

FIFTY-SEVENTH DAY

Tuesday, April 19, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Olin Pendleton, Pastor of Kokokahi Church, Kaneohe, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-Sixth Day.

Senator A. Kobayashi then introduced to the members of the Senate a group of students from Our Redeemer Lutheran School, who were sitting in the gallery, accompanied by Senior Class Adviser, Lee Barton.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 288) informing the Senate that on April 14, 1983, he signed the following bills into law:

H.B. No. 275 as Act 2, entitled: "RELATING TO INSURANCE," and

H.B. No. 276 as Act 3, entitled: "RELATING TO INSURANCE,"

was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 596 to 630) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 596) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 6, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 597) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 42, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 598) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 43,

H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 599) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 114, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 600) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 182, was placed on file.

A communication from the House (Hse. Com. No. 601) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 253, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 602) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 256, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 603) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 268, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 604) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 269, was placed on file.

A communication from the House (Hse. Com. No. 605) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 272, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 606) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 287, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 607) informing the

Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 289, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 608) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 325, was placed on file.

A communication from the House (Hse. Com. No. 609) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 519, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 610) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 722, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 611) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 810, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 612) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 813, was placed on file.

A communication from the House (Hse. Com. No. 613) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 817, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 614) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1061, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 615) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1123, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 616) informing the

Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1151, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 617) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1231, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 618) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1237, was placed on file.

A communication from the House (Hse. Com. No. 619) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1401, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 620) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1402, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 621) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1583, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 622) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 69, H.D. 2, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 623) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 338, H.D. 1, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 624) informing the

Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 576, H.D. 1, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 625) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 783, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 626) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1087, H.D. 2, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 627) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1363, H.D. 1, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 628) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1434, H.D. 1, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 629) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1438, H.D. 1, and the Speaker, on April 18, 1983, discharged the Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 630) informing the

Senate that the Speaker, on April 19, 1983, discharged Representatives Crozier, Kawakami, Okamura, and Dang, and added Representatives Hirono, Matsuura and Ikeda as Managers on the part of the House at the conference on H.B. No. 1018, H.D. 2, S.D. 2, was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 502, H.D. 2, presented a report (Conf. Com. Rep. No. 6) recommending that H.B. No. 502, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and H.B. No. 502, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Machida, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 236, S.D. 1, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 236, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and S.B. No. 236, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 191, S.D. 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 191, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and S.B. No. 191, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments

proposed by the House to Senate Bill No. 450, S.D. 1, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 450, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and S.B. No. 450, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 621, H.D. 1, presented a report (Conf. Com. Rep. No. 10) recommending that H.B. No. 621, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and H.B. No. 621, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 915, presented a report (Conf. Com. Rep. No. 11) recommending that H.B. No. 915, S.D. 1, as amended in C.D. 1, pass Final Reading.

By unanimous consent, Conf. Com. Rep. No. 11 and H.B. No. 915, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was recommitted to the Committee on Conference.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 55, S.D. 1, presented a report (Conf. Com. Rep. No. 12) recommending that S.B. No. 55, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and S.B. No. 55, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BUSINESS CORPORATION ACT," was deferred

for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 929) informing the Senate that Conference Committee Report Nos. 6 to 12 and Standing Committee Report Nos. 930 to 944 have been printed and have been distributed to the members of the Senate.

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

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 930) recommending that House Bill No. 703, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 930 and H.B. No. 703, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY," was deferred until Thursday, April 21, 1983.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senators Uwayne and Hagino, for the Committee on Transportation and the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 931) recommending that Senate Concurrent Resolution No. 47, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.C.R. No. 47, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF DEFENSE AND TRANSPORTATION TO GIVE DUE AND CAREFUL CONSIDERATION TO THE FEASIBILITY OF MAKING A MILITARY AIRFIELD ON OAHU AVAILABLE FOR JOINT CIVILIAN AND MILITARY USE IN ITS SEPTEMBER 1983 REPORT TO CONGRESS," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 932) recommending that House Bill No. 1117 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. 1117, entitled: "A BILL FOR AN ACT RELATING TO STATE FAIRS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 21, 1983.

