you are voting against; it's not a name, someone who doesn't exist out there.

"He goes to work everyday just like you and me and he's going to remember for the rest of his life the action you are about to take and the vote you are going to make right now.

Thank you."

The motion to advise and consent to the nomination of George Kaahanui, Jr., to the Boxing Commission was then put by the Chair, and Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 7. Noes, 17 (Abercrombie, Ajifu, Anderson, Carpenter, Cayetano, Cobb, George, Henderson, Kawasaki, Kobayashi, Kuroda, Saiki, Soares, Uwaine, Yamasaki, Young and Wong). Excused, 1 (Yee).

At 1:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:00 o'clock p.m.

Standing Committee Report No. 946-82 (Gov. Msg. Nos. 259, 260, and 261):

Senator Cobb moved that Stand. Com. Rep. No. 946-82 be received and placed on file, seconded by Senator Anderson.

Senator Cobb then moved that the Senate advise and consent to the nomination of Vance Cannon to the Hawaii Housing Authority, term to expire December 31, 1982, seconded by Senator Anderson.

Senator Abercrombie spoke against the nomination and remarked:

"Mr. (Vice) President, like anybody else, I guarantee you Mr. Cannon is a person of integrity and so on, which I do believe. Whether it's Mr. Cannon or anyone else, I do believe what I said. I'm not saying it for convenience sake, but I can assure you if I'm back again in this body and I'm a chairman again of a committee I would do what I did before as a chairman, and if I don't want somebody to come out of my committee, it's not coming out of my committee and I'll take the grief."

Senator O'Connor, in support of the nominee, stated:

"Mr. (Vice) President, this nominee, Mr. Vance Cannon is also an outstanding man in this community; he is an outstanding businessman. There's just nothing about him that I have ever known that would not qualify him to be on the Hawaii Housing Authority.

"I think what we're going through right now is an exercise which defeats the committee system of handling nominees. These nominees should have been handled in the committee. They should have been voted up or down by the committee. And the people I see voting against the nominees on this floor have the majority

of the votes in the committees and those committees should have either voted down and kept them in committee or voted them down and returned the message to this floor indicating no advise and consent.

"For this system where you build a straw man out of a positive committee report with positive votes from the committee, only to have the same people change their votes and vote against those people on this floor I think is a complete deviation from the system outlined in the Rules of this Senate.

"And for that reason, I think that these people, the individuals are being unduly castigated in this particular situation."

Senator Saiki then responded and said:

"Mr. (Vice) President, I would like to make a few comments in response to Senator O'Connor. I would like to state my opinion. Not only that, I would like to state an example of what happened in the case regarding Governor's Message 302.

"Senator O'Connor feels that all of these nominations should have been dealt with in committee. I too feel that the committee process is a vital process. But in the case of nominations, very often you are requested by the Governor himself not to retain names in committee but to give every opportunity for these names to be presented on the floor of the Senate and that a vote be taken.

"It is upon the Governor's request, last year, as well as this year, that this name is on this floor. I felt that it is the courteous thing to do...to award to the Governor a request. That is the reason Governor's Message 302 is on the floor before us.

"I hope that my colleague from the Seventh Senatorial District doesn't consider that this is a violation of the process because I'm sure he would like to have extended to him many courtesies upon request."

Senator Ushijima then responded and stated:

"Mr. (Vice) President, I just want to respond to the previous speaker as to what she says. I'm also a member of the committee. I remember last year signing a committee report with the majority signatures on the committee report on an appointment to the Board of Regents, but I never saw it appear on the floor. We never had a chance to vote it on the floor."

Senator Saiki answered: "I beg your pardon, Mr. (Vice) President, this name before us in Governor's Message 302 was indeed on the floor. It was on the floor for so long it was getting embarrassing, and the record will show that this name appeared and stayed on the floor for more than a week. And it's the same thing that's happening again this year. The name came down in adequate time."

Senator Ushijima responded: "Mr. (Vice) President, I was referring to some other nominee in the last session of the Legislature."

Senator O'Connor, in support of Mr. Cannon, continued:

"Mr. (Vice) President, I'm still speaking in favor of Mr. Cannon.

