

FORTY-FIFTH DAY

Thursday, March 31, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bob Anders, Pastor of First Baptist Church of Nanakuli, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Forty-Fourth Day.

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

Senator Ajifu introduced Dr. Sati Sidhu, head of the Venereal Disease Section of Los Angeles County, her son San Jay, and sister Phool Chopra, who were sitting in the gallery.

The Chair also introduced Mrs. Ralph Ajifu, who accompanied Dr. Sidhu and family.

Senator Mizuguchi introduced, a very good friend and former member of the University of Hawaii Board of Regents, Mr. Scott Leithead.

The Chair then remarked: "Before I make the following introduction, I want to thank all of you young ladies for coming to watch me in action. I'm sure that there's no work being done in the Senate this morning (laughter), therefore, we're going to dock your pay (laughter). The male staffers are probably manning the phones."

The Chair then made the following introduction:

"Members of the Senate, it gives me great pleasure to introduce some very special guests here with us today.

"Our guests today are the principal people associated with 'Magnum, P.I.' -- no question, probably, one of the most popular programs on television, one which has been such a great promotional asset for Hawaii.

"Of course, the main reason for the success of Magnum is the charisma and appeal of its star -- Tom Selleck.

"Accompanying Mr. Selleck are his co-stars, John Hillerman, Larry

Manetti, and Roger Mosley. A lot of the appeal of the Magnum series is the interrelationship that exists between their characters.

"Also with us today are: Donald P. Bellisario, Magnum's co-creator and executive producer; Charles Floyd Johnson, producer; Ralph Sariago, vice-president in charge of production; and James Westman, unit production manager.

"Will all of these gentleman please stand to be recognized.

"Magnum has a significant impact on Hawaii's economy. Besides the worldwide exposure that it gives Hawaii, it brings in ten million dollars in expenditures a year which compounds into an impact of over twenty million dollars, resulting in one million, for this one series, in taxes for this state. Much more importantly, it also provides a variety of jobs for our local actresses and actors, technicians and other skilled personnel.

"You know, I agonized over the question of who to select to present the lei to Mr. Selleck. Since Senators Fernandes Salling, Young, Solomon, Kobayashi, and George, in particular, wanted to know how I was going to make the selection, I decided to be very democratic and have asked my ten-year old daughter, Kristy Wong to present the lei to Mr. Selleck. I really took a chance taking her out of school a little earlier than she should when she really should be studying, but I felt it was much more worthwhile for me to be 'Father of the Year' than have her miss ten minutes of education.

"To present the leis and Senate Certificates of Recognition to our other guests, I have asked as follows:

Senator Mary George to Mr. Hillerman;
 Senator Malama Solomon to Mr. Manetti;
 Senator Patsy Young to Mr. Mosley;
 Senator Lehua Fernandes Salling to Mr. Bellisario;
 Senator Ann Kobayashi to Mr. Johnson;
 Senator Young's daughter, Francine, to Mr. Sariago; and
 Gwen Joseph, my secretary, to Mr. Westman.

My secretary -- I don't know how I'd do without her -- really wanted to go to the top of the list.

"Mr. Westman, I'm told, is heading back to Los Angeles and will be our ambassador from Hawaii 'to see Hawaii more.'"

Senator Abercrombie then rose to remark as follows: "Mr. President, before you make the presentation to Mr. Selleck, I felt that it's important for me to make this brief observation.

"Mr. Selleck is here under false pretenses. As everyone knows, Mr. Selleck in particular, I'm a member of the Columbia Inn All-Star Baseball Team, and he told me that the reason he was here today is that the Magnum P.I. baseball team has managed to beat us twice and he was coming here today to further the humiliation."

Senator Holt then added: "Mr. President, I was present that evening at the University Stadium when Magnum managed to beat us, and, by the way, Mr. President, Roger Mosley's name is really pronounced 'Mo-sa-li.'"

"Tom Selleck, I observed that evening, is quite an athlete. I feel deep down inside that we would have beaten the Magnum team but for fear of up-staging television's superstar. Senator Abercrombie stayed away."

Senator Kawasaki also rose to add his remarks and said: "Mr. President, I want to express my displeasure at this adulation accorded Mr. Selleck for two primary reasons. One of which is that he has now displaced the perennial sex symbol of the Senate, Senator Abercrombie.

"Secondly, ever since it was known by the staff, in particular the female staff members, that Tom Selleck was going to be here the output and efficiency of the female staff members have suffered immeasurably. This really is a detriment to state government operations and I just wanted to note that for the Senate Journal."

Senator Abercrombie responded: "Mr. President, I appreciate the previous speaker's remarks with respect to the symbolic nature of my sexual prowess; however, I think that Mr. Selleck would be the first to agree that while he may hold the championship for those who are six feet and over, I nonetheless at five-five still hold number one."

The Chair then remarked: "Ladies and gentlemen, before the short recess for the presentation, I'd like to introduce a very dear friend of mine. To many of us here who know him very well, he's the man who follows Tom Selleck wherever he goes, which is not a bad job. Our own All-American from Michigan State, former fullback Bobby Apisa.

"And, also sitting in the background, the guy who brings a lot of film-making to Hawaii and who is trying to negotiate my contract with the movie studios, Dr. Henry Wong.

"I'd like at this time to introduce my ten-year old daughter, Kristy Wong, who will make the presentation to Mr. 'Sex Symbol' Tom Selleck. I would ask Tom to say a few words, but he says he is a man of very few words ... he's a man of action.

"To Tom Selleck and everyone connected with the Magnum show, thank you on behalf of the people of Hawaii."

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

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

DEPARTMENTAL COMMUNICATION

A communication from the George Freitas, Director of Taxation. (Dept. Com. No. 33), dated March 30, 1983, transmitting a report, "Tax Credits Claimed by Hawaii Residents - 1981," March 1983, was read by the Clerk and was referred to the Committee on Ways and Means.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 307) transmitting House Concurrent Resolution No. 140, which was adopted by the House of Representatives on April 30, 1983, was read by the Clerk and was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO PROCLAIM MARCH, 1983 HEMOPHILIA MONTH IN HAWAII," was adopted.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 56 and 57) were read by the Clerk and were disposed of as

follows:

A concurrent resolution (S.C.R. No. 56), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO HISTORIC PRESERVATION AND HAWAIIAN AFFAIRS," was offered by Senators Solomon, Kuroda, Hagino, Chang, Kawasaki, Holt, Toguchi, Young, Uwaine, Ajifu, Aki, Henderson and Cobb.

By unanimous consent, S.C.R. No. 56 was referred jointly to the Committee on Ecology, Environment and Recreation and the Committee on Hawaiian Programs.

A concurrent resolution (S.C.R. No. 57), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN APPRAISAL AND ACQUISITION STUDY OF THE LANIHAU/KUKA'ILIMOKU PROPERTIES BETWEEN THE STATE PARK AT OLD KONA AIRPORT AND THE SHORELINE," was offered by Senators Solomon, Toguchi, Aki, Uwaine, Henderson, Kuroda, Chang, Holt, Machida and Young.

By unanimous consent, S.C.R. No. 57 was referred to the Committee on Ecology, Environment and Recreation.

SENATE RESOLUTION

A resolution (S.R. No. 72), entitled: SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO MEET WITH THE KOHALA CORPORATION FOR THE TRANSFER OF THE KOHALA DITCH SYSTEM TO THE STATE OF HAWAII," was offered by Senators Solomon, Toguchi, Ajifu, Uwaine, Carpenter, Young, Cobb, Chang, Hagino, Kuroda, Holt, Kawasaki and Aki.

By unanimous consent, S.R. No. 72 was referred to the Committee on Agriculture.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 692) informing the Senate that Senate Concurrent Resolution Nos. 56 and 57, Senate Resolution No. 72, and Standing Committee Report Nos. 693 to 731 have been printed and have been distributed to the members of the Senate.

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

Senators Holt and Abercrombie, for the Committee on Higher Education and the Committee on Education, presented a report (Stand. Com. Rep. No. 693) recommending that House Bill No. 338, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and H.B. No. 338, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Aki, for the Committee on Culture and Arts, presented a report (Stand. Com. Rep. No. 694) recommending that House Bill No. 311, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN AMENDMENT TO SECTION 314-8, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 695) recommending that House Bill No. 239, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABOLISHMENT OF THE PREMARITAL EXAMINATION FOR SYPHILIS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 696) recommending that House Bill No. 245, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 245, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Fernandes Salling, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 697) recommending that House Bill No. 753, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 753, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 698) recommending that House Bill No. 269, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 269, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF MEMBERS TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 699) recommending that House Bill No. 813, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACTORY-BUILT HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 700) recommending that House Bill No. 321, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 321, entitled: "A BILL FOR AN ACT RELATING TO VISITATION AND SUPPORT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 701) recommending that House Bill No. 411, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 702) recommending that House Bill No. 1582, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF CHILD SUPPORT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 703) recommending that House Bill No. 1583, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1583,

H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 704) recommending that House Bill No. 499, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 499, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Mizuguchi, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 705) recommending that House Bill No. 621, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 621, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 706) recommending that House Bill No. 812, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 812, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSECUTION OF CONSUMER COMPLAINTS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 707) recommending that House Bill No. 913, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 913, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 708) recommending that House Bill No. 258, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 258, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 709) recommending that House Bill No. 519, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 519, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 710) recommending that House Bill No. 1128, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 1128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 711) recommending that House Bill No. 1090, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 711 and H.B. No. 1090, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOL BUYING TRANSACTIONS," was deferred until Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 712) recommending that House Bill No. 1340, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1340, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 713) recommending that House Bill No. 844, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 714) recommending that House Bill No. 1102, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1102, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 715) recommending that House Bill No. 1438, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1438, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 716) recommending that House Bill No. 1221, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 717) recommending that House Bill No. 535, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 718) recommending that House Bill No.

1050, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1050, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 719) recommending that House Bill No. 830, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 830, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 720) recommending that House Bill No. 796, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 796, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 721) recommending that House Bill No. 576, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 576, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a

report (Stand. Com. Rep. No. 722) recommending that House Bill No. 313, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 313, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE OF IMPRISONMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 723) recommending that House Bill No. 243, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 243, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 724) recommending that House Bill No. 1531, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 1531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 725) recommending that House Bill No. 1528, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1528, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

WORKERS' COMPENSATION INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 726) recommending that House Bill No. 389, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 389, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECEIPTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 727) recommending that House Bill No. 282, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REINSTATEMENT OF A SUSPENDED LICENSE OR PERMIT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 728) recommending that House Bill No. 1115, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1115, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 729) recommending that House Bill No. 713, H.D. 1, as amended in S.D. 1, pass Second

Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 730) recommending that House Bill No. 768, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 768, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 731) recommending that House Bill No. 1311, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED
FROM MARCH 30, 1983

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

House Bill No. 658:

On motion by Senator Cobb, seconded by Senator Chang and

carried, H.B. No. 658, entitled: "A BILL FOR AN ACT RELATING TO ENGINEERS, ARCHITECTS, AND SURVEYORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

ADVISE AND CONSENT

Standing Committee Report No. 687 (Gov. Msg. Nos. 116, 117, 118, 191, 119, 192, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 193, 131, 194, 195, 188, 189, and 190:

Senator Machida moved that the Senate advise and consent to the nomination of Henry N. Thompson as Administrator to the State Health Planning and Development Agency, term to expire December 1, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Joyce Kimi Horikawa to the State Planning Council on Developmental Disabilities, term to expire December 31, 1985, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of Georgia E. Morikawa, Jeffrey David Nunn and Judith Doktor to the Commission on the Handicapped, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Vincent H.S. Lee to the Commission on the Handicapped, term to expire December 31, 1984, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of William Blanchard and Barbara K. Ideta to the State Emergency Medical Services Advisory Committee, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations to the State Emergency Medical Services Advisory Committee, as follows:

Peter Haltord, M.D., term to expire December 31, 1985;

Douglas M. Rogers, M.D., term to expire December 31, 1986; and

James S. Maeda, term to expire December 31, 1986,

seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of James Miyahara, Ph.D., and Junedale U. Hashimoto to the Advisory Commission on Drug Abuse and Controlled Substances, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of Vernon Y.N. Chock and Yoshi T. Koga to the East Honolulu Subarea Health Planning Council, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

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

nomination of William R. Flanders to the East Honolulu Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Donna C. Kekumu to the West Honolulu Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Wallace T. Hirai to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of June I. Takenaka to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of Reynold Mishina and Beverly Jean Withington to the Hawaii County Subarea Health Planning Council, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Corazon E. Masicampo to the Maui County Subarea Health

Planning Council, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of Hilda H. Inouye and John English to the Kauai County Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Rachael S. Chang to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Reginald S. Carvalho to the County Hospital Management Advisory Committee, Hawaii County Hospital System, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Lyman M. Morikawa to the County Hospital Management Advisory Committee, Maui County Hospital System, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

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

nominations of Donald K. Matsui and Elmer J. Ching to the County Hospital Management Advisory Committee, Maui County Hospital System, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nominations of Stanley M. Shimabukuro and Evelyn Y. Olores to the County Hospital Management Advisory Committee, Kauai County Hospital System, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, one.

Senator Machida then moved that the Senate advise and consent to the nominations of Dean Jerrold Michael, Mark M. Hamasaki and Pauline W. Yim to the Statewide Health Coordinating Council, terms to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Maurice Morita to the Advisory Commission on Drug Abuse and Controlled Substances, term to expire December 31, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Senator Machida then moved that the Senate advise and consent to the nomination of Nellie S. Chang to the Drug Product Selection Board, term to expire December 31, 1984, seconded by Senator Young.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 688 (Gov. Msg. No. 155):

Senator Cayetano moved that the Senate advise and consent to the nomination of Kent Keith as Director of Planning and Economic Development, term to expire December 1, 1986, seconded by Senator Young.

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

Ayes, 25. Noes, none.

At this time, the Chair made the following observation:

"Members of the Senate, we will recess very shortly and reconvene at approximately at 4:00 o'clock and, hopefully, we can get out of here in fifteen to twenty minutes; but, if that is not the case, please be prepared to stay here for a number of hours of discussion."

At 12:14 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 4:00 o'clock p.m.

EVENING SESSION

The Senate reconvened at 6:00 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 308 to 315) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 308) transmitting House Concurrent Resolution No. 164, which was adopted by the House of Representatives on March 30, 1983, was read by the Clerk and was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE CENTENNIAL CELEBRATION OF THE ARRIVAL OF KANYAKU IMIN (GOVERNMENT-CONTRACT IMMIGRANTS) AND REQUESTING THAT A MEMBER OF THE IMPERIAL FAMILY ATTEND THE CELEBRATION," was adopted.

A communication from the House (Hse. Com. No. 309) returning Senate Bill No. 889, which passed Third Reading in the House of Representatives on March 31, 1983, was placed on file.

A communication from the House (Hse. Com. No. 310) returning Senate Bill No. 915, which passed Third

Reading in the House of Representatives on March 31, 1983, was placed on file.

A communication from the House (Hse. Com. No. 311) returning Senate Bill No. 953, which passed Third Reading in the House of Representatives on March 31, 1983, was placed on file.

A communication from the House (Hse. Com. No. 312) returning Senate Bill No. 194, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 1983, was placed on file.

A communication from the House (Hse. Com. No. 313) returning Senate Bill No. 134, which passed Third Reading in the House of Representatives on March 31, 1983, was placed on file.

A communication from the House (Hse. Com. No. 314) returning Senate Bill No. 254, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 1983, was placed on file.

A communication from the House (Hse. Com. No. 315) returning Senate Bill No. 133, S.D. 1, which passed Third Reading in the House of Representatives on March 31, 1983, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 133, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE AND PLANTS," was deferred until Monday, April 4, 1983.

STANDING COMMITTEE REPORTS

Senator Toguchi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 732) recommending that House Bill No. 42, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 42, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Toguchi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 733) recommending that House Bill No. 43,

H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 43, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT PROMOTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Toguchi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 734) recommending that House Bill No. 208, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 208, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRADES AND STANDARDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Toguchi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 735) recommending that House Bill No. 209, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF DEALERS IN FARM PRODUCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Toguchi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 736) recommending that House Bill No. 210, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHICKEN EGGS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Toguchi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 737) recommending that House Bill No. 211, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 211, S.D. 1, entitled: "A BILL FOR AN ACT AMENDING SECTION 142-12, HAWAII REVISED STATUTES, RELATING TO PENALTIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 738) recommending that House Bill No. 319, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 739) recommending that House Bill No. 814, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 814, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 740) recommending that House Bill No. 1232, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1232, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 741) recommending that House Bill No. 1620, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1620, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COOPERATIVE HOUSING CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 742) recommending that House Bill No. 3, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 3, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 743) recommending that House Bill No. 1119, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 743 and H.B. No. 1119, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 744) recommending that House Bill No. 1190, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 744 and H.B.