Senators Cobb and Mizuguchi, for the Committee on Consumer Protection and Commerce and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 933) recommending that Senate Concurrent Resolution No. 61, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ARRANGE FOR A STUDY OF THE WORKERS' COMPENSATION PROGRAM BY THE LEGISLATIVE AUDITOR," was adopted.

Senators Cobb and Mizuguchi, for the Committee on Consumer Protection and Commerce and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 934) recommending that Senate Resolution No. 77, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.R. No. 77, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE TO ARRANGE FOR A STUDY OF THE WORKERS' COMPENSATION PROGRAM BY THE LEGISLATIVE AUDITOR," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 935) recommending that Senate Concurrent Resolution No. 49, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW THE IMPLEMENTATION AND ADMINISTRATION OF THE PILOTAGE LAW," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 936) recommending that Senate Resolution No. 60, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO REVIEW THE IMPLEMENTATION AND ADMINISTRATION OF THE PILOTAGE LAW," was referred to the Committee on Legislative Management.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 937) recommending that House Bill No. 684, 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. 684, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 21, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 938) recommending that House Bill No. 527, 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. 527, H.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 Thursday, April 21, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 939) recommending that House Bill No. 914, 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. 914, H.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 Thursday, April 21, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 940) recommending that Senate Resolution No. 58, as amended in S.D. 1 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 58, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO KAHANA VALLEY," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 941) recommending that Senate Concurrent Resolution No. 46, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 46, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO KAHANA VALLEY," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 942) recommending that Senate Concurrent Resolution No. 43, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GENERAL SERVICES ADMINISTRATION TO REFRAIN FROM DISPOSING OF ANY FEDERAL SURPLUS LANDS UNTIL THE STATE AND COUNTIES OF HAWAII HAVE BEEN ABLE TO FULLY DETERMINE POTENTIAL USE OF THESE LANDS," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 943) recommending that Senate Concurrent Resolution No. 35, as amended in S.D. 1 be adopted.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 35, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' INTENT TO EXPAND THE USE OF CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 944) recommending that Senate Resolution No. 65 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 65, entitled: "SENATE RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE NATURAL RECREATIONAL AND HISTORIC PARK AT KAPUA, HONOMALINO, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN SOUTH KONA AND KA'U, ISLAND OF HAWAII," was adopted.

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 18, 1983

THIRD READING

House Bill No. 237:

By unanimous consent, action on H.B. No. 237, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF TUBERCULOSIS," was deferred until Wednesday, April 20, 1983.

Standing Committee Report No. 902 (H.B. No. 601, H.D. 1):

Senator Uwaine moved that Stand. Com. Rep. No. 902 be adopted and H. B. No. 601, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

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

"Mr. President, to no one's surprise, I would like to speak against Standing Committee Report No. 902, House Bill No. 601, relating to motor vehicle equipment.

"Mr. President, this is an old friend about which we have had considerable discussion in the past.

This refers to tinted windshields. I think it's been around for a couple of years, as a matter of fact.

"First off, I would like to assure my colleagues in the Senate and, indeed, anyone else who has tinted windshields, that there's nothing personal about this. I don't wish to deprive anyone of having tinted windshields on their automobiles although I understand some of my colleagues do indeed indulge in same.

"What I'm concerned about is an assurance that I have been given repeatedly that we are preempted from enacting anything that has to do with the visibility standards of windshields on automobiles. I've had it told to me by attorneys; I've had it told to me by people from Washington; I've had it told to me from the Ninth Federal District, the Secretary's representative's office.

"The way in which we are preempted is that we are preempted in any aspect of performance that's dealt with in federal statute or federal regulations and the visibility standard is an aspect of performance; therefore, our preemption.