"The process that I earlier outlined is the established process and I echo Senator Cayetano's earlier remark...I don't understand how we've gotten to this point.

"A committee can bring a name to this floor suggesting a rejection of the advise and consent of this body. There's nothing wrong with that, and if that be the committee's will, a committee can so report out a name in that fashion. I signed such a document just the other day on Judge Fong and I cannot see setting up a straw man, though, and providing a positive committee report to this body only to have everyone or almost everyone who signed it in a positive fashion vote against the nominee.

"We have an established procedure in this body to handle these things and it is being violated by what we're doing today."

Senator Soares interjected and remarked: "Mr. (Vice) President, I think the example used by the previous Senator is not in order. The committee report that he signed had to come down voting for a rejection and he knows better than to use that as an example."

Senator Wong then rose on a point of clarification and stated:

"Mr. (Vice) President, I think we've discussed the process and I would just like to clarify it to the previous speaker.

"As he already knows, in the past year, we have attempted, honestly and sincerely, to convince the executive that these nominees that we are discussing today are not acceptable to the Senate. The Senate's position was clear and concise. In the closing days of this session there was a feeling that we

should not hide behind the committee structure as a means for not granting confirmation to individuals; rather, we should take the issue head-on here on the floor.

"In the past three or four days we have experienced something here in the Senate halls which I would like to remind everyone of, Mr. (Vice) President, and that was when the Governor was confronted with the nomination of Judge Fong, he was told specifically that the votes were not available. I thought he did the right and proper thing by withdrawing the nomination from the Senate.

"If I understand the process correctly here in the Senate, the powers of 'advise and consent' means that--with respect to nominations--the Senate has the authority to exercise its judgment as to whether or not to confirm the individuals named.

"Mr. (Vice) President, if we had not started this debate today, I would have personally implored this body to allow the Governor to withdraw all these names from the Senate floor and not have a debate and not vote them down here in the Senate. It is not my desire to embarrass or disparage the people. However, Mr. (Vice) President, I recall last session, because of actions taken on nominees the Senate coalition was accused of back-dooring these nominations by certain Democrats who are standing on the floor tonight espousing this rhetoric about process.

"Everyone should know by examining the committee reports on these individuals that there is a strong indication by committee members who have signed either with reservations or 'I do not concur' that these nominations were in trouble.

"I've seen in the very brief period here in the Senate where members have signed 'I do not concur' on reports and voted 'aye' on the floor. So, you know, Mr. (Vice) President, the whole idea of the process is that it works two ways.

"The point I am trying to make today, throughout all of this agony, is a point of the power of advise and consent of the Senate. Any governor, whoever that governor is, has the authority to discuss the matter with senators behind closed doors. After open hearings, the Senate then decides what it wants to do. I think that is the process.

"Prior to assuming the presidency, I recall on many occasions where if the Senate felt, in its wisdom, a particular

nominee was not acceptable to the Senate that nominee's name was processed through the president's office and the governor was informed of that nomination's problems here in the Senate. And more often than not, Mr. (Vice) President, those nominees were withdrawn.

"We had told the Governor in conference last year that if he would have submitted any of the choices that we are discussing here today, the Senate at that time would have moved not to confirm them. He chose not to do that, Mr. (Vice) President. He chose instead to wait until the Senate adjourned sine die and appointed them in the interim.

"I too am concerned about the process, Mr. (Vice) President, because for a committee to kill a nominee in committee would be the simplest thing, but we have asked and implored the executive to recall these names. The answer I got is 'they're willing to take their chances on the floor.' This is why they appear here today.

"As Senator Cayetano said, how did we get here. I often wonder too, but, Mr. (Vice) President, as long as I am the presiding officer of this Senate, if there is any approach or any appearance of an erosion of the power of advise and consent of this Senate, I will singularly or in concert with anybody, defend that privilege.

"Personally, I have no quarrel with the Governor, but the principle of advise and consent is violated when he offers a nominee the Senate rejects. He should send in a new nominee.

"Mr. (Vice) President, we're going to be here for another hour and a half discussing procedural aspects. I don't think there's any single member of this body who does not know what we're doing today. Everybody knows what is happening. As one Senator said, it's up to your conscience. I hope that we consider, when we vote for or against these individuals, the consequences for the future. Thank you very much."