No. 1190, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY FARM LOANS," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 745) recommending that House Bill No. 45, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 745 and H.B. No. 45, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 746) recommending that House Bill No. 1399, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 746 and H.B. No. 1399, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 747) recommending that House Bill No. 809, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 747 and H.B. No. 809, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 748) recommending that House Bill No. 114, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 748 and H.B. No. 114, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEMOPHILIA," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 749) recommending that House Bill No. 1313, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 749 and H.B. No. 1313, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEDICAL ASSISTANCE REIMBURSEMENTS TO HOSPITAL-BASED NURSING FACILITIES," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 750) recommending that House Bill No. 817, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 750 and H.B. No. 817, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND MORTGAGE PROGRAM," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 751) recommending that House Bill No. 1231, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 751 and H.B. No. 1231, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 752) recommending that House Bill No. 1621, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 752 and H.B. No. 1621, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 753) recommending that House Bill No. 325, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 753 and H.B. No. 325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 754)

recommending that House Bill No. 1567, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 754 and H.B. No. 1567, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 755) recommending that House Bill No. 80, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 80, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 756) recommending that House Bill No. 765, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 765, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 757) recommending that House Bill No. 5, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 5, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 758) recommending that House Bill No. 225, H.D. 1, as

amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 225, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 759) recommending that House Bill No. 1568, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 760) recommending that House Bill No. 1151, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 1151, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 761) recommending that House Bill No. 1297, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, Stand. Com. Rep. No. 761 and H.B. No. 1297, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," were placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 762) recommending that House Bill No. 1401, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1401, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 763) recommending that House Bill No. 6, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 763 and H.B. No. 6, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 764) recommending that House Bill No. 992, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 764 and H.B. No. 992, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOG CONTROL," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 765) recommending that House Bill No. 1237, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 765 and H.B. No. 1237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE LICENSES," was deferred until Monday, April 4, 1983.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 766) recommending that House Bill No. 334, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 334, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 767) recommending that House Bill No. 337, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES AND MOPEDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Uwaine, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 768) recommending that House Bill No. 601, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 601, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EQUIPMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 769) recommending that House Bill No. 890, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 890, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 770) recommending that House Bill No. 1317, H.D. 1, as amended in S.D. 1,

pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1317, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE SIZE AND WEIGHT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 771) recommending that House Bill No. 1243, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1243, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 772) recommending that House Bill No. 182, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 182, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL PRIORITY FUND," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 773) recommending that House Bill No. 722, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 722, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF SUPERINTENDENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 774) recommending that House Bill No. 752, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 752, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION FOR VANDALISM OF PUBLIC SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 775) recommending that House Bill No. 1434, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1434, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 776) recommending that House Bill No. 1087, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1087, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 777) recommending that House Bill No. 497, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 497, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS,"

passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 778) recommending that the Senate advise and consent to the nominations of the following:

Charles G. Clark, Director of Health, in accordance with Governor's Message No. 232;

Solomon P. McCurdy, William J. Eggers, III, and Eugene R. Uemura to the Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Governor's Message No. 233;

Patrick R. Cullen, John J. Volanti, Cullen T. Hayashida and MaBel Fujiuchi to the Statewide Health Coordinating Council, in accordance with Governor's Message No. 234;

Amy F. Hamane, Craig Y. Shikuma, M.D., and Mildred Mosher to the Hawaii County Subarea Health Planning Council, in accordance with Governor's Message No. 235;

Marion Leslie Hanlon, M.D., Tony Krieg, Jerry A. Walker, Jr., and Clark H. Nakamoto to the Maui County Subarea Health Planning Council, in accordance with Governor's Message No. 236;

Glenn M. Lovejoy, Veronica Sanchez and Peter M. Kim, M.D., to the Kauai County Subarea Health Planning Council, in accordance with Governor's Message No. 237;

Martha Imogene Pelletier to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, in accordance with Governor's Message No. 238;

Roger B. Brault, M.D., Ralph M. Beddow, M.D., Patricia Ann Roberti, and Rosalina S. Domondon to the Board of Health, in accordance with Governor's Message No. 265;

Arvid Tadao Youngquist and Nora L. Tejero to the West Honolulu Subarea Health Planning Council, in accordance with Governor's Message No. 266; and

Merl W. Hawthorne to the Central Oahu Subarea Health Planning Council, in accordance with Governor's Message No. 267.

By unanimous consent, action on Stand. Com. Rep. No. 778 and Gov. Msg. Nos. 232, 233, 234, 235, 236, 237, 238, 265, 266, and 267 was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 779) recommending that the Senate consent to the nomination of Herman T.F. Lum as Chief Justice, Hawaii State Supreme Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, in accordance with Gov. Msg. No. 245.

By unanimous consent, action on Stand. Com. Rep. No. 779 and Gov. Msg. No. 245 was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 780) recommending that House Bill No. 1028, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1028, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE GOVERNOR DURING DISASTER," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 781) recommending that House Bill No. 663, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 663, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 782) recommending that House Bill No. 11, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 11, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 783) recommending that House Bill No. 710, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 783 and H.B. No. 710, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 784) recommending that House Bill No. 69, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 784 and H.B. No. 69, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 785) recommending that House Bill No. 351, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEAS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 786) recommending that House Bill No. 390, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 390, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUIETING

TITLE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 787) recommending that House Bill No. 1342, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1342, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 788) recommending that House Bill No. 453, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 453, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 789) recommending that House Bill No. 1266, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1266, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 790) recommending that House Bill No. 322, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 322, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY STATUTE OF LIMITATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 791) recommending that House Bill No. 1037, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, SEPARATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 792) recommending that House Bill No. 783, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 783, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 793) recommending that House Bill No. 1294, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1294, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 794) recommending that House Bill No. 866, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 866, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED REMOVAL OF SHOPPING DEVICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 795) recommending that House Bill No. 494, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 494, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 796) recommending that House Bill No. 1417, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1417, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 797) recommending that House Bill No. 1118, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a

report (Stand. Com. Rep. No. 798) recommending that House Bill No. 452, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 452, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS OF STATES OF MIND," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 799) recommending that House Bill No. 402, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 402, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 800) recommending that House Bill No. 15, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 15, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 801) recommending that House Bill No. 118, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 118, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE

SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 802) recommending that House Bill No. 1363, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1363, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 803) recommending that House Bill No. 1557, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPONSIBILITY AND FITNESS OF DEFENDANT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 804) recommending that House Bill No. 1562, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1562, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECT OF FINDING OF UNFITNESS TO PROCEED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 805)

recommending that House Bill No. 1153, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 805 and H.B. No. 1153, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 806) recommending that House Bill No. 901, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 901, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 807) recommending that House Bill No. 34, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 807 and H.B. No. 34, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 808) recommending that House Bill No. 10, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 10, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 809) recommending that House Bill No. 1126, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 809 and H.B.

No. 1126, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 810) recommending that House Bill No. 708, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 810 and H.B. No. 708, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 811) recommending that House Bill No. 1496, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1496, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 812) recommending that House Bill No. 467, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 467, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 813) recommending that House Bill No. 800, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT,"

passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 814) recommending that House Bill No. 253, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 253, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 815) recommending that House Bill No. 256, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 256, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 816) recommending that House Bill No. 257, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 257, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 817) recommending that House Bill No. 272, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 272, H.D. 1, S.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 818) recommending that House Bill No. 280, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 819) recommending that House Bill No. 966, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 966, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 820) recommending that House Bill No. 287, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 287, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOXING COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 821) recommending that House Bill No. 291, H.D. 1, as amended in S.D. 1, pass Second

Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 291, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 822) recommending that House Bill No. 1402, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1402, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS LICENSE BOARD," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 823) recommending that House Bill No. 289, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 289, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 824) recommending that House Bill No. 1, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

The Chair, at this time, remarked as follows:

"Members of the Senate, before the motion is made, because there has been some inquiry relative to the budget bill, we will allow about an hour and a half for each member to study the measure and to submit amendments, if any.

"I expect, Senators, that when we return this evening at approximately 7:30 p.m., we will complete the agenda, wherever that may take us. There are other bills forthcoming which will also be placed on your desks at that time. So, if you have your amendments on the various bills please offer them to the Clerk."

By unanimous consent, action on Stand. Com. Rep. No. 824 and H.B. No. 1, H.D. 1, S.D. 1, was deferred to the end of the evening calendar.

At 6:05 o'clock p.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:06 o'clock p.m.

At 6:07 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 7:30 o'clock p.m.

The Senate reconvened at 8:00 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 825) recommending that House Bill No. 914, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 825 and H.B. No. 914, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 826) recommending that House Bill No. 527, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 826 and H.B. No. 527, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 827) recommending that House Bill No. 1088, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1088, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 828) recommending that House Bill No. 811, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 811, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES AND FRAUDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 829) recommending that House Bill No. 810, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 810, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF BEAUTY CULTURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 830) recommending that House Bill No. 915, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 915, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 831) recommending that House Bill No. 1587, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1587, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 832) recommending that House Bill No. 659, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 659, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 833) recommending that House Bill No. 286, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 286, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF BARBERING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 834) recommending that House Bill No. 274, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 274, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 835) recommending that House Bill No. 702, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 835 and H.B. No. 702, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 836) recommending that House Bill No. 387, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 836 and H.B. No. 387, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 837) recommending that House Bill No. 268, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 837 and H.B. No. 268, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE POPULATION AND PLANNING," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 838) recommending that House Bill No. 1018, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 838 and H.B. No. 1018, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING FACILITIES," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 839) recommending that House Bill No. 1505, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 839 and H.B. No. 1505, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 840) recommending that House Bill No. 393, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 840 and H.B. No. 393, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 841) recommending that House Bill No. 502, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 841 and H.B. No. 502, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 842) recommending that House Bill No. 1121, H.D. 1, S.D. 1, as amended S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 842 and H.B. No. 1121, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL ADMINISTRATION IN THE COUNTY/STATE HOSPITAL SYSTEM," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 843) recommending that House Bill No. 314, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 843 and H.B. No. 314, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE

HAWAII HOUSING AUTHORITY," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 844) recommending that House Bill No. 1061, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 844 and H.B. No. 1061, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 845) recommending that House Bill No. 236, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 845 and H.B. No. 236, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 846) recommending that House Bill No. 81, H.D. 1, S.D.1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 846 and H.B. No. 81, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 847) recommending that House Bill No. 329, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 847 and H.B. No. 329, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX INCENTIVES FOR SOLAR ENERGY DEVICES," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 848) recommending that House Bill No. 670, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 848 and H.B. No. 670, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

DISASTER RELIEF," was deferred until Monday, April 4, 1983.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 849) recommending that House Bill No. 781, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 849 and H.B. No. 781, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Monday, April 4, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 850) recommending that House Bill No. 1123, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1123, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEARINGS BEFORE THE BOARD OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 1983.

ORDER OF THE DAY

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 824 (H.B. No. 1, H.D. 1, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 824 be adopted and H.B. No. 1, H.D. 1, S.D. 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Soares.

Senator Cayetano then offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.D. 1, is amended as follows:

"1. PART III, SECTION 4, Item K-4 is amended to read:

FY 1983-84	FY 1984-85
51.00*	51.00*

PED 103 1,979,499 1,397,630

2. By adding a new proviso to read:

SECTION 113-A. Provided that no general funds shall be expended for the Commission on Population and the Hawaiian Future or for personnel currently working for the commission."

Senator Cayetano moved that the amendment be adopted, seconded by Senator Toguchi.

Senator Cayetano then rose in support of the amendment and stated as follows:

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

"Mr. President, the subject matter which covers this amendment is comparatively minor, when compared to the multibillion dollar budget that we have before us, but I wish to make this amendment an issue because I believe that what has happened here may be symbolic for all committee chairmen who have struggled with the budget in these critical times.

"The amendment proposes or deals with the staff of four people, four positions, which were transferred to DPED from the Commission on Population and the Hawaiian Future.

"Now, let me explain this amendment. This issue has been before us for many sessions. The pros and cons of the commission and the work that it was doing have been debated many, many times before this Legislature. Finally, in this session, I think all parties agreed that the commission should be sunsetted.

"However, there was a House bill that was referred to my committee which proposes that the commission be sunsetted, but that an office on population be created in DPED and the staff of four from the commission be transferred to DPED.

"The Committee on Economic Development, Mr. President, held a hearing on this matter. I believe it was the only committee in this Senate which held a hearing on this matter, and during the course of the hearing we determined that the work of the commission staff could be dealt with in other ways; that there was no need for an office of population in DPED and that the four positions should not be transferred from the Commission on Population and the Hawaiian Future.

"This was the recommendation to

Ways and Means, and it was a recommendation which was approved unanimously by every member of the Committee on Economic Development. We have to remember that this was not an easy decision for the committee. We were operating under the instructions from Ways and Means.

"If I recall correctly, we were faced with making a twenty-five percent cut. My original ceiling was \$12 million; later it was reduced to \$9 million. We made these cuts and we made these very hard decisions under and in those circumstances.

"Well, I was a bit disappointed because when this budget emerged, lo and behold, there were the four positions in the budget. I don't know what the justification is, Mr. President, since the Committee on Ways and Means did not hold a hearing on this. But, what bothers me is that there was strong communication from my committee to the Ways and Means staff that the committee felt very strongly that the four staff positions should not be transferred. Also, after such communication, we were given the impression by the Ways and Means staff that Ways and Means would honor the committee's decision. Well, what is the basis for Ways and Means putting back the staff of four positions from the commission. I can think of none.

"I think that Ways and Means should have contacted the committee chairman on this so that they could get some input from the committee chairman as to what the committee's purpose and strategy was in terms of making this particular budget recommendation.

"It's never easy for any committee chairman to abolish positions. However, there was no need to panic. Had someone asked, we would have easily given the explanation and justification that this work done by the population staff is already being done by DPED; that, really, it would be surplus. However, I still didn't feel that strongly about it.

"It appears that no one on Ways and Means thought about the fact that the House wanted these positions and that if someone had asked me I would have said that one of the reasons we deleted these positions was to go into conference and deal with the issue there. The Committee on Economic Development was not closed to restoring these positions in

conference, but we felt that the matter should be discussed.

"Furthermore, had the freshman members of the Ways and Means Committee asked some of the veterans, they would have found that the mere election of the positions was inconsequential because if the Governor really wanted these positions he could dip into his pool that we all know of ... civil service positions, roughly about 20 to 30 that we include in the budget every year.

"Well, sometime in the wee, wee hours of the morning it was put back, and what is the explanation? Well, I really don't know, except that I do know one Senator worked for the commission. I do know that another Senator has friends on the commission. I would have hoped, Mr. President, that these considerations could have been discussed with me before they were done. This is just one example of a whole scenario of what has been happening with this budget.

"Now, what are the implications?

"Given Ways and Means guidelines, the committee's recommendations were far below the reduced allocation level. For example, in the second year of the biennium, we reduced spending by \$500,000 under the ceiling; the first year \$100,000. We followed every instruction and every guideline given to us by Ways and Means. We were told by Ways and Means that if we came below the ceiling that the subject matter committee recommendations would be honored. But, apparently, political considerations take precedence over Ways and Means guidelines.

"I want to read to the members of this body our Senate Rule 16 which states:

'Rule 16. Standing Committees: General Responsibility

'It shall be the duty of each standing committee to conduct systematic review of those portions of the state budget, program and financial plans, and variance reports dealing with, and to consider all laws, bills, resolutions, petitions, reports and other matters relating to, those programs over which the committee has responsibility.'

'It shall examine such portions of the executive budget, the General Appropriations Bill and the

Supplemental Appropriations Bill relating to the programs over which it has responsibility, and it shall recommend the programs and the levels of program expenditure to be included in the General Appropriations Bill or Supplemental Appropriations Bill. The level of expenditure, in the aggregate, for any program area shall be consistent with the expenditure allocation established for that program area by the Standing Committee on Ways and Means, which shall make the final recommendation to the Senate.'

"Mr. President, we followed that rule to the letter. The rule goes on to say:

'On other bills referred to it by the President, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. On bills that have been referred by the President to more than one committee, subsequent referral committees shall make no substantive change without prior written notice of such change to the first referral committee and consultation and coordination with that committee, via its chairman, prior to the transmittal of the amended bill and committee report to the Clerk of the Senate for floor action.'

"Mr. President, the chairman was not notified. The rule goes on:

'For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocation established for the bills by the Standing Committee on Ways and Means, which shall make the final recommendation to the Senate, after consultation and coordination with the chairman of the subject matter committee.'

"Mr. President, the subject matter chairman was not consulted. The rule goes on:

'It shall also be the duty of each standing committee to review the implementation of those programs over which the committee has responsibility. In its review, it shall determine the extent to which program objectives are being accomplished and legislative policies executed, recommend the study of program issues and the conduct of program analysis. It shall

recommend amendments to appropriation acts and such policies as may be appropriate to improve the planning, programming, budgeting, implementation and evaluation of programs to the Standing Committee on Ways and Means, which shall make the final recommendation to the Senate.'

"Mr. President, I would like to know from the chairman, the vice-chairman of the Committee on Ways and Means, or from the members who have friends on this population commission, what is the reason for overriding the subject matter committee's recommendations and placing back into the budget those four particular positions?

"What is the reason, when we are faced with fiscal constraints and we were told to make these devastating cuts, when we had to make agonizing decisions after long and hard hearings where evidence was presented to us, what is the reason?

"Did Ways and Means hear this particular issue? I don't think so.

"The information I have is that only the subject matter committee heard this particular issue; only the subject matter committee heard the bill that's related to this particular issue. So, why then, why the change?

"Perhaps, when I am done talking someone can explain? I would like an explanation!