"I understand that we can legislate, if we want to, on the way in which windows go up and down, the size and shape of windows, the color of tinting, so long as we don't legislate in the area of the transmission of light or visibility.

"I recognize that other states have enacted legislation in this same area. The information that I received is that there will be litigation; that states will be called to account by the Federal Government in this case and I don't think we ought to encourage litigation. Let's wait and find out what happens in other states ... cost money to litigate in this case so I think we ought to hold off on this one.

"Thank you, Mr. President."

Senator Carpenter added: "Mr. President, I'd just like to remind the good Senator from the Windward District that federal preemption also applies to the Hawaii Newspaper Preservation Act. Thank you."

Senator Kawasaki spoke for the measure and said:

"Mr. President, I rise to speak in favor of the bill.

"Before I do that I'd like to give

due credit to people who were very energetic and responsible for the enactment of this statute which is now going to, perhaps, unclutter our court calendar where people were being cited for possible violation of the window tinting regulation, not a law, but regulation, adopted by the Department of Transportation, in my judgment, rather arbitrarily ... these cases will be settled very definitely, I hope, in the future.

"First of all, I'd like to give credit to the chairman of the House Transportation Committee, Representative Brian Taniguchi, and a member of that committee, newly elected Representative Mercado Kim, and the person who did a lot of leg work in doing a lot of very intense research, about the federal statutes, our regulation regarding window tinting, Mr. Steve Walston, who represents the industry, people who do the tinting, in the tinting business. Credit is also due to the research and the staff work done by Senator Uwayne and his committee.

"This, I think, for the first time puts on our books a statute that is a reasonable regulation of the use of window tinting. This is going to be a boom to some 38,000 motorists who, I understand, have window tinting of some sort or the other.

"The bill very definitively outlines what is going to be permissible, at least, by the State of Hawaii.

"Many states do not have any regulation regarding window tinting. Some states totally disregard any type of regulation so everything is allowed, so to speak. I think the bill, as it was finally drafted and agreed to by both the House and Senate, is a reasonable one.

"Let me just outline briefly what it does.

"First of all, it allows the use of window tints for all windows where the tint allows 35% light transmission, and if you were to go in to one of these cars using the 35% light transmission tint, you'll find that it's perfectly reasonable. It provides the comfort; it helps to exclude the heat and glare, particularly, the ultraviolet rays. It excludes 95% of the ultraviolet rays which is proven to be harmful to many individuals.

"Incidentally, it was pointed out in the committee deliberations that when a dermatologist examines a patient coming into his office for skin cancer,

the first examination that he conducts is to look at your left arm, primarily because this is where, when you're driving, the sun's rays hit your arm consistently. That's the first examination he makes and the committee deliberations brought out the fact that usually these tints, the proper type of tinting material, excludes up to 95% of the harmful ultraviolet rays.

"The bill that is finally before us does not, does not permit tinting in the front windshield, which is to say the front windshield has to remain clear, although there are some states that even allow tinting the front windshield. It does allow up to six inches on the upper portion of your windshield, the use of the 35% light transmission material, but anything below that is not to be tinted; which is to say that it provides, retains the driver safety factor that we're all concerned about.

"There was some testimony provided by opponents of the bill to say that if you use too dark a tint, law enforcement officers, for example, cannot see the occupants ... who the occupants are.

"I concede that when the tint is too dark, and there are some very dark tints, this law will prohibit the use of these tinting material which is too dark. Thirty-five percent is a reasonable compromise. People who are the occupants can be seen.

"At night, however, the visibility of the occupants, at least the detailed visibility of the occupants is not as easy. Perhaps this is desirable. Many people, I was surprised to find out, use these tints because they want their womenfolk in the family, their wives, their daughters, to be safe at night.

"We have had many incidents of women drivers being accosted and being harassed on the road, particularly on the Windward side where the cases have been pretty bad where hoodlums would accost women drivers, knowing that they are women drivers, particularly at late hours of the night. Many people use these tints primarily so that people cannot see that their wives or their daughters are driving and they use the tints for that purpose.