Senator Cobb then added:

"Mr. (Vice) President, I would like to point out that every single committee report on the nominations that are presently contested before this body has an absolute majority of committee members signing either with reservation or I do not concur. The indication should be very clear. I further recall the criticism of last year that the decision was being made in committee and that the Governor has insisted upon an open floor vote. Now, that's happening."

The Chair remarked: "I have allowed discussion to take place on procedures because I think this is healthy. It provides for clarification or reasons for actions being taken by either the chairman of the committee or the committee members themselves. The Chair is not bothered by a person voting contrary to the way he signed the committee report.

"Many times you may sign a report clear; then you receive information between the time the committee report came on the floor and the time the vote is taken...information that may change your mind or vice-versa.

"You may sign a committee report 'I do not concur.' You may have clarification on information on a nominee that causes you to change your mind to vote for that man. So, I am not bothered and I don't think each of us should be bothered by voting contrary to the way we signed a committee report.

Roll Call vote have been requested, the motion was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 8. Noes, 16 (Abercrombie, Ajifu, Anderson, Carpenter, Cayetano, Cobb, George, Henderson, Kawasaki, Kobayashi, Kuroda, Saiki, Soares, Uwayne, Yamasaki and Wong). Excused, 1 (Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Masanori Emoto to the Housing Housing Authority, term to expire December 31, 1984, seconded by Senator Anderson.

Roll Call vote having been requested, the motion was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 8. Noes, 16 (Abercrombie, Ajifu, Anderson, Carpenter, Cayetano, Cobb, George, Henderson, Kawasaki, Kobayashi, Kuroda, Saiki, Soares, Uwayne, Yamasaki and Wong). Excused, 1 (Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Roy Nakamoto to the Hawaii Housing Authority, term to expire December 31, 1983, seconded by Senator Anderson.

Senator O'Connor rose to speak in favor of the nomination and stated:

"Mr. (Vice) President, I rise to speak in favor of Mr. Roy Nakamoto, gubernatorial nominee to the Hawaii Housing Authority.

"I have known Mr. Nakamoto since he and I both started practicing law together. He is probably one of the finest attorneys in Hilo. He has participated in numerous community services; he is well-known on the island of Hawaii, and is one of the finer people that I've had the pleasure of knowing professionally. He's not a personal friend of mine in the social sense. He is a professional friend of mine. I have the deepest respect for him, and I would urge everyone to consider very carefully their vote on Mr. Nakamoto because I believe that he would be an outstanding member of the Hawaii Housing Authority.

"A vote against Mr. Nakamoto is a vote against excellence in that Authority. I urge all to vote for him."

Senator Carpenter, although in support of Mr. Nakamoto, stated:

"Mr. (Vice) President, I can't help but agree with the initial remarks of the preceding speaker. I know Mr. Roy Nakamoto both as a personal friend and as a professional friend, and I will be voting against his nomination because of the remarks articulated by both the Senator from the Fifth District, Senator Wong, and the Senator from Manoa because I believe that supersedes the personalities involved in this particular issue."

Senator Ushijima also rose to speak in support of the nominee and stated:

"Mr. (Vice) President, I speak in favor of the confirmation of Mr. Nakamoto. I think, if there is an excellent appointment to the Hawaii Housing Authority, I don't have to repeat what the other speakers have already said about Roy Nakamoto.

"I think it's a tragedy and very shameful for him to be lost and rejected in all of the verbal 'shibai' that we've heard up to now. Thank you."

Senator Abercrombie responded: "Mr. (Vice) President, with respect to the remarks of the Senator from the Big Island, it may be a shame for an individual to go over the verbal 'shibai.' I suggest that he look in the mirror and start there before he starts characterizing the remarks of other people on this floor who oppose these nominations for the reasons stated."

Senator Ushijima answered: "Mr. (Vice) President, I might request the same of the previous speaker."

Roll Call vote having been requested, the motion was put by the Chair and failed to carry on the following showing

of Ayes and Noes:

Ayes, 8. Noes, 16 (Abercrombie, Ajifu, Anderson, Carpenter, Cayetano, Cobb, George, Henderson, Kawasaki, Kobayashi, Kuroda, Saiki, Soares, Uwaine, Yamasaki and Wong). Excused, 1 (Yee).