"So, I'm recommending to this body that the amendment that I propose be adopted. It is a reasonable request. Certainly, it will be, I think, consistent with the committee's actions in this area and on this particular subject.

"With that recommendation, I ask that the members of this Senate vote 'aye' on the amendment. Thank you."

Senator Kawasaki responded as follows:

"Mr. President, I'd like, as a member of the Ways and Means Committee, to respond to the question posed by Senator Cayetano relative to perhaps what might be termed the rationale for the inclusion of the appropriations for this particular commission.

"I asked the same question and the answer I got from one member of the Senate Ways and Means Committee

was, 'Well, we've got warm bodies involved here, and isn't it rather drastic to eliminate the commission.' Information had been provided to us that the commission's work was substantially over ... it was done ... all the information needed to perhaps have this commission make a final report to the Legislature may be present.

"I point out, this is rather inconsistent because one of the actions taken by the Ways and Means Committee in regard to another agency and a bill passed to extend the life of the crime commission went over to the House, and I know from reading the papers the House also wants to extend the life of the crime commission. In fact, the House has, I think, appropriated funds to make this possible.

"I posed a question, if we eliminated the funds or in effect did that by including whatever funds designated for the crime commission in part B, and part B was not accepted by the House, do we not in effect completely eliminate the crime commission? Are we not paying any attention to the fact that there are a lot of warm bodies, some of which belong to people very competent, on the crime commission ... are we not just eliminating these warm bodies, and is this not being inconsistent with the statements made by one member of the Ways and Means Committee, specifically Senator Chang's, I recall? I could not elicit any acceptable answer. This concerns me.

"I further went on to say that if we are unhappy as to the manner in which the crime commission, (which incidentally, Mr. President, was your bill; I think we co-sponsored the bill. I lobbied hard and heavily for the enactment of the bill creating the crime commission and you and I agreed that this was a good idea) if it were to work effectively, like the crime commission in Chicago and elsewhere operated, we should appoint good commission members to help make the crime commission effective, than it could help our constant effort to reduce crime in the State of Hawaii.

"The idea is good, but if the administration of it has been bad because the appointments that we had the Governor make and which we confirmed, with very cavalier attitudes, that is to say, we have confirmed some people perhaps not best-qualified to serve on the crime commission ... if the crime commission

is not working well, effectively, as we intended when we enacted the statute, then perhaps we should be sure that the appointments that come down are good appointments; make sure we scrutinize the abilities of these people who are going to be crime commissioners. Also, ..."

The Chair interjected: "Senator Kawasaki, the Chair would like to interrupt, I think that we have to ..."

Senator Kawasaki continued: "Mr. President, the point I want to make is the inconsistencies on the part of the Ways and Means Committee in not attending to the plight of several warm bodies that are involved as the result of the action we have taken in the budget bill, which is to say a limited amount of appropriation put in part B which I predict will not be accepted by the House. The end effect of that will be the elimination of the crime commission.

"Further, Mr. President, I have a question to pose to our legal minds here, whether the fact that Rule 16, as read by Senator Cayetano, and Rule 17, which he did not bother to read, which provides that the chairman of the Ways and Means Committee will indeed have extensive dialogue and consultation with the subject matter committee chairman, which happens to be Senator Cayetano. This was not done; this is a violation of the rules provided for in the Senate. Would this cloud the passage of our appropriations bill because Rule 17 was violated? That's the question that I have."

Senator Fernandes Salling spoke in favor of the amendment as follows:

"Mr. President, as a member of the Ways and Means Committee, I would like to speak in favor of this amendment.

"I was contacted by one of the commissioners, the vice-chairman of this commission. This was prior to the hearing. He advised me at that time that they had met and discussed the sunseting of this body, the Commission on Population and the Hawaiian Future. This was done among the commission members.

"The advice was to sunset the commission because they had completed their work and that this should be absorbed, the entire function of this commission should be absorbed into the Department of

Planning and Economic Development. Now, this information I relayed to the Ways and Means Committee when it came up for discussion and it was ignored, and over the objections that I made, this was recommended for passage that we do not in effect sunset the commission but that these warm bodies be absorbed into the Department of Planning and Economic Development.

"I would just like to say, Mr. President, that I feel that in light of this kind of evidence and the fact that this is how the commission members themselves felt, that I think the Ways and Means Committee should have taken and placed strong priority on this recommendation by the commission and decide to go along with the subject matter committee's recommendation and the commission's recommendation to sunset this commission.

"Thank you."

Senator Cayetano then inquired: "Mr. President, I asked, rhetorically, if someone would answer questions and no one answered, so I'm going to ask through the President if the vice-chairman of Ways and Means would yield to a question?"

The Chair asked: "Will the vice-chairman, did you say, Senator Cayetano?"

Senator Cayetano answered: "Yes, Mr. President, the vice-chairman. I think Senator Yamasaki is tired."

Senator Yamasaki responded: "Mr. President, I'll be willing to yield to a question."

The Chair said: "Senator Yamasaki, the question was directed to the vice-chairman. If he cares not to answer, he can so indicate."

Senator B. Kobayashi then answered: "Mr. President, I'll hear the question."

Senator Cayetano asked: "Mr. President, will you ask the vice-chairman if the bill which is related to this appropriation was given a public hearing in Ways and Means?"

Senator B. Kobayashi answered: "You're speaking about the bill in the budget?"

Senator Cayetano continued: "There is a bill that's related to this, Mr. President, and that bill would, as

I recall, sunset the commission and provides for the transfer. Was that bill heard?"

Senator B. Kobayashi answered: "Mr. President, I don't know."

Senator Cayetano continued: "Was there any hearing on the population commission, on this issue?"

Senator B. Kobayashi answered: "Yes, Mr. President, there was, in terms of our regular budget hearings."

Senator Cayetano continued: "Was that on the question of the transfer of the four positions? Was that heard?"

Senator B. Kobayashi answered: "Mr. President, I believe we had a discussion on the topic of PED 103, which included all aspects of that program area, including the Commission on Population and the Hawaiian Future."

Senator Cayetano further asked: "Mr. President, would you then ask the vice-chairman if the decision on this particular appropriation ... if he considered this decision by Ways and Means a decision on policy for the Department of Planning and Economic Development?"

Senator B. Kobayashi answered: "I'm not sure I can answer that, Mr. President."

Senator Cayetano continued: "Well, then, Mr. President, I wonder if the good Senator would give me an answer or justification for overriding the subject matter committee on this particular recommendation?"

The Chair interjected: "Senator (B.) Kobayashi, you needn't answer. I think the question should be directed to the chairman of Ways and Means, he has total control over that particular item; the vice-chairman merely records votes and opinions."

Senator Cayetano responded: "Mr. President, there may be some disagreement on that."

The Chair answered: "There might be, but I think it should be directed to the chairman since he has overall jurisdiction over the hearings on the budget."

Senator Cayetano responded: "Yes, I respect the President's recommendation."

"Mr. President, I've chosen to ask this question of the vice-chairman because he's very familiar with the commission. He once worked for the commission and I think he may be able to provide us with some information, so, I'm specifically directing my question to him."

The Chair answered: "Senator (B.) Kobayashi, you need not answer."

Senator B. Kobayashi replied: "Mr. President, if I may, I had a discussion with the previous speaker this afternoon about 5:00 p.m. and I explained to him my role in this decision-making. I believe I answered all of his questions at that time. I have very little to add from that afternoon discussion."

Senator Cayetano responded: "Mr. President, yes, we did have a discussion but I would like him to answer for the Journal and the people who are present here today. That's the purpose of my asking him the question."

The Chair then asked Senator (B.) Kobayashi if he would yield to the question and Senator (B.) Kobayashi having replied in the negative, the Chair so informed Senator Cayetano.

Senator Cayetano answered: "Okay, Mr. President, I think that's the answer I expected."

Senator Yamasaki then responded: "Mr. President, to clear this matter up, I would just like to state that we have a letter from the Department of Planning and Economic Development requesting that the functions of the Commission on Population and the Hawaiian Future be transferred to the Department of Planning and Economic Development and, also, that the three bodies, three warm bodies, the specialist, the assistant specialist and the clerk, be also transferred to the Department of Planning and Economic Development. There is one position that is vacant."

"Now, on the subject of the Rules of the Senate, I believe that the Ways and Means Committee always have had the final say on the appropriation bill ... on the contents of the budget and the dollar amount that each contains."

"I would like to remind the members of this body, also, that in the previous sessions of this body, way back in 1980, when the previous speaker was chairman of this

important and powerful Ways and Means Committee, he submitted a report on behalf of the Ways and Means Committee, relating to Hawaii Housing Authority, House Bill 2029-80, H.D. 2, S.D. 1, and amended the Housing committee's recommendations completely by deleting various provisions which would have the effect of expanding the eligible group of Hawaii residents who could participate in this program, and this is the Hula Mae program.

"Next, H.B. 2723-80, H.D. 2, S.D. 1, '...your Committee is concerned with the potential for a developer to remove a project from the rental housing market soon after its development. Your Committee has therefore amended the bill by adding a new provision requiring the Hawaii Housing Authority to adopt rules prohibiting the prepayment of the project loan for a period of 20 years, thus, preventing a mortgagor from removing the project from the rental market for that period.'

"H.B. 1686, H.D. 2, S.D. 2, March 30, 1979, was another bill which was amended.

"S.B. 2240-80, 1980, '... the purpose of this bill is to amend the state's pension and retirement system law to increase retirement bonuses to enable retirees to maintain an income level more consistent with today's economy by providing them with an additional special cost-of-living bonus.'

"All of these indicate that the Ways and Means Committee has the authority to make changes, to make recommendations on the financial impact on the State of Hawaii, especially where money is concerned.

"The Ways and Means Committee has, throughout the sessions, always had the final authority as far as money matters were concerned, and for that reason we have concluded, or I have concluded, that the Ways and Means Committee can make substantive changes to a bill or to the budget contents of the State Budget. These are examples of the past and because now we have a new chairman for the last three years and because the previous speaker is not a member of the Ways and Means Committee ...

"I have had the most difficult time during these three sessions to work on the State Budget because of the kind of pressure that I had to work under and the individuals that I had to encounter, not only within the

committee but outside of the committee.

"When I was the vice-chairman of the committee in 1979 and 1980, I had to eat all the 'hard rocks,' all the marbles that the chairman submitted and I gave him my 100% support, right or wrong, and this is the kind of help that I'm getting now.

"Thank you very much."

Senator Cayetano answered:

"Mr. President, time marches on and when times marches on things change. One of the big changes that we have in the Ways and Means Committee today and the Ways and Means Committee of 1980 is, if the President recalls, in those years the subject matter committee chairmen of Housing, Economic Development, Human Resources and many of the major committees that we have today, sat on the Ways and Means Committee. Because of this new organization, those do not sit on Ways and Means today.

"The amendments made with respect to Hula Mae clearly, clearly go to fiscal and financial matters. The point I'm trying to make, Mr. President, is that those chairmen were members of Ways and Means. We have a new setup today. Major committee chairmen are no longer members of Ways and Means, and because of this, I think that Rule 16 should be looked at, maybe, in a different perspective.

"Now as far as the chairman experiencing difficulties, well, I think almost everything that I have done in this Senate, I've managed to support one way or another in terms of facts, research, homework.

"Any Senator who follows the edict that he will do something for his chairman, right of wrong, I think, is doing a disservice not only to the Senate, but to the public he represents."

Senator Abercrombie spoke in support of the amendment and stated:

"Mr. President, speaking in favor of the amendment, I think that what has been lost in the process here in the last few minutes is the question that was asked of first, of the vice-chairman and, subsequently, your suggestion and the voluntary answer of the chairman of Ways and Means was, was this a change in policy and, if so, what was the

justification?

"Unfortunately, the chairman of Ways and Means chose to respond in terms of whether or not the Ways and Means Committee had final authority. That is not the question at point, nor was it the question that was posed.

"I think all of us here are sufficiently well-versed in the rules to understand that the Committee on Ways and Means is the final authority with respect to financial recommendations.

"I dare say that the bills or items that were alluded to by the chairman of the Ways and Means Committee were probably passed, and they were probably passed by the Committee on Ways and Means with the participation of the major committee chairmen that were involved.

"Therefore, I would like to reiterate, but I think the proper procedure in the rules is that if a question is posed through you to the Senator, whichever Senator it is who would be kind enough to yield to the question, or to answer the question ... the question is, and I would like to hear the answer, I am a member of the Economic Development Committee and did not hear the answer ... was this a question of policy change from the original standing committee's recommendation, and if so, what was the justification, not whether or not Ways and Means has the final authority?

"Would that be in order, Mr. President?"

The Chair responded that it is in order then asked Senator Abercrombie as to whom the question was being addressed to, whereupon, the Senator answered, "Either the chairman or the vice-chairman, whoever would care to answer, or who you think is the appropriate person."

The Chair then asked the chairman of Ways and Means if he would care to yield to the question and Senator Yamasaki, having replied in the affirmative, answered:

"Yes, Mr. President, I just follow Rule 17 of the rules in which final authority rests with the Ways and Means Committee. That's all."

Senator Abercrombie continued: "Okay, Mr. President, is that the answer? It's distressing to hear that that is the answer. I don't dispute that. Perhaps I didn't make myself

clear. I certainly don't dispute that, but Rule 17, inasmuch as it's been mentioned at least twice now and has not been quoted yet, I think perhaps now it should be because this is a public debate after all and not everyone in the gallery has the advantage of having the rule book in front of him.

"It says, 'Committee on Ways and Means: Special Responsibility' and if I read this it will become clear as to what it is that's being asked. The question is not arbitrary nor is it capricious.

"It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas.' I don't think there's any dispute with that, Mr. President.

"The committee shall inform each standing committee of the allocations made to each program area over which the standing committee is responsible for budget and program review.' I received such information and I presume the chairman of the Economic Development Committee did.

"The Committee on Ways and Means shall receive the program expenditure recommendations of the standing committee and shall review the recommendations to determine that, in the aggregate, the expenditure recommendations are consistent with the allocations made to the program area.' You'll note, Mr. President, that it says that 'in the aggregate.' The subject matter committee has a particular responsibility to the Ways and Means Committee, which is reciprocal.

"In determining the allocation to be made to a program area and in reviewing the recommendations of the standing committee, the Committee on Ways and Means shall invite the participation of the chairman of the standing committee responsible for the program area.' The testimony here this evening of the chairman of the Committee on Economic Development is that, with respect to this section of Rule 17, he did not participate in the determining of the allocation made to this particular program area in reviewing the recommendation of the standing committee. This is in addition to what he has stated as the failure to consult and coordinate in

Rule 16.

"These are serious questions and serious matters that go beyond personalities and go beyond the particular subject matter that's before us here with respect to this Commission on Population and the Hawaiian Future.

"After review of the recommendations of the standing committees, the Committee on Ways and Means shall be responsible for preparing the General Appropriations Bill or the Supplemental Appropriations Bill in a form appropriate for consideration by the Senate.' My understanding from my participation in Ways and Means in the past has been that you must provide justifications for what it is that you do, most particularly with respect to the subject committee area.

"Again, the question has been posed not whether or not the chairman has final authority, but rather, quite simply, what is the justification. If and when you expend public funds, no matter how you do it, and no matter what the procedure involved is, presumably we are all prepared in our various responsibilities to indicate why it is that we are doing what we are doing. Now, that is the question that has been asked, not whether it is possible to do, because that is admitted, certainly by myself, if not by the chairman and I think that he would not disagree with me. I'm sure you would agree, as well, Mr. President.

"It goes on to say then, 'In all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the standing committee responsible for the program area to which the appropriation relates to the amount and type of financial resources available,' not just informing them what they did, but the type of financial resources available.

"...and it shall review the expenditure recommendation of the standing committee to determine that the recommendation is consistent with the resources available.' This is where the justification question comes in, Mr. President, and I'm not trying to stretch anything.

"I'm sure that when you were Ways and Means chairman, this kind of point was raised by yourself, if not by others on your committee or in the community or in the Senate over and over again. And I'm sure, as I

recall, you did quite well in answering those questions.

"In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the standing committee, the Committee on Ways and Means shall invite the participation of the chairman of the standing committee responsible for the program area to which the appropriation relates.'

"I must reiterate with respect to the last part of Rule 17 that the testimony of the chairman on Economic Development is that such participation did not take place, and such review and determination of the amount and type of resources available for the bill from the Ways and Means Committee did not take place. Therefore, I think it is appropriate that the question be answered.

"Is this a policy change from that of Ways and Means and, if so, what is the justification for the policy change with respect to Rules 16 and 17? That is my question."

The Chair asked the chairman of Ways and Means Committee if he would yield to the question and Senator Yamasaki answered in the affirmative and stated:

"Mr. President, I believe that in March, according to my notes here, on March 27th, Sunday, we scheduled a series of participatory meetings inviting the participation of subject committees from 9:00 a.m. and I believe that the chairman of the Economic Development Committee had another activity going on and he could not participate on that day, so I had my staff contact either his staff or the chairman on the economic development portion of the budget."

Senator Abercrombie continued: "That may be, Mr. President, but what is the reason for what Ways and Means did what it did?"

"Mr. President, I'm quite sincere. I'm not trying to be obdurate about this, I simply want to know what is the justification for the change. Surely, that can be articulated. Regardless of where the chairman was or wasn't ..."