"I think the bill now, as it stands, when it is enacted, at least is going to provide some very specific standards which will be used by the courts in trying to determine what is

to be the adjudication result. The courts heretofore have not been able to provide any kind of a judgment because the regulations, as it stood on the books, were very nebulous.

"I'd like to respond to the previous speaker's remarks that the Federal Government preempts all state statutes in this regard.

"I'm reading from a letter sent to the chairman of the Transportation Committee by the Department of Transportation, State of Hawaii, which says in effect ... let me read one section.

'The federal preemption law does not apply to businesses or vehicle owners. The federal regulations do not govern vehicle owners. Only the state law can regulate the owners. However, dealers and repair businesses are federally regulated';

that is to say, the federal regulation providing for a minimum of 70% light transmission, that is the federal standard, applies to manufacturers and to automobile dealers. It does not apply to the end-user which is the automobile owner who uses these tints.

"The federal regulations do not govern vehicle owners, only state law can regulate owners. However, dealers and repair businesses are federally regulated.

"The rest of this letter goes on to other details of the Federal Highway Safety Law which has no relevancy to the window tinting.

"But my point is the 'feds,' in my judgment, according to this letter and according to verbal opinions that I received from the Attorney General's office, the federal regulations do not apply to the end-user and businesses who sell these tinting materials, so this is to say that the law is going to be enforceable. I think it's going to be sustained by the courts.

"At least now, for the first time, the State of Hawaii is going to provide some very reasonable standards by which people can use these window tints. And I dare say, I dare predict that once this is enacted into law, people who try the window tints for reasons of their own are going to find that they are unable to do without the use of these tints.

"For those reasons, I think we should vote for this bill."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 902 was adopted and H.B. No. 601, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EQUIPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, A. Kobayashi and Soares).

Standing Committee Report No. 903 (H.B. No. 334, H.D. 1):

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 903 was adopted and H.B. No. 334, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 912 (H.B. No. 330):

Senator Uwaine then requested that Stand. Com. Rep. No. 912 and H.B. No. 330 be recommitted to the Committee on Ways and Means, and in explanation, stated as follows:

"Mr. President, yesterday the Senator from Makiki as well as the Senator from the Big Island, Hilo, raised some very valid concerns about this bill ... concerns that are both very reasonable and have merit, and since that time I have had the opportunity to go to my committee records and re-read the testimony that was presented by the Department of Transportation.

"After reading that testimony, it wasn't very clear as far as addressing some of the concerns that were raised by the Senators, therefore, I spoke to Dr. Higashionna of the Department of Transportation. After talking to him and other interested parties, I've come to the conclusion that the concerns raised by the two Senators are valid; there are some problems with this bill.

"In closing, Mr. President, I'd like to mention that they have every right to question certain bills on this floor and I welcome that; however, I would appreciate if it they would come to my office to talk to me about these bills or other concerns that they have.

"Again, Mr. President, I welcome this kind of discussion and as one

Senator said, there's no shame in moving to reconsider a bill ... and after consulting with Senator Yamasaki, we find that we'd like to reconsider this bill for further discussion and we'll take it upon ourselves to pass it out next year with the necessary amendments, in addressing the concerns raised by the two Senators.

The President, noting that there were no objections, recommitted Stand. Com. Rep. No. 912 and H.B. No. 330, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS," to the Committee on Ways and Means.

ADVISE AND CONSENT

Standing Committee Report No. 908 (Gov. Msg. No. 252):

Senator Yamasaki moved that Stand. Com. Rep. No. 908 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator Yamasaki then moved that the Senate advise and consent to the nomination of Hideo Murakami as Comptroller, term to expire December 1, 1986, seconded by Senator B. Kobayashi.

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

"Mr. President, I'm going to vote against the confirmation of Mr. Hideo Murakami.