Standing Committee Report No. 947-82 (Gov. Msg. No. 302):

Senator Cobb moved that Stand. Com. Rep. No. 947-82 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 Tim Scott Farr to the Board of Regents, University of Hawaii, term to expire December 31, 1982, seconded by Senator Kuroda.

Roll Call vote having been requested, the motion was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 6. Noes, 18 (Abercrombie, Ajifu, Anderson, Carpenter, Cayetano, Cobb, George, Henderson, Kawasaki, Kobayashi, Kuroda, Saiki, Soares, Toyofuku, Uwaine, Yamasaki, Young and Wong). Excused, 1 (Yee).

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

The Senate reconvened at 2:23 o'clock p.m. with the President in the Chair.

Standing Committee Report No. 970-82 (Gov. Msg. Nos. 107, 112, 114, 115, 116, 117, 118, 121, 192, 196, 197, 198, 199, 200, 201, 241, 242, 275, 276 and 300):

Senator Cobb moved that Stand. Com. Rep. No. 970-82 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Francisco V. Mariano to the Board of Chiropractic Examiners, term to expire December 21, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of George Goto, M.D., and Kenneth

N. Sumimoto to the Board of Medical Examiners, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

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

Dorothy Hoe, term to expire December 31, 1984; and

Elroy Chong, term to expire December 31, 1983,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Earl H. Baxendale to the Board of Examiners of Nursing Home Administrators, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Carolee Stamper to the Board of Examiners in Optometry, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Douglas H. Kaya, Jr., to the Board of Osteopathic Examiners, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of William G. Joor, Jr., to the Board of Pharmacy, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Jayne G. Garside, Ph.D., and Leighton Oshima to Board of Certification for Practicing Psychologists, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of John T. Rathjen, D.C., to the Board of Chiropractic Examiners, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Carole Ann Ishimaru to the Board of Nursing, term to expire December 31, 1984, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Dennis Kuwabara to the Board of Examiners in Optometry, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination

of Garth T. Hansen to the Board of Pharmacy, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations to the Board of Certification for Practicing Psychologists as follows:

Herbert B. Weaver, term to expire December 31, 1983; and

Craig H. Robinson, term to expire December 31, 1982,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Bella Ayako Nagatoshi and Akira Tanaka to the Board of Radiologic Technologists, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Gary Toshio Ota, D.V.M., and Zacarias Baricuatro, to the Board of Veterinary Examiners, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Rodney C.Y. Chun, M.D., and Arthur K. Kusumoto to the Board of Examiners in Naturopathy, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

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

Philip R. Baltch, term to expire
December 31, 1983; and

Janet M. Hirata, term to expire December
31, 1985,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Senator Cobb, then moved that the Senate advise and consent to the nominations of Howard K. Miyamoto, D.D.S., Walter A. Lichota, D.D.S., and Shirley A. Batad to the Board of Dental Examiners, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

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

Ben K. Azman, M.D., term to expire
December 31, 1985; and

Thomas G. Cahill, M.D., term to
expire December 31, 1983,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Senator Cobb, then moved that the Senate advise and consent to the nominations to the Board of Speech Pathology and Audiology as follows:

Ralph Uemae, term to expire December
31, 1985; and

Roland Tam, M.D., term to expire
December 31, 1983,

seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Standing Committee Report No. 973-
82 (Gov. Msg. Nos. 106, 119, 120, 122,
191, 237, 273 and 274):

Senator Cobb moved that Stand.
Com. Rep. No. 973-82 be received
and placed on file, seconded by Senator
Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Milton Hironaka to the CATV Advisory Committee, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Finn Anonsen and Kent H. Bowman to the Board of Pilot Commissioners, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Joseph Cravalho to the Board of Private Detectives and Guards, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Toru Kawakami and Gregg T. Yamanaka to the Real Estate Commission, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused,
3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Cecilio "Tio" Alconcel to the CATV Advisory Committee, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Patrick Petti to the Credit Union Review Board, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nominations of Walter T.Y. Lau and Manuel R. Sylvester to the Board of Public Accountancy, terms to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

Senator Cobb then moved that the Senate advise and consent to the nomination of Clifford Tamura to the Boxing Commission, term to expire December 31, 1985, seconded by Senator Soares.