The Chair interjected: "I'm afraid the chairman of Ways and Means does not care to answer that, obviously."

Senator Abercrombie continued:

"Fair enough.

"Mr. President, I think we ought to be very careful, and this is with respect to this amendment ... it may come up with other amendments if the answer of the previous speaker is to be taken at face value. We must be very, very careful because if what he says is true, then that should have been a public meeting, because if such decisions were being made, my information was, and when I went to the meeting ... I'll discuss that at perhaps a later time this evening, I understood that this was a briefing.

"I was not being consulted or participating in any way because at such a meeting that means that this is how decisions are made in our rules, Mr. President, and that requires a public meeting. We would be in violation probably of the sunshine law, if that was the case."

The Chair remarked: "As I understand, Senator Abercrombie, the meeting was held on Monday of the following week which began at 9:00 in the morning and concluded at 7:00 o'clock on Tuesday morning, with decision-making on every item being made in public. I'm not sure of how you arrived at ..."

"Senator Abercrombie responded: "I beg your pardon, Mr. President, I'm not disputing that. The answer given by the previous speaker was Sunday, not Monday, and that that was a meeting that was called where chairmen were invited to come, and that constituted in terms of answer participation with respect to the rules.

"I would submit that we're on very shaky ground if that in fact was the case because it probably should have been a public meeting. So I hope that we will have that cleared up before the end of the evening.

"In any event, to conclude my support then for this amendment, I think you have stated yourself, Mr. President, that neither the chair nor the vice chair of the committee cared to answer what I believe is a perfectly reasonable and straightforward question, as to what is the justification for the item being in the budget.

"I would submit to the members of the body that if we are unable to answer such questions when it comes to conference, that the Finance Committee in budget conference will have us for lunch. Thank you."

Senator Uwaine then rose on a point of parliamentary inquiry as follows:

"Mr. President, I rise on a point of parliamentary inquiry.

"I don't know if its parliamentary, but I'm a little confused right now, Mr. President. From listening to the previous remarks of several speakers, and I want a ruling from the President, according to the Rules of the Senate, especially Rule 17 pertaining to the 'Committee on Ways Means: Special Responsibility' has there been any violation by the chairman or by the Ways and Means Committee pertaining to the budget?"

The Chair responded: "Well, if you're talking about final determination over the budget ..."

Senator Uwaine answered: "I'm asking if Rule 17 or any rule in the Senate rule book was violated? I suggest that it wasn't violated, if I can get a ruling first ..."

The Chair responded: "Well, I think the inquiry was whether or not a matter of policy was being altered? In the special responsibility for Ways and Means, they have total control and final adjudication of the budget. I see no violation of the rules."

Senator Uwaine answered: "Mr. President, then I suggest that any of the people who allude to maybe that any of the rules have been broken, they can appeal the ruling of the Chair. Thank you."

The Chair responded: "That is correct."

Senator Young then rose to respond to remarks of previous speakers and stated:

"Mr. President, since two previous speakers mentioned my committee program and I wasn't quick enough to pick up the mike, may I make a statement at this time?"

The Chair answered in the affirmative and Senator Young continued:

"In 1979 and 1980, I wasn't extended the courtesy by the chairman of Ways and Means or by his staff members on amendments made to my bills, but later on towards the end of the session, in due respect to the chairman, when he found out about my frustration and disappointment, he did come to my office; we discussed the matters and

we did come to some understanding."

Senator Cayetano then rose to respond and stated:

"Mr. President, just in brief response to the previous speaker, as I stated, in those days the previous speaker was a member of Ways and Means. The amendments to bills are discussed in committee and if the chairman, at that time, does not express concern, the chairman of Ways and Means doesn't know about it, okay?"

"If I recall, the amendments that were made, were with respect to fiscal matters of the Hula Mae program, for example, that includes bonds. I think, with respect to the previous speaker's remarks, I believe the question was the income level or something like that, and when her frustration was found out, then a meeting was held.

"The problem is that if no one says anything the chairman doesn't know. The difference is, I say something."

Senator Young answered: "Mr. President, when the previous speaker came to my office, he apologized and said that he was a freshman senator and he never chaired a big committee. I informed him that it was just common courtesy, when he does make an amendment, to confer with the subject matter chairman."

The Chair, at this time, made the following observation:

"Members of the Senate, I believe we've gone kind of afar or strayed from the discussion of the amendment before this body. I would like to remind Senators to contain your remarks to the amendment. We seem to be talking about policy and we seem to be talking about what happened in the past. We ought to concentrate our attention on the amendment before the body. Thank you."

Senator Kawasaki then rose to remark as follows:

"Mr. President, certainly, I am in sympathy with your concerns but I think the remarks being made as to a possible violation of Rules 16 and 17 are very relevant to the issue on hand ... the discussion and the vote on the amendment proposed by Senator Cayetano.

"I'd like to enter into the records of the Senate Journal my concern

about Rules 16 and 17 having been violated, and my concern as to whether this would somehow reflect the decisions we make tonight relative to this budget.

"The State Constitution very clearly specifies the Senate body, as an institution of 25 members, et cetera. It also specifies that the Senate would adopt rules. We did adopt those rules and Rules 16 and 17 happen to be two of those rules.

"In the opinion of some of us, there has been a violation. You have ruled, and I respect your opinion that there was no violation, but just in the event that this matter is taken to court that indeed there was a violation, my concern, and I'd like to enter it into the record, is that perhaps it would nullify any action taken on the budget bill as a result of court determination that there was a rule violation, a rule provided for by the requirements of the State Constitution as it specifies how the Senate of the State of Hawaii is to be run."

The Chair responded:

"Just for information, so that we don't get in a full discussion on legality, the rules are for the operation of the Senate and does not have statutory authority so I believe we're fairly safe if we discuss policy which helps to facilitate, if possible, to expedite the work of the Senate.

"Again, I will caution the Senate, we should get on with our business. We should get back to the issue of the amendment.

"Perhaps you are correct, Senator Kawasaki, someone may challenge it. Every action that we take here on the Senate floor may be subject to legal challenge by the general public, whatever individuals may care to exercise that right."

Senator Abercrombie then rose and stated:

"Mr. President, I rise again because I quite agree with the remarks that you have just made and they are very important. I hope that the members of the body will do, as you say, try to get back on track with what it is we're doing here.

"I think it's unfortunate that one of the previous speakers had to stand up and start asking about whether or not there was rule violation and ask you for a ruling so that we can have

a vote.

"I mean that, if you ruled that the earth was flat and we took a vote and it came out 25 to nothing that the earth was flat, it wouldn't make it flat. It would mean for purposes of conducting business in the Senate the earth was flat. It may be that, as we both know, Mr. President, that perhaps before the evening is over we'll certainly know that the world would be spinning. I don't know if it's going to be flat. I may be flat before the evening is over. I hope not. But, you're quite correct in my judgment.

"I am urging the passage of this amendment and I'm not going to challenge your ruling on 16 and 17. I don't see the efficacy of that. We have a difference of opinion.

"I do want to focus on the point that you made with respect to whether or not we vote aye or nay on this amendment because it will be indicative of how we're going to regard the budget and our work product here and that is important. That is policy. I see you nodding your head and I only wish it was going to stay that way all night.

"This is the point I wish to emphasize. We have to come to a conclusion as to what we will do with this budget. We have to come to a conclusion as to how we will conduct our activities for the rest of the session and, as we all know, God willing and, hopefully, God isn't working too close at the moment, we have to continue on past the end of this session and in the next year.

"If we do not come to an agreement, Mr. President, and this is why I'm urging the amendment be passed, if we do not have a clear understanding of the relationship of Ways and Means to the rest of the members of the body who are not members of it, if we do not have a clear understanding as to what consultation, coordination, participation, etc. mean, not from the point of view of what we can put over on one another, what kind of semantic hoops we can jump through, if we are not able to do that, then I suggest, Mr. President, that we will have a situation in which, inevitably, bitterness and rancor, suspicion, mistrust, lack of morale, a whole series of what I would consider rather tragic, at best, desultory, and at worst, debilitating atmosphere will prevail.

"So, the reason that I think that this motion should pass and that this amendment should be passed is that not to get in an argument with the Ways and Means Committee, rather, to avoid one because if they can yield on this point perhaps we can reestablish a dialogue of some kind in some fashion.

"Not being able to do it or in a sense getting the message from this vote as to how things are going to be conducted, it would be very difficult for people to believe that they will, in fact, be subject to anything more than whether or not one can command the votes. There are all kinds of ways to deal with that as you well know yourself, Mr. President.

"I know from having witnessed some of your operations in the House of Representatives that the fact that one has a majority does not always necessarily mean that one has a majority of the capacity to effect the business at hand. And when people are put in the position where they have to decide whether their own course, as opposed to someone else's course, is something that has to be defended at all cost, it generally causes an unfortunate situation.

"Therefore, I suppose my conclusion is that I would ask the members to vote up on this amendment not so much by way of settling a contest, so much as by way of establishing in people's minds that we can indeed say that perhaps a more fruitful approach can be manifested in terms of cooperation with one another and that all will not be lost.

"As I say, a contest will not be won or lost with respect to this, but rather we can reestablish a basis of confidence. I think it's a good idea to pass the amendment on that basis because, after all, as has been indicated, this will be a matter for the conference committee, in any event."

At this time, Senator Uwayne asked for a ruling of conflict of interest and stated:

"Mr. President, I'd like to ask for a ruling of conflict.

"Mr. President, I had made a promise many years ago, but I now feel compelled to break that promise tonight. I dated a young lady who's one of the warm bodies in this particular amendment and since it was revealed that a former executive

director is a member of the Committee on Ways and Means and some of us have some personal friends, and I'm quite sure that this will come up some day in the future, I would like to reveal this to this body and ask for a ruling of conflict."

The Chair ruled that Senator Uwayne was not in conflict.

Senator Abercrombie then remarked:

"Mr. President, may I be forgiven for all my transgressions in the past with respect to this area, and I think it's necessary to remind one and all that those of us who try to lead an active social life on this small island had better stay friendly with everybody."

Senator Uwayne then added: "Mr. President, I want to clear the record, in case my wife may be listening, this was many years ago in college. Thank you."

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

Ayes, 11. Noes, 14 (Aki, Chang, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Uwayne, Yamasaki, Young and Wong).

Senator Chang, at this time, rose on a point of personal privilege and stated:

"Mr. President, on a point of personal privilege, I am concerned that the questions directed at the vice-chairman of Ways and Means during the debate on the previous question met by this body may have inadvertently impugned his integrity. I want to ..."

Senator Abercrombie rose on a point of order and said: "Mr. President, that's entirely out of line. I think you would have ruled ... I know you well enough, you never would have allowed such a thing to occur."

The Chair responded: "Senator Abercrombie, Senator Chang, the discussion on the previous question has already been ended. The vote has been taken. Perhaps later on on a point of personal privilege you can make clear for the record whatever comments you'd like to make."

At this time, Senator Fernandes Salling offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.D. 1, is amended as follows:

"1. PART IV, SECTION 121, Item F-1 is amended by deleting the following:

Anahola Development Plans
(2500) to prepare plans
for future development
of the Anahola area, Kauai

	FY 1983-84	FY 1984-85
Plans	120	
Total Funding	120 C	

2. PART VI, SECTION 121, Item F-1 is amended by adding the following:

Waimanalo Residential lots,
Unit 6, 38 Lots
On Site improvements to
develop 38 residential
single family lots

	FY 1983-84	FY 1984-85
Plans	860	0
Total Funding	860 C	0"

The Chair, at this time, asked Senator Fernandes Salling: "I notice that all of the amendments you are going to offer pertain to Part IV. Are you going down each of these amendments separately or taking them in total? We've never had so many amendments."

Senator Fernandes Salling answered: "Mr. President, I would like to take each of them separately."

Senator Fernandes Salling then moved that the amendment be adopted, seconded by Senator Kawasaki.

At 9:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:09 o'clock p.m.

Senator Fernandes Salling then rose to speak in support of the amendment and stated:

"Mr. President, this amendment deals with the deletion of the following: Anahola Development Plans, 2500 acres, to prepare plans for future development of the Anahola area.

"I'd like to preface my remarks, before I go into this, by stating that I am the subject matter committee

chairman of the Hawaiian Programs Committee. I felt that after reading the rules as set forth in 16 and 17 that it was my duty, before I could recommend to the Ways and Means Committee, that I go out to the different islands and look at all of the land and all of the projects on the books, as recommended by the department (Hawaiian Home Lands) before making a recommendation and decision as to whether or not there was justification for the department's recommendations.

"I understood, as a member also of the Ways and Means Committee, that had I come within my ceiling, I should not have faced any problems with my capital improvement projects or my operating budget. It was pointed out to me when we first met in Ways and Means that I had a problem with my capital improvement projects. Therefore, I scheduled a meeting with the chairman at 12:30 midnight and took an hour of his time to clear it up and to show to the chairman and vice-chairman that I could come within my ceiling, and therefore asked their recommendation and approval of the capital improvement projects that I had substituted for those the department had recommended.

"The Anahola Development Plans - the department is asking for \$120,000 to do development plans for 2500 acres in Anahola.

"Now, I come from Anahola on Kauai. I'm familiar with this area. Of the lands there, I can say that about 70% of it has already been developed in the sense that a lot of it is being used for residential, agriculture, ranching. I went out and I talked to the residents and asked them what were the needs in this area and they said they needed more ranch lands, more farm lands, and these lands are good for ranch and farm lands.

"I questioned the department and I asked them what is really necessary for us to go out and have to contract for \$120,000 to prepare development plans for lands, perhaps 30% of the 2500 acres, and whether or not this couldn't be done in-house by their planners.

"I also recommended to them that they had at their disposal plans, county plans, Land Use Commission classifications that they could use to develop in-house, their own development plans, and thereby save the department \$120,000 which they could use to then apply to perhaps the construction of new homes.

"In light of that and the fact that the department could not justify why it was necessary for them to contract for development plans for approximately 30% of the 2500 acres, I advised them that I could not support this and would have to substitute it with what you see before you, which is Waimanalo residential lots, unit 6, 38 lots.

"This is for the construction of site improvements for 38 residential single family lots. The amount that I requested was 800; the amount the department actually recommended for this project was \$860,000.

"Now, in discussing this substitution with the department they were very much in favor of it because they said that they had already received monies from the previous year to begin construction of these 38 residential single family lots, and that it was necessary for them to receive this additional amount in order to complete the construction site development and thereby open 38 more lots, which I might point out to the body that, when I reviewed all of these capital improvement projects, I took into consideration also the needs of the Hawaiian community, and the need was for housing, especially on Oahu. Therefore, I substituted for the Anahola development plans the Waimanalo residential lots.

"Now, my ceiling that was set by Budget and Finance and by Ways and Means was \$840,000 for fiscal year 1983-84, but this total amount of \$860,000 was required by the department to complete this project, so I have exceeded by ceiling by \$20,000. But, in the next previous year, I made up for it by decreasing, coming within my ceiling by \$40,000. Therefore, I felt that this could be justified and I explained it to the Ways and Means Committee and the chairman and vice-chairman, and asked for their support in substituting.

"The answer that I got for my substitutions, this and the ones that I'll be going over, was that I couldn't do a 100 degree turn on this, that I could perhaps change things 30% or 40% but I couldn't change it totally regardless if there was no justification for these projects. I took exception to that and I told the subject matter committee chairman that I had worked very hard, gone out and looked at all of these capital improvement projects to see if they were justified and found that they were not and therefore I had to insist that I do take the 100 degree turn

and substitute projects that were justified for those that the department had recommended.

"This is the first amendment that I have to offer in this area for the Department of Hawaiian Home Lands. I ask that the Ways and Means Committee and the rest of the body here seriously consider what I have said and the fact that long hours were put into preparing this plan which would expedite housing for the Hawaiians community which is their need at this point and time, not \$120,000 to be contracted out for development plans when there is no need for development plans on the Island of Kauai in the Anahola area.

"Just one last statement as to the development plans. In questioning the department on how they go about contracting out for development plans and what these people do, I was told that essentially they go to the county and they get whatever records the county has on file as far as planning. They look at that; they go out and review the property maybe once or twice; they talk to the residents in the area to inquire as to what these lands are good for; and then they sit down and they work out a plan, and they bring it back to the residents after it's been completed and recommend that it be adopted by the department. This is essentially what they will be doing for \$120,000.

"In light of this, I'm asking that you support the substitution of the Anahola development plans with the Waimanalo residential lots. The monies are needed to complete this project, as I stated earlier. Thank you."

Senator Abercrombie, in support of the amendment, stated:

"Mr. President, I did not sit on the committee nor did I sit in the discussions in the Ways and Means Committee. I hope my plea, which I thought was quite eloquent on the last amendment for a consideration for the methodology of gaining dialogue, and I hope that after this explanation by the previous speaker, which seems entirely in order to me, and I will be the first to grant him, Mr. President, as I'm sure of both of us here in this position, that we are reliant upon the chairman and on the Ways and Means Committee for our information in this respect. I would like to know then from the chairman of the Ways and Means Committee what would be the answer to the previous speaker's points if he was to ask me not to

support the request for the amendment to pass?"