"Mr. President, I don't have anything personal against Mr. Murakami. I like him; I think he is a very personal human being; however, during his tenure as the Comptroller, as the head of the Department of Accounting and General Services (DAGS), he has done some curious things, I think, which fly in the face of legislative intent.

"The first is the construction of that eyesore out on Vineyard and Punchbowl, which is a garage which will basically provide parking spaces for state employees, and the revenue derived from those parking spaces will never in our lifetime pay for the cost of those parking spaces. This was done in clear defiance, I think, of the intent of the Legislature. Those who have served here before remember that Mr. Murakami took advantage of some prior appropriations to get that parking lot started even though the Legislature in 1980 and even in 1981 and '82 took the position that that structure

should not be built, given the capital improvement needs of our community. But he went ahead and built it anyway. And if you ask me, I think, basically, the reason he went ahead to build it is a testimonial to the kind of administration he has given his department -- once you get something rolling, even though the facts and circumstances change, the train keeps on going; no reconsideration.

"The second reason is maybe a bit more personal.

"Mr. President, in 1974, I believe, or '73, the Judiciary came in to the Legislature and asked that a certain parcel of land adjoining the corner of Halekauwila and Punchbowl be purchased, be condemned. If I had to draw a diagram of this piece of land on a blackboard it would be rectangular in shape. That's the way the plans were when they came to the Legislature for the appropriation. But a curious thing happened... it happened here in the Senate. You weren't the President at that time so I guess we can't blame you for that one. But, Mr. President, you were Ways and Means chairman, as I recall.

"And, so, the parcel, when you looked at it, looked like a rectangle. And then a curious thing happened in the Senate. You see, someone had an office right in the middle of that parcel and if this parcel had been purchased under the lease that that particular party would have suffered some loss of economic gain, so we did a curious thing. I shouldn't say we because I wasn't here, I was in the House. The Senate did a curious thing. It cut up the parcel so that it looked like a horseshoe when they were finished. They cut a little piece right around this fellow's office and, of course, it turned out that this person had very strong connections with the executive. But I don't blame the executive for this because my discussions with him indicate that he didn't know anything about this. The person happened to be, at one time, the Governor's campaign treasurer, I believe. We're speaking about Mr. Norman Inaba and Greater Hawaiian Realty.

"And so, what happened, Mr. President, when you became President and we had the new politics in 1979 and 1980, we saw the conflict of interest and so we put about four or five million dollars into the budget. This drive was spearheaded by Senator Kawasaki and myself. At that time I was the Ways and Means chairman and Senator Kawasaki was a

member. We wanted to purchase that particular piece of property that was cut out, giving the Judiciary what it wanted from the beginning -- a whole parcel of land. Because, you see, when they cut the piece out, what it did to the Judiciary's plans for that particular parcel was to upset the whole appellation. They had to redesign the building to fit the configuration that came out of the Senate. To put it mildly, there was grease all over this particular appropriation, right up to your ankles.

"And so, what happened? We put the money back in, in 1979 I believe. Senator Kawasaki can nod in agreement, if it is 1979 ... right, okay.

"In 1979 we put the money back in and because of Mr. Murakami's direction of DAGS, that project has been stalled and stalled and stalled and stalled, and a few years ago we had to make a reappropriation because, otherwise, it would have lapsed. Today, of course, we are in no position to make any kind of appropriation and I assume that maybe next year, it will probably lapse.

"What I'm getting at is that the man obviously had different priorities than we do here. And I think that in that particular case the people of this state were the losers. The person who has his office there still continues to roll along; still does business. I assume that he has now derived some kind of economic benefit from that lease and the Judiciary has had to redesign the complex and things go on as usual.

"So, for that reason, I'm going to vote against Mr. Murakami's confirmation."

Senator Kawasaki then rose to speak in support of the nomination and stated:

"Mr. President, I rise to speak in favor of the confirmation of Mr. Murakami and, perhaps, I should explain here that, in my judgment, Mr. Murakami is not to blame for the delay in the acquisition of that parcel. One of the paradoxes that we experience around here sometimes ... two people in agreement on a basic issue may disagree on what some of the side issues happen to be, and this happens to be the case today.