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

Ayes, 22. Noes, none. Excused, 3 (Anderson, Kuroda and Yee).

FINAL READING

Senate Bill No. 397, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 397, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Friday, April 23, 1982.

At this time, Senator Soares, chairman of the Committee on Public Utilities, requested a waiver of the 48-hour notice of a Public Hearing on the following resolution:

H.C.R. No. 102, H.D. 1, entitled: "HOUSE CONCURRENT REQUESTING THE LEGISLATIVE AUDITOR TO MAKE A STUDY OF THE RATIONALE FOR THE IMPACT OF IMPOSING TAXES AND FEES UPON PRIVATELY-OWNED PUBLIC UTILITY COMPANIES,"

and the President granted the waiver.

At 2:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:27 o'clock p.m.

Senator Carpenter, in observation, stated:

"Mr. President, if the Judiciary Committee receives a governor's message relating to the filling of one of the vacancies on the Intermediate Court of Appeals between the time that we leave here or sometime over the weekend, we would anticipate that we would have a hearing on Monday morning at approximately 9:00 a.m. to hear that governor's message.

"Mr. President, this morning the Judiciary Committee, in hearing two other messages on individuals under consideration for the Intermediate Court of Appeals judgeship and also for a Circuit Court judgeship, the Chair recommended, with the deferment of the majority of the members of the committee, some albeit reluctantly, that we not come forward on Monday with the Senate consent, vis-a-vis a report to this body, for the simple reason that I believe that because the notice was short to begin with we did not meet the 48-hour requirement on receipt of these governor's messages related to these two appointments, and the fact that we had not really had an opportunity for the public to make its input.

"The Chair recommended that we wait a period of approximately two weeks and when that period ends that the committee meet and consider any correspondence and/or discussion before that in relation to those two governor's messages and subsequently report to this body.

"Mr. President, not because it was anyone's fault, but this year we will have considered during the session some seven nominations to judicial appointments. The first came with two associate justices being considered. Those individuals were... perhaps before I get into this I should say that in anticipation of the number of appointments that would have come before the Judiciary Committee's scrutiny I indicated to

the Governor that we would try to, as expeditiously as possible, process these candidates so that we could indeed go with the confirmation within the time frame of the session. We initially had two appointments for the Intermediate Court of Appeals to Associate Justice and we expedited those as quickly as we could. There was no public hue and cry in the negative to either of those two appointments. Consequently, that created two vacancies in the Intermediate Court of Appeals.

"We also heard a nomination of one of the individuals who occupied a judgeship there, a governor's message to appoint the individual to the chairmanship or chief judgeship of that panel. I don't think anyone in the Judiciary Committee or the entire Senate thought that the subsequent nomination of Judge Fong would have taken the entire 30-day period, which is the review period allocated for the processing of an individual.

"Subsequent to that, the two messages that we heard today then would have spoken to filling one of the vacancies on the Intermediate Court of Appeals, as well as a Circuit Court judgeship.

"The language in the Constitution that was changed with the 1978 amendment essentially, under Section 3, Article V, at that time, now Article VI, regarding the appointment of justices and judges said this: 'The governor shall nominate

by and with the consent of the Senate. Appointment of justices of the supreme court and judges of the circuit court. No nomination shall be sent to the senate and no interim appointment shall be made when the senate is not in session until after 10 days' public notice by the governor.' So, Mr. President, this is the reason that I made the recommendation this morning.

"I would add that perhaps as a further recommendation that when this period of public review has lapsed and the committee has had an opportunity to review whatever public input there may be that this Senate call itself back into session for the purpose of consenting or rejecting the nomination. Thank you."

The Chair then stated that Senator Carpenter's suggestion would be taken under advisement.

At 2:38 o'clock p.m., on motion by Senator Cobb, seconded by Senator Saiki and carried, the Senate stood in recess for the purpose of receiving Conference Committee and Standing Committee Reports.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Friday, April 23, 1982.