Senator Yamasaki responded: "Yes, Mr. President, the answer to all of the projects that were turned around by the chairman of the subject committee on all of the Department of Hawaiian Home Lands' requests for capital improvements were that there was not a 100 degree turn but a complete 360 degree turn.

"And as I said in my committee, over the 25 years that I have been serving in the Legislature, this is the first time that a subject committee chairman has ignored the request of the department and completely changed the projects and the programs of the department.

"And after conferring with the department, an individual by the name of Mr. Fletcher of the Department of Hawaiian Home Lands, confirmed that these projects are essential and that we should support the request of the department. Also, during the pre-session hearings of the department, these subjects were also covered."

Senator Abercrombie then continued: "Yes, thank you, Mr. President.

"It becomes more difficult for me to maintain my equanimity of spirit in the light of such reasoning, Mr. President, because unless I am mistaken we are the elected representatives of the people of this state whose duty it is to examine, presumably, with some degree of objectivity, taking into account, obviously, those philosophies, passions, ideologies that we possess individually, the human dimension, if you will.

"But, nonetheless, we try to come forward with at least a semblance of objective reasoning with respect to whether we approve or disapprove of a project or program or legislative policy.

"I have not served as long as the good Senator, who spoke previously, in the Legislature, but surely these halls and perhaps the halls over in Iolani Palace never heard a remark made that a Mr. Fletcher from the Hawaiian Home Lands came in and said that he wanted the money and that, therefore, the recommendation of the committee, duly constituted and authorized by yourself and the body, to conduct investigations, hearings and find conclusions about it, should

be ignored.

"I wonder, and perhaps it's something that should be taken into consideration ... the idea that if someone in a department has a different view from the chairman of the committee, the chair of the committee, that a debate shall ensue? And perhaps we ought to bring the people from the various departments in and we need not have a legislative session but, rather, we simply take the recommendations at face value or cloth, and send them on to the executive, somewhat like the activities that take place in the Soviet Union, for example, when the presidium meets. Now, that is not our function.

"I have yet to hear, again, and I think my questions are perfectly reasonable. They are not meant to be provocative. They are meant to invoke, rather, a rationale so we can defend ourselves when we go to conference as to what would be the justification for the change.

"The answer from the previous speaker was simply that somebody named Fletcher gave some testimony that said they needed it. The answer has to be, if we are to defend ourselves in public, precisely what did Mr. Fletcher say that contravened those sentiments as expressed by the chairman of the committee.

"Now, I would pause at one thing further. I think I'm in a very good position to do this because I can't benefit from any of this with respect to the Waimanalo residential lots or anything else. I have no conflict of interest. I don't own land; I own only a classic automobile with a hole in the floor at the moment, and I appreciate the fact that you have not indicated or parenthetically spoke about how many holes I have in my head at the present time trying to urge approval of this amendment.

"But, if in fact there has been a 360 degree change, Mr. President, I submit to you that I have been reading lately that if there is any department in this state which is more fouled-up and less able to make a decision, with respect to what is in the interest of the people whom they ostensibly serve, it is the department to which the chairman of the committee had reference to in her remarks.

"She went to see these projects and everybody who has dealt with this committee or its equivalent in the

House, as I have serving in the House, a revelation beyond revelation to me, knows and understands that if anybody is taking the shaft here, it is the people who are supposed to benefit from the Waimanalo residential lots and with respect to the Anahola development plans.

"So, again, I put forward, if this is to be a contest kind of thing, believe me, we will rue the day that we set this kind of situation going. If it is to be this kind of thing, at the very least the people who want to deny this amendment are going to have to explain beyond Mr. Fletcher, whoever he may be, wherever he may exist, either in these galleries or wondering about the streets of Honolulu or in the environs of the State of Hawaii.

"Can you imagine what it is going to appear to be to the people of Waimanalo residential lots when you go over and tell them the reason you can't have it is that Mr. Fletcher said you couldn't.

"There appears to have been a Mr. Fletcher, thank God, he doesn't appear to be Scot in origin, in the history of this department for decades and decades and decades.

"Here at last we have a chairman, and I will be the first to admit with respect to many of the projects that are listed ..."

Senator B. Kobayashi interjected: "Mr. President, if the speaker would yield, I will try to explain something of what Mr. Fletcher told us."

Senator Abercrombie responded and continued: "No, Mr. President, I would prefer to finish my remarks and then perhaps it would obviate the necessity of anyone having to make the explanation. On the other hand, such explanations as might be made as a result of my remarks might be more fully made, so, therefore, I will not yield at the present time, thus offering the previous speaker the opportunity to fully comprehend the entire gist of my remarks before making his remarks."

The Chair asked Senator Abercrombie: "Your answer is no?"

Senator Abercrombie answered and continued: "Yes, thank you. I appreciate your grasp, your insight into the matter at hand, Mr. President.

"So, my conclusion would be, and I

think that this is a situation that faces most of us here in the body, with respect to many projects that come before us of this nature and in other areas that generally the chair of the committee, especially one who has made a thorough study and I'm willing to take the word of the chair that she has in fact visited these sites and made these conclusions with respect as to whether they should be implemented, that if we as a whole are unfamiliar that in the absence of compelling testimony to the contrary from that presented by the chair in defense of his or her recommendation, that it is entirely within, not only within the purview of the body to pass these items into the budget, in this instance, to pass the amendment to see them included ... but it is, and I think it was mentioned before. It is the sensible approach to take because we will be best able to defend ourselves when it comes to the budget conference and, frankly, more importantly, best able to present to the public as a whole at the end of the proceedings here this year that we did a creditable job.

"Thank you, Mr. President."

Senator Fernandes Salling added: "Mr. President, I don't really know if Mr. Fletcher has taken the time to go out and see the projects as I have. I met with him once and that was during hearings. I wasn't advised at the time that I went to meet with the Ways and Means Committee at midnight that Mr. Fletcher would be there to refute all of the recommendations that I made as to substitutions here.

"I guess what I really can only say about this is that on all of these projects, the department could not justify their reasons for spending this kind of money. There were other means of, perhaps, preparing development plans such as doing it in-house or perhaps spending \$120,000 to prepare development plans for 30 percent of the land. None of this was brought to my attention, however. I was just guessing or suggesting alternative ways that they could go about doing this if they felt that they really had a need for these development plans.

"When I met with the department people to go over the reasons why I was deferring these projects they had recommended and, substituting those that I have here, they were in agreement with me, at the time. Mr. Fletcher was not present. I wish he had been because I think he's probably one that knows a lot more

about what's going on in the department than those people that were meeting with me. The department, nevertheless, agreed that this was a good substitution.

"I don't know what Mr. Fletcher said that night to the Ways and Means Committee. I can only say that I'm asking that, based on all the hard work that was done to put together this plan which can expedite housing which is the need in the Hawaiian community, that this body support my recommendations and not give the kind of weight to Mr. Fletcher who probably has never been out to see any of these projects and is one person in the department.

"Thank you."

Senator B. Kobayashi, against the amendment, responded:

"Mr. President, the projects proposed by the subject matter committee have great deal of merit. They deal with putting residents back on the land and deal primarily with site improvements for residential single family lots. I refer to the particular amendments here in question, F-1 Waimanalo residential lots; also, F-4 Panaewa residential lots; also, F-5 Kekaha residential lots; and, also, F-6 Keaukaha residential lots.

"There is, at least in my mind, a question as to the validity and worth of the projects suggested by HHL, but we found ourselves in a particularly difficult dilemma, that is, means of financing.

"When the subject matter chairman presented these amendments to us, included in Part A-1 and Part A-2 were the means of financing. They included \$11 million and on the sheet of paper in which these \$11 million were recommended, it said, 'General Funds.'

"It was shocking, at least to me, cash, \$11 million over and above these CIP items, \$11 million, approximately six-plus the first year, five-plus the second year. Upon speaking to her that evening, she explained to us that she really did not mean general funds but GO reimbursable bonds. Her term was 'hybrid GO reimbursable bonds.'

"We could not really get a good explanation as to how these bonds would be reimbursed because, indeed, they have to be. The Hawaiian Home Lands is in a particularly difficult

financial situation and would not be one of the best departments to reimburse any large sums of money. We asked the staff; the staff could not see how these monies could be afforded; staff contacted Budget and Finance; Budget and Finance could not find appropriate means of financing for \$11 million.

"We asked Mr. Fletcher, who I've never met before. He said he could not figure out how HHL could finance \$11 million. I, on my own, contacted a person in Budget and Finance who I respect and who's had over two decades, at least, of service in this area and he could not figure out how \$11 million could be financed. In addition, he told me, as far as he knew, there was no financial projection made of what the department could afford, and until such a projection was made Budget and Finance could not figure whether \$1 million, \$2 million, \$10 million or \$11 million worth of bonds could be supported.

"Question was asked of staff, again to Mr. Fletcher, are any of these projects salvageable? His reply, 'I don't know.'

"Question was asked of subject matter chairman, 'what if we cannot give \$11 million, either in cash or in GO reimbursable bonds,' because it would be very difficult to give each and every Senator in this room \$11 million. What would senior Senators be entitled to, \$30 million, \$40 million?"

Senator Abercrombie, on a point of order, stated: "Mr. President, it's not age, it's merit."

Senator B. Kobayashi continued: "Very good, Senator. The point however is that these projects may have merit but the question was means of financing.

"Do we make site improvements; leave site improvements on the ground, doing nothing with them, no residences on top of those site developments? Site developments without the residents, without the loans, without the money, just sitting there. We thought that was not a very good proposal.

"On that basis we looked upon it very skeptically.

"I asked the question of subject matter chairman, 'What should we do if we cannot give you \$11 million?' The reply was, 'HHL CIP proposals

were worthless; they shouldn't be funded; I'd rather have zero than have those HHL proposals adopted.'

"This left us in a quandry. The result was, rather than give a department entirely zero we thought that at least, perhaps, some or one or two of their proposals might have merit and might have legitimate means of financing, hence our recommendations."

Senator Fernandes Salling responded: "Mr. President, first of all, let me just say that Mr. Fletcher is not part of the fiscal department of the Hawaiian Home Lands, so any questions that may have been addressed to him regarding whether or not the department had funds for the construction of homes should not have been addressed to this man.

"He is, according to what the department says, the project planner or when he testified before the Ways and Means Committee at the outset, he was called the planner. He was the man that was in charge of advising us on the development plans. I was advised that the person in charge of the fiscal management of this department was Mr. John Rowe.

"Mr. John Rowe and I met in my office. Mr. Rowe provided me the figures that were reflected on that statement that the Senator is referring to. Those figures were what I based my recommendations on in my budget.

"Now, being a freshman Senator, I mistakenly said general funds. This was pointed out to me and I corrected myself before the committee and said that this was really GO funds. GO reimbursable hybrid, yes, because as we started to look further into the department and how it operated, our budget person said that this is an unusual situation; these are GO bonds, reimbursable, a hybrid type in the sense that the Governor can recall the principal and interest that is being paid by the beneficiaries at any time; therefore, he termed that a hybrid GO bond. That's why I used the statement when I discussed this with Ways and Means.

"The point is, Mr. President, when I went back to my office knowing that there was no way that I could get these monies for these projects that I substituted unless I could find money for the construction of homes, I contacted the department. I contacted the man in charge of the fiscal office of that department. We

went over all of the projects that they needed money for the construction of homes, double-checked and found they had given us erroneous information.

"Out of the 119 homes that they were going to build in Waianae, which they had monies for, they only needed monies for 50 homes. We were able to take those monies and say, 'all right now, we have additional monies here for 50 homes.'

"This also applied to Nanakuli. At the outset they gave me figures that they needed money for 111 homes. I checked and found out after questioning repeatedly that they only needed money in Nanakuli for 50 homes. So we were able to use those funds to justify the construction of these Waimanalo homes.

"One other area that they neglected to point out to us was that they had a million dollars sitting in an interest account that they annually received -- \$1 million. This was again additional monies that we could use to justify construction of these projects.

"Now, I took these two and brought it to the attention of the chairman of the Ways and Means Committee the following morning. The vice-chairman wasn't there. This was a meeting I had scheduled with the chairman, upon receiving this new information from the department, knowing the concerns of the committee that they could not go along with my recommendations unless I could come up with monies to fund these homes.

"I pointed out to the chairman of the committee the errors and mistaken information that the Department of Hawaiian Home Lands had given us. The chairman, at that time, answered that I couldn't do a 100 degree or a 360 degree turn.

"Based on this information, Mr. President, I'm asking this body to support my substitution for the Anahola development plans. According to the department's fiscal office there are monies there to build these homes; that the \$1 million that they receive annually will go a long way toward building these homes.

"I have nothing further to say."

Senator Solomon spoke against the amendment and remarked:

"Mr. President, I would just like to go over some interesting facts that we have before us.

In listening to the subject matter committee chairman, during our Ways and Means Committee briefing period, Monday is when we made our decisions, I'd like to inform my fellow colleagues that the subject matter committee chairman (on Hawaiian Home Lands) wasn't even there to defend these projects when her program came under review.

"I'm most certain that all my fellow colleagues on the Ways and Means Committee are very much aware of the acute problem that HHL is experiencing and the tremendous need on the part of the Hawaiian community for housing.

"What I feel here is, a question on the matter of process, as Senator Abercrombie has talked about so eloquently and, also, Senator Cayetano.

"I, too, am a freshman legislator.

"Members of Ways and Means sat in briefing sessions for hours. We started at 9:00 in the morning and ended the next morning. On Monday, we started at 9:00 o'clock, we took a short recess for session and for lunch then we went back into session. It continued on to Tuesday. Tuesday morning, at approximately 4:30 a.m., the subject matter committee chairman's programs came up for review before the committee; she was not even present to defend her CIP requests.

"I feel that all of us here owe it to our fellow committee members, if they expect support from their colleagues, to at least be present so that they can defend what they want and what they deem necessary for their constituency that they are representing. I don't think I have to say anything more about this.

"Granted we were not all a part of the meetings with Mr. Fletcher, the meetings with so and so and whomever, but we were all there at the Ways and Means Committee briefings.

"The subject matter committee chairman was very upset; she felt that the Ways and Means Committee had gotten down to personalities and therefore chose to leave.

"I'm kind of emotional about this because I feel that this is the process and that we have to be able to stand our ground and to defend what we believe in and to at least give the opportunity for the other members on

Ways and Means to question the committee chairperson.

"Thank you very much, Mr. President."

Senator Fernandes Salling, in response, said:

"Mr. President, I must respond to the previous remarks.

"This was a very confusing area for all of the members of the Ways and Means and that is why I scheduled the meeting with the chairman the previous evening, to go over in detail some of these changes that were being made and my reasons for making them. I left that evening with the assumption that they had accepted my explanations.

"Based on that, when it came to decision-making that evening, I felt that the Ways and Means Committee was not supportive of these projects and it would have been an exercise in futility for me to have stayed there to defend it any further. That, basically, is the reason why I left that evening. However, I did make another attempt to contact the chairman the next morning to explain and to ask for his recommendation and the committee's recommendation of these substitutions. Thank you."

Senator Abercrombie, speaking in favor of the amendment, further remarked as follows:

"Mr. President, may I add parenthetically that the wisdom of calling for debate is never more manifest in sessions like this for the revelations that take place and our opportunity to gain, if not regain, perspective not only about the process but on the subject at hand.

"Now, in this instance, surely, Mr. President, we are faced with an amendment. Amendments are made, I suppose you could say, for frivolous reasons on occasion; they are made for very good and proper reasons.

"I think we have both been in situations, as have many members in the body, where amendments had to be made because of errors, human, mechanical, in the budget, on bills. We even have a section in many bills where we say 'technical errors have been made.' We've recommitted bills in order to take care of those technical problems and so on, all the way from very substantive matters to technical matters.

"The subject before us this evening is not whether somebody was able to stay up till 4:30 in the morning. The subject is not even whether the chair was called at that time ... courtesy, as has been mentioned this evening, for example. It doesn't surprise me that somebody might be asleep at 4:30 in the morning. It might not even surprise me that somebody was awake at 4:30 in the morning when they might better be asleep than awake, with respect to how clear-sighted or clear-headed they might be in terms of what is being heard, let alone listened to.

"Now, both you, Mr. President, and myself and others here have been through these kinds of sessions before. We know what a grueling task it is to go through. I have gone through sessions with the chairman of Ways and Means Committee. I know his fortitude with respect to these sessions and I commend him for it. But the question then becomes not whether one was able to survive until 4:30 in the morning or whether one was in a contest at 4:30 and was able to arm wrestle one's way through the defense of the project but, rather, given the information that the chair has presented to the body this evening, with respect to the amendment, is it a compelling argument to pass the amendment, given the information from the chair that she shared certain views with the chairman of the Ways and Means Committee at certain points and time, was directed to do certain things at certain points and time, with respect to funding for housing, went ahead and did that and returned with the information. Again, whether it is with respect to courtesy or whatever it is, this kind of information, it seems to me, compels attention with respect to the amendment.

"So, whether it is a question of the facility of the chairman to be there at a certain time or whether all the information was not quite developed at the moment, I, for example, with respect to the passage of this amendment, in the briefing that I had with the Ways and Means Committee, learned of a transportation item, crossed item which previously I had had no information, I was surprised to find it there. The reason that it was there is that since I had made my budget presentation to the Ways and Means Committee there had been a change.

"Now, obviously, I could not have

known the change was going to be made before it was made when I had no information that such was going to be the case.