"I think, because Mr. Murakami and the Department of Accounting General

Services have not moved on this project, the acquisition of the project, and because of the delay in the acquisition, it's going to cost the taxpayers several million dollars more. Had we started acquiring the parcel when the Ways and Means Committee, at our recommendation, allocated \$5 million to the Governor's capital improvement projects budget, and instituted eminent domain proceedings, we would have purchased that parcel, which is a logical purchase. First of all, this is perhaps the most logical acquisition on the part of the state for future use by the state for many types of activities ... parking, etc. And the acquisition, at that time, was needed, in my judgment, because the price would have gone up after the completion of the new judicial building, which is almost completed now.

"Sure enough, the price right now that Bishop Estate, the owner of the land, could commend is going to be millions of dollars higher. The delay in the acquisition is not one that I think could be blamed on Mr. Murakami. He happens to be the director of the department but he only takes orders from the administration. That's how simple this whole issue is. And, so, I feel that whatever the Governor's reason for delaying the acquisition and, incidentally, when we first went to discuss the possible acquisition of this parcel with the Governor he agreed. Subsequently, his mind changed for reasons not quite valid to me, and I expressed my disagreement with him. But to blame this delay, and we haven't acquired it to this day, on Mr. Murakami, perhaps, is not quite fair, in my judgment.

"For that reason, I would hope that this is not a reason for some of us to vote against Mr. Murakami."

Senator Cayetano responded: "Mr. President, as you can see, we are truly independent."

The Chair answered: "You're telling me."

Senator Cayetano then continued: "Mr. President, as I take my good friend Senator Kawasaki's remarks, he feels the blame should go higher. Well, Mr. President, unfortunately, I'm not sure I share that concern but the person who is responsible for the department happens to be Mr. Murakami.

"I suppose that if we follow Senator

Kawasaki's logic Mr. Yuen should never have been fired for the heptachlor problem. Of course, you can't fire his boss.

"The buck has to stop somewhere; it stops at the Department of Accounting and General Services. He's the one up for confirmation and I think that if you want to send a message to these department heads about the manner in which they do things, then you can help me do so by voting 'no.'"

Senator Kawasaki then added: "Mr. President, I just want to respond just briefly. If the good Senator, as he probably should be, is in a nonconfirming mood, there are some other confirmations that we have some very valid reasons for not confirming."

The Chair, at this time, remarked: "Members of the Senate, I just want to leave one note of caution. The Chair would like to say a few words but I don't think it's proper to do it at this time so I'll save my words for some later date. But, I do want to caution the Senators, that we stick to the nominations in and discussions and talk on the merits and demerits. I would like to caution you ... I know there are strong feelings that run through the Senate with reference to particular nominees and the Chair would just like to state that cautionary remark before we take up more confirmations."

Senator Cayetano responded: "Mr. President, do you feel my remarks were out of order?"

The Chair answered: "Well, I would put it this way ... that the inferences drawn from your remarks would indicate a train of thought which would lead other people to believe that there were things done not quite properly. I don't think that's the correct impression. That's the inference I got. I'm not sure ... I'm not trying to put words into people's mouths but the inferences, as I understand it. If you want to discuss the issue, I'm prepared to do so."

Senator Cayetano responded: "Well, I think that maybe we should discuss it publicly where the members of the Senate can make up their own minds as to who has the facts. I think I was pretty well-acquainted with the facts in that case. Certainly, I'm not sure whether Senator Kawasaki agrees with the inference that I raise. To me, it's no

inference that that particular parcel was cut out the way it was because it happened to house an influential political figure in this state. If You're telling me that's what I'm inferring, you're damned right."

The Chair answered: "Senator Cayetano, I don't want to take it to that level, but I think I ought to clear the record."