"Now, in this instance, the chair has indicated to the floor, to the members here present, that she was able to meet certain of the criteria and conditions and requests of the committee. Whether they were all met under circumstances which pleases everybody from the logistical point of view is not the point because we must deal here with the substance of the amendment.

"So, again, if this is to be put into the form of a contest of wills, who will be the winners and who will be the losers.

"Mr. President, you and I will be here for the rest of the time, as I said, God willing, unless for whatever perversity we're guilty of God strikes us dead, or worse keeps us doing whatever we're doing, I'm not sure which is the greater punishment. But, in any event, we will possibly be here next year. What we do or don't do, and I'm very pleased that the previous speaker said that we should ignore personalities and the rest of it because I think that's a good idea.

"Personalities in the sense of animosities or whatever comes up because they come and go and I don't notice that the Constitution says that we should all love one another. It may be a good idea, philosophically, but it just says we're supposed to work together for a period of time. So, with that in mind, who are we talking about?

"We are not talking about what pleases me, Mr. President, or you or the chair or any of the previous speakers. We're talking about those who will occupy the Waimanalo residential lots, unit 6, 38 families, for site improvements and develop 38 residential single family lots.

"Now, God knows also, and not only God but apparently the Hawaiians also know that they've been a little on the short end when it comes to those residential lots. So, I surely would hope that you would agree that the substance of our discussion here is, should there or should there not be funding, given the information that the chairman has provided for these folks out at Waimanalo. That's who we should be concerned about.

"Whatever misques we have and

whatever disagreements we might have or whatever emotional or otherwise psychological or ideological conflict we may have at the moment, and all the rest of it, for purposes of these folks in Waimanalo, it's immaterial. The only question for us to decide at this point is, do we want to assist these people or do we want to leave them in the cold. The effect of this will be, if we vote it down, is to leave them out in the cold.

"Perhaps you can explain to them that there were some technical difficulties or logistical problems associated with the passage or nonpassage of this amendment but I don't think that will cut much ice with them, and I think for good reason. This is another question of justification.

"Mr. President, both you and I and I'm sure members on the floor here have often in the past voted for items that we felt were in the public interest even if we were not particularly happy about all of the items that were there or how they got there, most especially with budgets.

"I dare say, Mr. President, that both of us and all the members here have probably, virtually with every budget, voted for items in that budget that we were not entirely pleased with there but, nonetheless, voted for the budget because of the overall good to be accomplished.

"The thrust of the chair's argument tonight is that, given the information that she's provided, given the information that she developed as a result of the requests, and regardless of whether or not everyone was satisfied as to the particular elements that were involved as to how we got to the budget here before us this evening, that the amendment process provided for to meet just such contingencies is something that she wishes to commend to us for our approval.

"On that basis, it seems to me entirely in order to pass it, not because the contest will be divided one way or another but because the public interest will be served in general and, in particular, deserving people will have an opportunity to have a home.

"Thank you."

Senator Cayetano then added: "Mr. President, following up on Senator Abercrombie's remarks, I think the focus should be on the merit of this amendment itself.

"I would like any of the previous speakers from Ways and Means to inform the members of this body whether they have scrutinized this Waimanalo residential lot budget; whether they believe that this project has merit, and if there is any problem with the way it is being funded.

"I think those questions are important for us to learn the answer to before we decide on voting for this amendment."

The Chair questioned Senator Cayetano as follows: "Senator Cayetano, are you addressing that to any particular individual?"

Senator Cayetano answered: "Mr. President, since there are no volunteers it appears that the vice-chairman is particularly knowledgeable about this area, I would address the question to him.

The Chair asked the vice-chairman if he would care to answer the question and Senator B. Kobayashi replied: "Mr. President, I'm not particularly knowledgeable about this area."

Senator Uwaine, on a point of inquiry, asked:

"Mr. President, just a parliamentary inquiry. Just to make it clear, as far as any amendment in passing, or any particular bill that we're going to be voting on, it's a matter of 13 votes, not the majority of members present, am I correct?"

The Chair replied: "Senator Uwaine, that's correct."

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

Ayes, 10. Noes, 15 (Ajifu, Aki, Chang, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Fernandes Salling then offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.d. 1, is amended as follows:

1. PART IV, SECTION 121, Item F-2 is amended by deleting the following:

Hoolehua Development Plans (L3100 Acres) to prepare plans for future development of the Hoolehua area, Molokai

	FY 83-84	FY 83-84
Plans	120	0
Total Funding	120C	0

2. PART IV, SECTION 121, Item F-2 is amended by adding the following:

Anahola Drainage System (7 lots) to remedy the flooding problems and award seven (7) residential single family lots.

FY 83-84	FY 83-84
100	0"

Senator Fernandes Salling moved that the amendment be adopted, seconded by Senator Abercrombie.

Senator Fernandes Salling, in explanation of the amendment, stated:

"Mr. President, this is an amendment to House Bill 1, Part IV, Section 121, Item F-2, again, Hawaiian Home Lands, deleting the Hoolehua development plans.

"The department requested \$120,000 for these plans. I went to Molokai; I looked at the area. Ninety percent of the land was already being used for farming purposes. The other ten percent of the land was fenced off for ranching. The project manager in that area advised, when I asked him what were the plans for the ten percent of this Hoolehua land, he told me that they were going to be using it for ranching and that that was the best use for these lands.

"In light of that, I again advised the department that I could see no justification for the project to spend \$120,000 for development plans for ten percent of the Hoolehua area and I substituted for that project a \$100,000 request for the Anahola drainage system. The design, I understand, has been completed. This is the problem that they've had for many years. It's prevented them from opening up seven lots.

"With \$100,000 they would be able to take care of this drainage problem and thereby open seven lots.

"Now, the same considerations regarding funding that I mentioned earlier applies in this case also, as far as monies for the construction of homes. There are monies available

within the department for the construction of these seven lots.

"In deciding the substitution of the Anahola for the Hoolehua, I looked at the entire statewide construction activity and found that homes were being built on Maui and on the Big Island ... Hilo, Panaewa, and Keaukaha, Maui, and these would open up seven lots in Anahola on the Island of Kauai.

"Mr. President, I ask for the body's approval of this substitution which would again meet the needs of the Hawaiian community, even if it is only to provide seven lots, it's providing seven more new homes for the Hawaiians. Thank you."

Senator Abercrombie, speaking in favor of the amendment, stated:

"Mr. President, speaking in favor of the amendment, I'm going to ask a question rather shocking to me.

"One of the previous speakers, with respect to the last amendment, after having lectured us on the economics of bonds, the economics of the expenditure of \$11 million, indicated somewhat later, they had no particular knowledge of the project, and then we made a vote.

"Now, not all of us may have particular knowledge, again, of all the projects that are here, so we tend then to, at least my experience has been, to rely upon the judgment of the chair of the committee, with respect to those projects, especially when the chair is able to provide information and answer questions that have been posed to the chair.

"We are in an odd situation this evening ... one of the few times in my experience in the Legislature in which the chair finds herself explaining to the body why something should be there, not having been questioned as to whether or not the project is worthwhile because I have heard little in the way of explanation or inquiry. I should not say explanation but inquiry ... on the part of those who oppose other than by rote, vote indicating no ... those who oppose the proposition put forward by the chair as to what the reason for rejecting the amendment is.

"Now, if the reason is that simply because the chair is recommending it, I submit to you that not only with this, but with other amendments and I mention other amendments because

previous speakers have mentioned them by description, as a matter of fact, of the amendment, who will take the shaft this evening will be the Hawaiians once again.

"What purpose is to be served by this is not quite apparent to me at the moment. The chair has indicated that she has found the proper funding or that she has found funding in such a manner as to accommodate the fiscal plan of this Legislature to the degree it can be discovered and that the beneficiaries of the funding, as outlined by the chair, will be those people in whose interest we are supposed to act this evening and other evenings and days to come.

"My question is, again, whether it is the chair of Ways and Means, or anyone who wishes to vote no, could you please tell me, and not me personally, Mr. President, as you know, but could you please tell us for purposes of the record, what it is that is being objected to; what you would offer as an alternative, and how we are to answer these people who will benefit from this amendment when we tell them no?

"Can I get a volunteer?

"Well, then, I will ask the chairman of the Ways and Means Committee if he could respond to those inquiries, Mr. President."

The Chair asked the chairman of the Ways and Means Committee if he would yield to the question and Senator Yamasaki replied:

"Mr. President, all I can say is that this project is priority number 2 of the Department of Hawaiian Home Lands."

Senator Abercrombie then asked: "Are we in the same dimension, Mr. President?"

The Chair answered: "Senator Yamasaki answered the question. I'm not sure if the answer is satisfactory to you."

Senator Abercrombie continued:

"Mr. President, I for one have more and more respect for Mr. Einstein's theory of relativity. As you know we deal with mass and velocity, and it's the ellipses of the universe that is the case in point, and it never ceases to amaze me as I try in my finite way to comprehend the universe as to just how much of an end-run an elliptical

move can result in. Nonetheless, I press forward.

"It is a failing of running guards in football teams. I'm sure my colleague who at one time was protected by people like me ... I believe he was the one in the white shoes, would be the first to admit that pressing forward is a virtue in some respects and a failing in other respects of running guards.

"One other thing about running guards, they're generally running at someone. It's, as I say, a virtue in some respects. In other respects, it puts you into a position where when you try to convince your colleagues that a course of action is warranted, that if they have another agenda in mind, it becomes very difficult to carry my somewhat strained analogy, nonetheless appropriate analogy, a bit further. It's awfully hard to play football with somebody who's playing marbles.

"Now, in this instance the chair has put forward a reasonable and rational explanation as to why she believes the amendment is warranted and in our interest and interests of the people who will be affected to pass it.

"What appears to me to be happening, and if the pattern continues with other amendments, is that we will be delivering a message to the people involved that we are more interested with the games that are being played in here than we are interested in their benefit and what is in their interest.

"If that's what we want to do, we're most surely capable of doing that, Mr. President. Of that, I have no doubt, but I would, as I indicated previously and in this instance, pay all due respects to your talents in this area, I would reposit for the attention of the members that once you start to play such games you may find yourself not a spectator but a participant and when the games get rough you may find that you get your face dirty.

"If that is what we want to do, I'm sure that there are enough people here able and willing to make the contest. I don't know if it will make it interesting but I guarantee that they will make it memorable.

"I, myself, as you know, am the most reasonable man, as you've indicated to me on occasion, that it's just that sometimes I'm more reasonable than others. On this

particular occasion, I hope you will agree, Mr. President, by your vote, and I'm sure that if you carry the affirmative for this amendment, the vice-president would be happy to stand in your place so that you could assume the microphone and join me in urging the passage of this amendment and in any other, of course, that you would feel have merit.

"I would urge, Mr. President, that if you do feel that it has merit that you do so so that we could establish that there is not a pattern which will be devoid of consideration of merit but rather one of numbers, per se. And if your voice should be added, I have no doubt that it will have an influence on those of us, who not only in past but now, would welcome you, not just the soothing tones of your positive approach, that is to say, an affirmative approach, one that would make our hearts all go aflutter with gratitude.

"In addition, I'm certain you would agree, would find us all in a mood then, perhaps, not to regard this amendment or any other amendment as one in which great issues were to be settled other than the amendment itself. Thank you.

"Would you care, by the way, to let us folks ..."

The Chair answered: "Senator Kawasaki looks very tired, I think I'll just stand here."

The motion to adopt the amendment was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of ayes and noes:

Ayes, 10. Noes, 14 (Ajifu, Aki, Chang, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Yamasaki, Young and Wong). Excused, 1 (Uwaine).

Senator Fernandes Salling then offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.D. 1, is amended as follows:

1. PART IV, SECTION 121, Item F-3 is amended by deleting the following:

Hydroelectric Power Plants, Molokai Water System. To construct small scale hydroelectric power generating plants in the Molokai Water System to develop electrical energy to be used for

the System's consumption or sold to a local power agency under a cogenerator contract.

	FY 83-84	FY 84-85
Construction	500	0
Total Funding	500	0"

Senator Fernandes Salling moved that the amendment be adopted, seconded by Senator Abercrombie.

At this time, Senator Cobb rose on a point of order and remarked as follows:

"Mr. President, on a point of order, Cushing's Manual of Parliamentary Procedure on pages 109 and 110 is quite specific in that when an amendment is proposed by adding a paragraph or words and the amendment is rejected, it cannot be moved again to insert the same words or part of them.

"Any project contained in this series of amendments, where there is an overlap, therefore, in that prohibition and thus be barred as having already been voted upon.

"I would like to ask the movant of the amendment, in the interest of time, if she is willing to consolidate the rest of the amendments, discuss them, and have a single vote.

"The alternative, of course, is that then the budget will slowly, piece by piece, be amended to death."

Senator Fernandes Salling responded: "Mr. President, I would prefer to address these item by item."

Senator Cobb continued: "Mr. President, continuing on the point of order, then I think all of the discussion on the so-called merits of this is nothing more than a delaying tactic to kill the budget."

The Chair responded: "So be it; we're all grown ups. Senator Fernandes Salling, will you proceed."

Senator Fernandes Salling explained the amendment as follows:

"Mr. President, this is to delete the following, and the reason for doing this was that I could substitute the two previous projects and thereby come within or very close to my ceiling, Mr. President.

"On the hydroelectric power plants, I did go out to Molokai and talked to the project manager and asked him

what the plans were for these plants. He said the department had no idea what they were going to do with it at this point and time. Yet, the department was asking for \$500,000 to construct these hydroelectric power plants.

"In questioning him, I found that the purpose of this hydroelectric power plant was for them to reduce their large monthly electric bills, \$18,000 to be exact on the Island of Molokai.

"I suggested to the department, after discussing who was on line with the water system that the department controls on the Island of Molokai, I found that the County of Maui was one of the people who benefited from the domestic water system on the Island of Molokai, and that they were paying 41 cents a gallon, the same amount as what the native beneficiaries were being paid; yet, further down the road, with system that was the County of Maui's domestic water system, they were charging Hawaiians and other residents in the area \$1.50 a gallon.

"I suggested to the department, since they had no plans for the \$500,000 they were requesting that they try and defray the cost of their electric bills by charging the County of Maui at least the same charge that the County was charging residents that were benefiting from their own domestic waterlines.

"For that reason, I again discussed the deletion with the department and they agreed with me, and based on that, I ask for this body's consideration to delete this hydroelectric power plant project from the CIP projects. Thank you."

Senator Abercrombie, in support of the amendment, stated:

"Mr. President, speaking in favor of the amendment, I am a bit chagrined as to the indication by one of the previous speakers that by considering the amendments as they arise that it is the movant's intention, let alone task as was indicated by oh, such pious tones, delay, or even defeat the passage of the budget."

The Chair interjected: "Senator Abercrombie, I think the issue was resolved. The Chair has ruled that the amendments will be handled one by one, therefore, it's moving."

Senator Abercrombie continued: "Thank you, Mr. President.

"The reason that I did mention that is that, as you know, lessons could be taken from yourself as to how to accomplish the task, and I was mentioning them in the context of this item because we do not have these items before us in the budget, and if we do not take them up on this basis, how will we be able to indicate to people who are on the side of the people who would benefit and who would prefer to follow another course for whatever reason, inasmuch as no reasons have been given to defeat the amendment.

"I think it's very important for purposes of the record, for people who wish to check the record in the future for whatever reason, that these items all have a very thorough discussion and that it would be reflected in the Journal and then those who would wish to make reasonable and rational decision as to both the efficacy of the attempt to pass the amendments and as to the merit of the individual items will be able to do so.

"In this particular instance, I would again, Mr. President, hope you will agree perfectly reasonably and ask for any volunteers with respect to why the reasoning of the chair of the committee is not compelling with respect to its passage."

The Chair responded: "Senator Abercrombie, the answer to that question would be that they've already given a general answer pertaining to most of the items covered by the amendments to the budget and, therefore, it is not necessary to be repetitious."

Senator Abercrombie continued: "Thank you, Mr. President.

"Then may I ask specifically the Ways and Means chairman to respond with respect to the points raised by the chair of the committee as to why she believes the item should be passed. Is there some measure of insight that the chairman of Ways and Means can give to us that would indicate as to why this would not be in our interest and the interest of the people whom it would serve?"

Senator Yamasaki responded: "Mr. President, for the interest of time, I shall not read the details of two pages of justification but would like to state that this item is priority number three of the department's request for capital improvements. Thank you."

Senator Abercrombie remarked: "Is that, Mr. President, ... am I to take that as a recommendation from the chairman of Ways and Means that it be passed."

The Chair answered: "Not the amendment, but the substituted amount."

Senator Abercrombie further remarked: "Mr. President, but is it possible for us to know why the amount is as it is in the Ways and Means budget, as opposed to that recommended by the chair of the subject matter committee?"

The Chair asked: "Mr. Chairman, would you care to respond?"

Senator Yamasaki replied: "The question was answered, I believe."

Senator Abercrombie further remarked: "Mr. President, again, it may be that I've entered a new era of physics. It apparently ... the answer came so fast that I was unable to hear it.

"The answer was faster than the speeding bullet going by me. It probably wouldn't be the first time that's happened, but I must admit that inasmuch as the chairman of the Ways and Means Committee was characterized at one point as being weary at this juncture, I marvel at his speed in this area, and I commend him for it. Thank you, Mr. President."