"As I understand your statement, you indicated that when this thing occurred I was chairman of Ways and Means; I wasn't the president at that time and wasn't responsible for it. But, subsequent to that, if I understand your statement correctly, you became chairman of Ways and Means and an appropriation was made to purchase the land before the actual construction of the building was started. If I remember the record correctly, I voted for the budget myself. So, I'm not sure just exactly what you're inferring."

Senator Cayetano responded: "I am saying, Mr. President, that that parcel was cut up here for political considerations, that's what I'm saying."

"Let me make that very, very clear ... you may think otherwise ... because a search of the record and the testimony given in that case and my discussions with the Judiciary and their plans indicated there was no other reason for the parcel to be cut up like that ... because after the parcel was cut up, the Judiciary had to redesign the whole complex."

"Now, if you can tell me what the reason for the parcel being cut up is, I'd like to know, because after five years in this body I still don't know."

The Chair answered: "Well, I think it would be incumbent for you, Senator Cayetano, to request that kind of information of the Governor. The money was appropriated. The intent of the Legislature was made known to the Governor by both House and Senate concurring in an appropriation of 'x' number of dollars to purchase that land in fee. I don't think it's proper to put it back on the lap of the Legislature."

"I think we did our job, we appropriated the money to correct whatever one might think is a problem. The releasing of the funds comes at the Executive level."

Senator Cayetano responded:

"Okay, I agree with you as to the subsequent action. I'm talking about the reasons for the parcel being cut up, Mr. President. I think that that has never been explained to the members of this body."

The Chair answered: "Well, I'm not sure that at the time the conferees met what the various reasons were. You might be totally correct in saying that it might have been some political consideration. You know, I'm not certain and I wouldn't swear at that time that that was the real reason. All I can say is that I think those kinds of things, Senator Cayetano, should be discussed at some other time. We should discuss the merits of the nomination before us. We should not draw some inference which the Chair felt were improper. It's just an opinion of mine and it may not represent the thinking of people in this building."

Senator Cayetano responded: "All right, the inference that I draw because this man is out for confirmation, Mr. President, is that had he been looking out for the public's interest, then that parcel, the money for that parcel should have been released."

The Chair answered: "That's the point that I want to make. Now, I can buy your arguments because I think you're talking about the acquisition and releasing of money to purchase and that's the point I wanted to make. Thank you very much."

Senator Abercrombie then remarked: "Mr. President, I have the impression from your remarks that you felt the previous speaker was referring to lack of legislative activity, even back perhaps as far as you were Senate Ways and Means chairman and I don't think that was the inference at all. If that's the meaning that you took, I think it was incorrect. I think that his final statement was in fact the thrust of his comments from the beginning."

The Chair answered: "But I think he clarified his stance, and I agree that the money was appropriated and it could have been released and the parcel could have been purchased. That's the point I wanted to make."

Senator Carpenter then added his remarks and said: "Mr. President, when I first came to this body in 1979, I took the occasion, at the beginning of the session year to walk across the street and to introduce

myself to Mr. Murakami, and in so doing I asked him if I could take a look at the EDP system, which I knew was located somewhere in the building. Mr. Murakami indicated to me that he wasn't exactly sure where it was at the time because he had not seen it. I decided, at that time, that I wanted to be the first guy to see it then and so I went downstairs, but I understand, since that time he has looked over the entire system with which he is charged the responsibility. And so with that assurance, I'm supporting his nomination."

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

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

Standing Committee Report No. 918 (Gov. Msg. No. 231):

Senator Young moved that Stand. Com. Rep. No. 918 be received and placed on file, seconded by Senator Holt and carried.

Senator Young then moved that the Senate advise and consent to the nomination of Georgiana Padeken as Chairperson to the Hawaiian Homes Commission, term to expire December 31, 1986, seconded by Senator Holt.

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

"Mr. President, I rise to speak in support of this nomination.