Senator Kawasaki then rose to support the amendment as follows:

"Mr. President, I speak in favor of the amendment, and before doing that I just want to make a comment.

"I'm a little concerned about the perspective, apparently, that prevails in this body. It seems to me, voting for an amendment that was proposed tonight that seems logical in the way of an explanation from the subject matter committee chairman, voting for it enhances, it seems to me, the chances of the total budget bill passing.

"I must admit to you in all candor that I did not know the specific reasons for each and every one of these CIP projects that were outlined by the chairman of the subject matter committee, but in trying to listen very objectively and dispassionately the explanations that she had given for the advancement of these

amendments, I was quite impressed that it makes a lot of sense.

"It makes a lot of sense to us who claim to be trying to protect the public interest, who claim to be diligent enough in our recognition of our responsibility to take each and every issue and, particularly, if the issue involves a helluva lot of money at a time of fiscal restraints that has been articulated by everyone.

"It seems to me that if some of these amendments are good, to vote for it is just plain common sense.

"It improves the budget bill that we hope to advance to the House of Representatives across the rotunda as our product. A product in which we have spent time, effort, and earnest consideration.

"I think this amendment that was advanced is a good one. If according to the format already established here is any indication, the voting is going to follow a pattern. My comment a week ago that after 16 years of being in this body I came to the conclusion votes are not as much decided by the merits of the issue but more often than not, unfortunately, on the basis of emotion, on the basis of petty factional political games.

"I'd like to see proof that I am profoundly in error on this observation.

"I would urge that this body maintain the posture that I've always been very proud of as a Senator for 16 years. At least in this body we try, as best as we can, to base our votes on the basis of merit not on emotion, not on blind loyalty to some temporary political expedience.

"Let us vote intelligently. I urge voting for this amendment."

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

Ayes, 11. Noes, 13 (Aki, Chang, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Yamasaki, Young, Wong). Excused, 1 (Uwaine).

At 10:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:36 o'clock p.m.

Senator Fernandes Salling then offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.D. 1, is amended as follows:

"1. PART IV, SECTION 121, item F-4 is amended by deleting the following:

Waimanalo Residence Lots, Gravity Sewer System

To prepare detail designs and plans to construct a gravity sewer system for sewage disposal for half of the existing 510 homes in the Waimanalo residence lots subdivision, Oahu (The other half already have such a system.)

	<u>FY 1983-84</u>	<u>FY 1984-85</u>
Design, construction	100	1,000
Total Funding	110 C	1,000 C

"2. PART IV, SECTION 121, item F-4 is amended by adding the following:

	<u>FY 1983-84</u>	<u>FY 1984-85</u>
Panaewa Residential Lots, Unit 3	-0-	1,040,000

To construct site improvements to develop 40 residential family lots."

Senator Fernandes Salling moved that the amendment be adopted, seconded by Senator Abercrombie.

Senator Fernandes Salling, in support of the amendment, stated:

"Mr. President, this is to Part IV, Section 121, item F-4, amended by deleting the Waimanalo residential lots, gravity sewer system, 'to prepare detail designs and plans to construct a gravity sewer system for sewage disposal for half of the existing 510 homes in the Waimanalo residence lots subdivision, Oahu.' The other half already has such a system.

"The design monies for '83-'84 of a \$100,000 and construction monies in '84-'85, as recommended by the Department of Hawaiian Home Lands for \$1 million.

"I'm amending it by deleting that and adding the Panaewa residential lots, unit 3, to construct site improvements to develop 40 residential family lots; appropriations, FY 1984-85, \$1,040,000. This is within

my ceiling for the fiscal year 1984-85.

"Mr. President, again, I talked to the Department of Hawaiian Home Lands for their justification of the Waimanalo residential lots gravity sewer system. They told me that they had received a number of complaints for pumping of cesspools and that this was going to be necessary because of this Makapuu interceptor lines that the federal government was going to be funding along with the City and County of Honolulu and they could tie in to this Makapuu interceptor line which would then connect to the Waimanalo sewage treatment plant.

"According to the residents, when I went out into the area, they told me that they had no problems with their cesspools. There was only one street with five homes that had said that they had cesspool problems.

"Now, Mr. President, we're talking about 300 homes of which five homes have cesspool problems. I questioned the department about the need to fund this in 1983-84-85. They told me it was necessary because of the federal funds they were receiving for the Makapuu interceptor plant.

"In further questioning, I found that the City and County of Honolulu was to put up a share in building this Makapuu interceptor plant. However, in looking at the records from the Department of Planning and Economic Development and the funds provided to the Department of Hawaiian Home Lands, I found that other than the City and County of Honolulu, matching the federal monies to the Makapuu interceptor plant, the Department of Hawaiian Home Lands took \$680,000 of the money that was supposed to be used for the Waimanalo residential lots, the completion of those lots which I referred to in my first amendment, took those monies and used it to match the federal funds and, in turn, is planning to turn this project over to the City and County of Honolulu.

"The City and County of Honolulu, then, would assess the native Hawaiians and will use this system to also benefit 300 homes, not native Hawaiians but others who live in the Waimanalo area because the department could not justify the need for this gravity sewer line.

"And I have to point out, a gravity sewer line is from the mountain down.

"It's gravity, okay, as opposed to a

sewer line ... other sewer type alternative plans that they may have.

"Waimanalo, most of you are familiar with. Most of Waimanalo is flat. I pointed out to the department that they were going to get into the same kinds of problems they did in Molokai. They have to then purchase pumps; they're going to look at high cost of electricity because they're looking at installing a gravity line.

"I asked who had done the studies for this gravity line. Did they go out and contract with a consulting firm, a professional firm to provide the studies to recommend what kind of sewer line they should have in that Waimanalo area; whether or not it was really needed?

"My answer was that this was done in-house by their engineer.

"The department has one engineer and he is a hydraulic engineer.

"Now, I looked at this and I thought, on the other hand the department is asking for \$120,000 to go and contract for development plans for 10 percent of 2500 acres, and I thought the money should be used in a case like this, rather than for development plans for contracting out to a consultant to provide them some information as to what kind of sewer treatment plan they should have in Waimanalo and if, in fact, it is really needed, and not to be taking on something as complicated as sewage treatment plants and doing it in-house by their one engineer who is a hydraulic engineer.

"Based on that and finding no justification and answers by the department as to why this was necessary, and also finding that there was no commitment from the federal government that these funds to build this Makapuu interceptor line would be made available by the year '84-'85 when the department said they needed this million dollar appropriation in order to tie in to complete the gravity line and to tie in to this Makapuu interceptor line, I recommended deferral of this project, and substituted Panaewa residential lots on the Big Island for the construction of 40 homes.

"Again, looking at the needs of the native Hawaiians and finding that they needed homes in the Hilo area, and knowing that in funding \$1,040,000 in '84-'85 I would be within my ceiling for CIP projects; and based on this, I made the

recommendation to the Ways and Means Committee and was turned down.

"I am here tonight to amend, to ask that you reconsider these projects and that you take into account why I have asked that these projects be substituted with other projects that are meritable.

"I've gone out and I've seen these areas, these sites. I'm here tonight to ask that you support what we're trying to do with the Hawaiian Homes Department, which is to expedite putting the people back on the land.

"The monies are there, if it's only being used and applied wisely as to projects that have merit. We can expedite this and put the Hawaiians back on the land.

"Thank you."

Senator Abercrombie, speaking in favor of the amendment, stated:

"Mr. President, speaking in favor of the amendment, again, I commend to the attention not only of yourself and the members, but of the people in the gallery because this is in fact a democracy that we have here, and you're seeing votes taken and people have to be accountable. And the way we're accountable here is that a record is kept and that's why we're doing this, of course.

"Because I tell you, again, I've not been here as long as some other members in this chamber but in the years that it has been my privilege to serve in this Legislature seldom, if ever, have I heard any chairman get up and time after time after time, virtually without any notes, without any kind of special preparation, be able to explain in more articulate detail the why and wherefores of what she is proposing.

"Seldom, if ever, have I heard a chairman take to the members assembled an argument, a plan, a proposal, a perspective, more compelling than that just given by the previous speaker, not just with respect to this amendment, but to all the other amendments.

"And I see silence; I see and hear silence, a derision, an incapacity to respond.

"I want to point out that this is just one day among many and that there will be a conference coming and those of you who are on the floor are

just simply voting no with your silence, in your inability to answer what the chairman has put forward.

"There will be a day of reckoning for you, and when you sit at that conference table coming up in public and try to defend yourself against the record being established here tonight, you will be found wanting. You are going to be creamed. You're going to be eaten alive at that table.

"Do you think that the chairman of the Finance Committee cannot read? Do you think that he will be unable to take these arguments? Any of you who are remaining silent, just voting no in your rote way, do you think you are going to be able to withstand there? I doubt that many of you will be there.

"No one seems to have the capacity ... I think the word integrity was mentioned a little earlier. Let's talk about physical integrity that one has ... apparently so many guts are spilled all over the floor that it's scarcely possible for anybody to get them in hand. And if you think it's bad here tonight, wait till you get into conference and you find yourself totally unable to explain yourselves, with respect to what the chairman is saying.

"I stand here ready, willing, desirous, my friends, of having any of you who would vote against the amendment to stand up and explain yourselves in justification as she has done.

"The Island of Kauai is well served. This state is well served by a chairman who's come into a rotten situation, one that has been explicated for us in studies of recent publication indicating that those of our neighbors and friends, fellow citizens of Hawaiian ancestry have gotten the short end.

"This is something that seems to be, of course, common knowledge.

"I referred before to those things which appear to be common knowledge, but these things are not the kind of knowledge, that is to say, the mere opinion of someone, but rather documented proof that the kind of creativity expressed by the previous speaker's remarks, the kind of interest, the kind of drive, the kind of take-charge attitude that she has expressed in this work, is exactly the kind of thing that the Department of Hawaiian Home Lands has needed for so many years.

"And we're to sit here tonight or stand here tonight and in silence reject these people! Not reject us!

"Most of us here tonight or stand here are not going to be on Hawaiian Home Lands; most of us sitting here are not going to be crying crocodile tears for the Hawaiians. We're just going to be presiding over the demise of the possibility of many of these people to be able to get their homes.

"Here we're dealing with sewage; we're dealing with all the other things. Those are explanations you cannot refute.

"I've been waiting all night for it and I think I have raised the question in a reasonable, straightforward, forthright manner. The answers have been, as I've indicated, elliptical at best, nonexistent at worst.

"Do you think you're going to survive this publicly? Why are we dealing with this tonight?

"I'll tell you why we're dealing with it tonight, and why these noes are flowing down and the faces are set so firm and people are so sure that they won some great triumph tonight. Pyrrhic triumphs! Pyrrhic victories!

"We're here because of the Ways and Means Committee, and it will be discussed, believe me, at great length and in great detail by myself, if not by others, before the evening is over.

"We have two sets of standards, one for themselves and one for the rest of us. And I assure you, Mr. President, there will be another great silence that takes place when I go into this in great detail too because there will be no one who sits on that committee or who looks at me now who'll stand up to refute it because the facts are on my side, justice is on my side, and it doesn't bother me in the least.

"My canoe's in the water and it's out past the half-way point and I'm not coming back; my course is set. And those of you who want to go on another course, be my guest, because the record is here for all to see and read. And all of you who sit back in silence now, wait and see what happens when you come to the conference if you deny this amendment and amendments to follow, if they have merit, because what's going to happen is your're going to find a few people say, 'Oh, you take

care of it; I don't think I care to speak on that; oh, yes, I'll stay in the background,' just like you're doing tonight. Zero! Useless! A caricature of the legislative process.

"That's all right, it's happened before in history, it'll happen again. We all have to answer for it one way or another; presumably some people will propose or purport that they will champion the cause such as is invested in the Hawaiian Home Lands, in law and in policy.

"Those who attempt to take that kind of a course, they will be able to answer in time, I suppose, for what they do this evening or any other evening. They can try. But I know this, that we're not going to find the kind of intensity, the kind of intelligence, the kind of thorough preparation such as I see reflected in these amendments, the kind of work that's been done.

"I like to think I put in my time. I like to think that I'm not gone at 1:00 o'clock in the afternoon; can't be found except out on the golf course, working on that 19th hole all afternoon like some members. That's all right, it's a democracy.

"If you want to come in here and you can fool people long enough to be able to do that kind of thing, I suppose we can get away with democracy, survive that kind of thing.

"Certainly, this body will survive, Mr. President, but the question is, will the people who will benefit from the passage of this amendment and others, which may have merit or had merit this evening and went down, what will their answer be? What will we say to those people in response to the remarks of the chair with respect to the merit of these amendments?

"What are you going to say? Will the answer be, 'Oh, we had one way of doing it and then we changed our minds and we didn't bother to tell anybody so we got the votes and we're gonna do it.' Well, you've got the votes. I tried to get the votes the other way; I'm going to try to keep on getting the votes the other way; keep on voting this way and what's going to happen, Mr. President, beyond the shadow of a doubt, is that this session will become a shambles because of the lack of capacity and determination by those who refuse to defend the propositions that they favor in this public forum.

"It's not for the chair to defend this amendment. On the contrary, she has stated factually, simply, rationally, what it is that she desires and why it is that she desires it to happen. The answer is, I say, has been an echoing silence.

"Therefore, the defense, Mr. President, rests not with the chair, but in those who would deny the logic of her wisdom with respect to asking us to pass these amendments. So, as we move through the evening and on the days to come, for those of you who feel that the way to do things is to have one set of rules for yourselves and another set of rules for other people, I commend you to the tender mercies of the House Finance Committee and its Speaker and members, and then we will see who it is that shall be able to defend himself or herself. Who it is that will be able to come forward with a program upon which the Senate or the House or the Legislature as a whole can stand firmly, proudly.

"We will find out at that point, Mr. President, whether this evening and an item like this amendment that I have before me now was but a manifestation of a much larger problem that we had and continue to have and probably will have after this evening.

"Whether there is a lack of confidence, a lack of trust, whether there has been, as far as I'm concerned, a breach of trust, and it is to that end that I have supported these amendments and to that end that I want to see changes made in the way we're conducting business.

"Mr. President, I have tried with all the powers at my command, verbally and intellectually, to persuade you to join me in passing these amendments. I have not succeeded to this point.

"Mr. President, I would venture to say that it is not necessarily because you remain unpersuaded by either my discussion, the discussion of the chair or perhaps others who have been in favor of it. I would posit for your attention that there is another agenda that is being worked out here this evening, one that I freely admit to that here now or at another time, with respect to my dissatisfaction as to the way these negotiations, these participations, these coordinations, these consultations have taken place to the point where I cannot tolerate it, I cannot stomach it any longer.

"Mr. President, I appeal to you on this amendment and those coming to join with us and I think for good reason.

"Mr. President, you had my vote for president without asking for it. You did not need to ask for it because I admired and respected the leadership that I thought you would provide. You have my vote now but, Mr. President, I cannot accept the manner in which business is being conducted by the Ways and Means Committee and by its supporters as the pattern of these votes are merged and, therefore, among other things, because I think you know me well, in that respect you know that I will take my case to you and the other members and do the best that I can to make you see that the logic that is being expounded by myself and by others, with respect to these amendments and with respect to the philosophy behind them, and with respect to the budget affairs, and to the manner in which legislation is being carried forward in the Legislature, not only has merit, but is compelling, a word that I have used more than once this evening and I state it again because it is the one that most cogently expresses what I feel.

"It is compelling in terms of whether we will succeed as a Senate this year and next year in being able to work effectively. Mr. President, I make that appeal to you now; join with us please on this amendment, and perhaps if you are persuaded to do so you may be persuaded and others may be persuaded as well to carry forward a discussion and resolution of these differences, which are surely manifest here this evening, not just through this amendment but in the amendments to come, the amendments in the past several hours with which we have contended.

"Failure to do so, Mr. President, whether with this amendment or any other, will result in a situation of confrontation in which the loss, I assure you, will not be mine will not be yours, but in all likelihood will be the people of the state. Thank you."

Senator Yamasaki, speaking against the amendment, stated:

"Mr. President, members of this body, here is a beautiful example of the kind of recommendations made by the subject matter committee chairman. The amendment says 'to delete and insert by adding Panaewa

residential lots, unit 3, 1983-1984, zero; 1984-1985' and look at those figures, one billion forty million dollars for Panaewa residential lots, unit 3. If we accept this kind of recommendation, the state will be in terrible shape."

Senator Fernandes Salling responded: "Mr. President, let me clarify something for the chairman of the Ways and Means Committee.

"I'm sorry, it is one million forty thousand dollars, not one billion. If you are questioning this amount, I would like to just say that the ceiling that was set for my committee for 1984-1985 was \$3,125,000. This is \$1,040,000, within the ceiling. The amendments that come further will show you that I have met the ceiling by the deletion of four different projects.

"Thank you, Mr. President."

Senator B. Kobayashi then rose on a point of clarification and stated:

"Mr. President, I believe the chairman of Ways and Means Committee was merely referring to the fact that normally in our budget in the CIP area, we have figures representing thousands of dollars, and hence there may have been an error by subject matter chairman in fully enumerating the one million dollars with the zero's at the front end."

The Chair responded: "I think it was an inadvertent error, and that was not the intent of the chairman of the subject matter committee."

Senator B. Kobayashi then added: "Mr. President, a few words about this project.

"Subject matter chair suggests that a gravity sewer system will not work in Waimanalo and that pumps will be needed. What we have from the department indicates that the other half of the system is working and is a gravity sewer system.

"Further, I would note that the Makapuu interceptor sewer system, which was noted, is scheduled for completion in late 1984 and will be available for connection in and around the time of the proposed completion of the HHL project. Thank you."

Senator Fernandes Salling responded: "Mr. President, the existing, the other half of the system is not in operation. It's been there for ten years.

"As far as what condition those lines are in, I really wonder, because Waimanalo is close to sea level. I don't know if those lines are still good to this day. It's been sitting there; there's been no hook-up. This is why, I guess, they decided that they had to take monies from Hawaiian Home Lands, hook in to this Makapuu interceptor line because they had a system sitting there for ten years that they had built that was never hooked in to anything, and now they're coming back to us and they're asking us for a million dollars to complete this system and there has been no commitment by the federal government in writing or anywhere that this Makapuu interceptor plant will be completed by the date that the vice-chairman of the committee said it would be.

"I have requested, in writing, from the department, from the City and County of Honolulu, from the state Health Department; I've requested in writing when this system ... when these funds, federal funds, will be received to complete this Makapuu interceptor plant, and I haven't received anything to this date.

"All I've been told was that we think the monies are coming; we should be getting it at the end of this year; and all of this was done on a handshake between someone in the Department of Hawaiian Home Lands and the City and County of Honolulu.

"Thank you."

Senator Kawasaki then asked if the vice-chairman of Ways and Means would yield to a question and the Chair posed the request to Senator B. Kobayashi.

Senator B. Kobayashi replied: "Yes, Mr. President, if I can answer it."

Senator Kawasaki then asked: "Mr. Vice-Chairman, have you had the opportunity to perhaps conduct an on-site inspection of this particular facility, in view of the magnitude of the amounts involved in this particular appropriation or had you instructed any staff member who may have been available to perhaps take a look at the project on site?"

Senator B. Kobayashi answered: "Mr. President, I have not personally inspected the system or the site and I have not been involved in directing staff."

Senator Abercrombie in support of the amendment then added:

"Mr. President, speaking in favor of the amendment, again, and I point out to you, the record is being kept, the tapes are running to be printed. This is going to get more embarrassing by the minute.

"The economic lessons that we continue to get from the vice-chairman of the Ways and Means Committee are so manifestly full of holes that I shudder to think what's going to happen when we get into conference.

"The chair of the committee, over and over again, obviously is in full command and in control of the subject matter, again I say, in a manner that I have seldom witnessed certainly on the floor of the Senate or in the House of Representatives.

"I'm only happy that representatives of the media are here to record it as well. I am very unhappy about the spectacle that's going to be made by the kind of ... I can't even call ... I can't honor them with the idea of argument that they will come up with.

"This is the kind of information that we're going to be dealing with. This is the reason why we're having the trouble. Our problem is that we have a situation where competence is not even remotely being expressed by those who would thwart the will of the chairman in her request not only in this particular instance, but in the other instances cited so, and if the record of the chairman in presenting arguments for these amendments continues with the amendments to come and the record of those who would oppose it continues to be such as it is, the debacle will only worsen."

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

Ayes, 10. Noes, 15 (Ajifu, Aki, Chang, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Fernandes Salling then offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.D. 1, amended as follows:

1. PART IV, SECTION 121, Item F-5 is amended by deleting the following:

Keaukaha Residence Lots, gravity sewer system.

To prepare detail designs and plants and to construct a gravity sewer system by sewage disposal for existing and future homesteaders of Keaukaha residence lots, Hilo, Island of Hawaii

	<u>FY 1983-84</u>	<u>FY 1984-85</u>
Design		100
Total Funding		100

2. PART IV, SECTION 121, Item F-5 is amended by adding the following:

Kekaha residential lots, Unit 2.

To construct site improvements to develop 27 residential single family lots.

	<u>FY 1983-84</u>	<u>FY 1984-85</u>
	0	800"

Senator Fernandes Salling moved that the amendment be adopted, seconded by Senator Abercrombie.

Senator Fernandes Salling then explained the amendment as follows:

"Mr. President, this amendment is to delete the following project that was recommended by the Department of Hawaiian Home Lands - Keaukaha residence lots, gravity sewer system; to prepare detailed designs and plans and to construct a gravity sewer system by sewage disposal for existing and future homesteaders of Keaukaha residence lots, Hilo, Island of Hawaii; fiscal year '83-'84, design total funding, zero; fiscal year '84-'85, design \$100,000; total funding \$100,000.

"I'm amending it by adding the following substitution for this project with the Kekaha residential lots, unit 2; to construct site improvements to develop 27 residential single family lots; fiscal year 1983-84 construction money, zero; fiscal year 1984-85 construction money, \$800,000.

"With the deletions to come, this is within my ceiling for the capital improvement projects, Mr. President.

"I went to Keaukaha which is on the Big Island in Hilo and I toured the entire area with the commissioner from that area along with the staff member who runs the project office in Hilo.

"I asked if they had had any problems with their cesspools and was

told, 'No.' I asked if they'd had any problems with new homes and cesspools, and again was told, 'No,' by the commissioner who lives in this area. In fact, she was really rather surprised when she found out that monies were being appropriated here for the design of a gravity sewer system for the entire area because they have had no problems with cesspools, none whatsoever.

"I really was at a loss as to why the department recommended \$100,000 design monies to this system in 1984-85.

"I went and checked the records further and found that they were going to come back the next year and ask for a million dollar appropriation for the gravity sewer system line, and yet there was no justification for it.

"I asked the department again to provide me figures to justify why this was needed; to provide me the number of times that they had to pump cesspools in this area. They gave me the standard boiler plate which they've used to justify every gravity sewer system request, basically, that we have had complaints, that we've had to pump and on and on.

"Yet, when I asked the people who lived in that area and the commissioner who is responsible for those people in that area, she assured me that they had never in her history had any problems with their cesspools.

"In light of that, I substituted for this project the construction monies of \$800,000 to build 27 residential single family lots on the Island of Kauai in Kekaha, which would complete the entire package for that portion, for that side of the island. This is the last of the remaining lots that need to be built and there will be no further Hawaiian Home Lands to build on that side of the island. We can then move on to other areas in other islands.

"As I stated earlier, we did find the monies to provide the loans for these homes if this project is funded and approved by this body this evening.

"And, again, I ask for your consideration to substitute this project, the Keaukaha gravity sewer system line, which I have to again point out, although they're requesting only \$100,000 in design monies this year, they will be coming in for a

million dollars next year, and there is absolutely no justification for this project whatsoever. Thank you."

Senator Abercrombie spoke in support of the amendment as follows:

"Mr. President, speaking in favor of this amendment, I would like to make a request of the chairman of Ways and Means Committee as to whether or not the information provided by the chair, in terms of what she indicated, namely, that there will be a request next year for some million dollars with respect to this project, to follow up on the \$100,000, whether that to his knowledge is a true statement? I beg your pardon, '85-'86?"

Senator Yamasaki answered: "Mr. President, the project description requires \$100,000 for '84-'85, then for the future years, \$1 million."

Senator Abercrombie thanked Senator Yamasaki and continued:

"Mr. President, would the chairman answer a question as follows ... the chair of the subject matter committee has indicated that she was unable to find any reason to put forward the \$100,000 in the light of the coming \$1 million expenditure because the reasons stated for having the \$100,000 plus \$1 million was lacking in merit. Would he comment as to how he determined that it was deserving of merit and what we can expect, and does he expect then to spend the million dollars in the budget up coming after this one?"

Senator Yamasaki answered: "Mr. President, according to the information submitted to us, the Hilo sewage treatment plant which is located across the Kalaniana'ole Street from Keaukaha residential lots was constructed in 1965, and the project scope is to prepare detail designs and plans and to construct the gravity sewer system for sewage disposal for existing and future homesteaders of Keaukaha residence lots, Hilo, Island of Hawaii."

Senator Abercrombie responded: "Yes, Mr. President, I beg your pardon, but my question wasn't whether or not the chairman could read what was submitted. I assumed that that's the case."

The Chair then remarked: "Senator Abercrombie, I think that was the justification for why they decided not to agree with the subject matter chair."

Senator Abercrombie continued: "Mr. President, the chair has indicated that she has investigated the situation and found it wanting.

"Could the chairman of Ways and Means Committee indicate other than by submission of what was characterized as the boiler plate language for justification of this project? Has he or any member of his staff checked to see what the veracity of the chairman's contentions were?

"The reason I ask this question, Mr. President, again, is not to be contentious but rather that with respect to many of the projects that we face, that we have to deal with, we do not have personal knowledge of it but when the chair of the committee makes an investigation and comes to a conclusion opposite of that which has been made by the department, one would assume that the chairman of Ways and Means would pay particular attention to that inasmuch as that is an unusual occurrence.

"My question to the chairman of Ways and Means is, what steps did he take to verify or see lack of verification of the chair of the subject matter committee's contentions?"

Senator Yamasaki answered: "Mr. President, as I said earlier in the evening, the subject committee chairman completely turned around all of the projects of the Department of Hawaiian Home Lands 360 degrees and, therefore, I could not conclude that they were correct.

"The Hawaiian Home Lands Department has a planner, has an engineer; they have the capital improvement program for the six years and this is how they planned their program. I cannot see how an individual can change the course of the department 360 degrees. I just cannot understand.

"Thank you."

Senator Abercrombie continued: "I see. Thank you, Mr. President, for relaying that question.

"The question then becomes one in which reliance is made upon a department whose record to this point is not what one would call exemplary. It would seem to me, on the contrary, that for the first time that you have had a chair that actually went out and took a good look at what was going on and came up with a different conclusion.

"Of course, you don't see any difference over a six-year period when nobody's paying any attention. That's the reason that these surveys are coming out and all these are being made and all these reports are coming out that the whole thing is in a shambles.

"Surely, the chairman is not indicating that in the face of this incredible array of material and data which indicates that from stem to stern this department is among the most chaotic, ill-managed creatures on the face of the earth, that to take that into account and thus go into the field and find out what is actually going on and wonder of wonders conclude that we, in fact, those people who are making an objective appraisal are dealing with something that's on the level.

"Surely, under all those circumstances one would tend to think that the chairman is actually doing a good job and is something that ought to be followed up on.

"Instead, the response is that whatever they were doing before, which by definition of all these reports, is either less than nothing or worse than demoralizing for the Hawaiians who have to suffer under it should be continued.

"The whole point of this affair is that the committee is out doing its work and the chair is now being punished for finding out the truth. Wait till you get into the conference!"

The Chair answered: "If you keep talking, we won't get there."

Senator Abercrombie responded: "Well, I may not be able to have the opportunity. I don't know yet. But I'm feeling better and better as I go along. I mean, my heart soars because whatever trepidation that I felt at the beginning of the evening is like the layers of the Maui onion, peeling away from me and I'm down to that sweet core of revealed truth where I can see that the direction that we're moving in is the right direction.

"And I know, in fact, it just seems to me, as I stand here right now, that it is a shame in a certain respect that people are being deprived of my evangelical capacities because, let me tell you, I feel tonight as I listen to the terrific presentation that's been made here tonight that I'm moved to witness. That's what they call a religious conversion, you're going to

bear witness.

"I feel more of the power of truth coming out in me more and more and I feel even if it is twenty after eleven that this power is going to grow and grow in me as the evening progresses, because I'm so happy to find out that we have a chair that is really taking hold, really getting a hold of the subject matter and getting in there. It puts some of us to shame, I must say."

The Chair then interjected: "Senator Abercrombie, your acting has improved too."

Senator Abercrombie continued: "Mr. President, I appreciate that remark to no end that I would like to think it's not so much an improvement but rather a refinement that is taking place and the reason for it is, of course, is that as I listen to the presentation coming forward from the chair that I fear for our capacity to be able to respond if we reject it."

"So, what I'm doing is calling upon you and the other members to not just search your hearts as to whether or not you want to continue this affair this evening in the manner in which it's been conducted, but rather whether or not you will find yourselves in a position of being unable to explain what it is you're doing and why, other than by saying somebody told us whose credibility at the very least is suspect. Thank you."

Senator Kawasaki, in support of the amendment, stated:

"Mr. President, last night for one of those rare treats I accord myself, I went to see, because my wife's been badgering me for many weeks now, to see the picture called 'The Verdict' in which Paul Newman ... (evidently, he's going to win the Academy Award) ... made his last minute plea to the jury, which I think was very eloquent though perhaps not as theatrical, to use that term as that of the good Senator from the Sixth District had demonstrated (I think he outdid Paul Newman)."

"But, Mr. President, the subject matter committee chairman very clearly, very logically on this project, as well as some of the other projects, demonstrated the imperative need for an amendment to that budget portion which deals with these CIP projects."

"This is one of those nights in my 16 years' experience here that I feel

good about being in the Senate of the State of Hawaii. I want to, as I have in the past, commended Senator Abercrombie for a brilliant, impromptu dissertation of the issues on hand. I'm grateful to you as the presiding officer for presiding in a very fair, liberal fashion, allowing this kind of debate, which is good, which is, I think, very enlightening."

"While I'm elated over this situation, I'm very saddened by the rote like fashion in which many freshman Senators who are and going to be committee chairmen are responding."

The Chair interjected: "Senator Kawasaki, the Chair asks that you speak on the amendment."

Senator Kawasaki continued: "My point is, I join Senator Abercrombie in saying the amendments offered by the subject matter committee chairman are perfectly logical."

"I would think that we have in this body fair-minded people who vote on issues based on merit. I anticipate that that will not be so."

"I anticipate that like some of the votes on the other amendments the count is going to be more often than not, 11 to 14 or perhaps 10 to 15."

"I close my advocacy of the amendment with this one sermon, if you will, to the newer chairmen that when a new diligent committee chairman does the kind of homework that she has done on these issues and gets the kind of support that she has gotten in this body, then don't cry in future years if this happens to you!"

"Some day, notwithstanding any diligent effort you may have exerted to be a good chairman, to do your homework, to make a good presentation, you may be voted down, because all this will, in due time, be your experience."

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

Ayes, 10. Noes, 15 (Ajifu, Aki, Chang, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Uwaine, Yamasaki, Young and Wong).

At 11:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

At this time, the Chair made the following announcement:

"The Chair would like to announce that, since many members of the public may be interested in reviewing some of the bills which have been decked here today, for the benefit of those interested people, copies of all the bills will be available for public inspection tomorrow at the office of the Senate Sergeant-at-Arms from 9:00 a.m. to 4:00 p.m.

"In addition, the Chair would like to call to the members' attention that probably the time will expire this evening and House Bill 1 will be part of history and, in addition, to House Bill 914, H.D. 1, and House Bill 527, H.D. 1.

"In all probability, we will come back next week and vote again on second reading, House Bill No. 1."

Senator Fernandes Salling then offered the following amendment:

"SECTION 1. House Bill No. 1, H.D. 1, S.D. 1 is amended as follows:

1. PART IV, SECTION 121, Item F-6 is amended by deleting the following:

Nanakuli Residence Lots, Gravity Sewer System to prepare detail designs and plans and to construct a gravity sewer system for sewage disposal for existing and future homesteaders of Nanakuli residence lots, Oahu.

	<u>FY 83-84</u>	<u>FY 84-85</u>
Design	0	100
Total funding	0	100C

2. PART IV, SECTION 121, Item F-6, is amended by adding the following:

KEAUKAHA RESIDENTIAL LOTS, INCREMENT 2 To construct site improvements to develop an additional 22 residential single family lots.

	<u>FY 83-84</u>	<u>FY 84-85</u>
	0	700"

Senator Fernandes Salling moved that the amendment be adopted, seconded by Senator Abercrombie.

Senator Fernandes Salling, in support of the amendment, stated:

"Mr. President, this is to Part IV, Section 121, Item F-6, and is amended by deleting the following: Nanakuli residence lots, gravity sewer system, to prepare detail designs and plans and to construct a gravity sewer system for sewage disposal for existing and future homesteaders of Nanakuli residence lots, Oahu; fiscal year '83-'84, design, zero; total funding zero; fiscal year '84-'85, design, \$100,000, total funding, \$100,000.

"Mr. President, I've amended it by adding the following: Keaukaha residential lots, increment 2, to construct site improvements to develop an additional 22 residential single family lots; fiscal year '83-'84, zero; fiscal year '84-'85, \$700,000 would be the total amount required to construct site improvements for 22 residential lots in Keaukaha on the Big Island.

"The reason for this substitution is again ... the department had no justification to the gravity sewer system. ..."

Senator Cobb, rising on a point of order, stated: "Mr. President, the clock is midnight; we have run out of time."

The Chair responded: "No, not quite, the clock has approximately one minute and ten seconds remaining."

Senator Fernandes Salling continued: "There was no justification for this Nanakuli residence gravity sewer system.

"When I requested someone to go out to review this site with me, they sent John Rowe and said that he was the project manager and could answer all my questions. We got down to Nanakuli and I asked him where this gravity sewer system was going to be installed and he said ... "

The Chair then announced: "Members of the Senate, time has expired."

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until Monday, April 4, 1983.