"Mr. President, on April 11, 1983, your Committee on Hawaiian Programs held a public hearing on the reappointment of Ms. Georgiana Padeken. All of the testimonies, except one, were strongly supportive of retaining Ms. Padeken as head of the commission. Speaking on her behalf were representatives of Alu Like, The Hawaiians, Friends of Waimanalo, Waianae Valley Homestead Community Association, Waianae Hawaiian Civic Club, the Federal-State Task Force on the Hawaiian Homes Commission Act, from a trustee of OHA, from a member of the Board of Education, and native Hawaiians active in business.

"In addition, letters of support were received from the Native Hawaiian Association, Hawaiian Civic Club of Waimanalo, Paukukalo Hawaiian Homes Community Association, Panaewa Hawaiian Home

Lands Community Association, Council of Hawaiian Organizations, Hawaiian Civic Club of Honolulu, Keaukaha Panaewa Community Association, and many other individuals.

"These testimonies and letters describe Ms. Padeken as an individual who has, and I quote, 'served her people and the state with great integrity and caring,' who can be 'trusted,' is 'willing and able to assist' individuals and community groups, and 'brings to her job a strong' commitment. They also describe her as 'an excellent Director of the Hawaiian Homes and an extremely hard worker.'

"Ms. Padeken has done a remarkable job in restoring confidence in the department and developing grass roots support for its programs and activities. She has not only maintained the department's residential and agricultural programs, but has expanded services to the Hawaiian people. Among these new developments are the following:

1. The formation of a task force with representatives from Alu Like, OHA, and the Department of Hawaiian Home Lands to identify how these key agencies can coordinate their planning, programs, and staff. This task force illustrates Ms. Padeken's efforts to unify the Hawaiian community and to build in the collective strength of its people.
2. The department has completed an assessment of the aquaculture potential of Hawaiian Home Lands, identifying nine such sites, and recently submitted an \$850,000 proposal for an aquaculture park to the economic development agency. Among the thousands of proposals received, Hawaii's proposal was ranked first at the regional level.
3. There is now an economic development program in place. This program offers business consultation, training, and small business financing to native Hawaiian entrepreneurs.
4. The development of the new grants program, designed to enhance individual and community self-help efforts, provides technical assistance and grants funds.
5. The department now provides more technical assistance to homestead farmers and ranchers in order to strengthen their capabilities in the marketplace.

"Mr. President, Ms. Padeken has been successful in forging strong linkages with the Department of Hawaiian Home Lands, the Hawaiian people, and the community at large. There is now a cohesive and supportive relationship among these groups. She has recognized that Hawaiians must find solutions that are culturally appropriate. She has developed programs which promote the economic self-sufficiency of native Hawaiians. She has led the Hawaiian Homes Commission in a direction that acknowledges that the future of Hawaiians is tied closely to the future of the State of Hawaii -- that native Hawaiians have the ability, as well as the responsibility, to contribute to our society.

"Mr. President, I join the many individuals and community groups in endorsing Ms. Georgiana Padeken's reappointment to the Hawaiian Homes Commission and encourage the Senate to confirm her nomination."

Then, Senator Kawasaki rose to speak against the nomination and said:

"Mr. President, I rise to speak against confirmation of Ms. Padeken.

"Mr. President, one of the responsibilities that we have as Senators during this course of confirmation of department heads is our responsibility to separate fact from rumors, prejudices from what is sincere effort to improve operations of government, and I've tried to do this to the best of my ability.

"In my 16 years I have never had come to my office the kind of concern expressed in the possible confirmation of an appointee of the Governor as I have in this present case.

"I've tried to look at the complaints very objectively and I have come to the conclusion, and this is a difficult posture for each of us to take, it's easy to vote 'aye' on a confirmation ... you don't antagonize anybody, you don't hurt anybody's feelings. It gets to be awfully difficult if you consider in your mind valid reasons for you to vote 'no' because this is part of the responsibility that we have as Senators here. I have received information both verbally, people coming to see me regarding the operations of that very chaotic department ... in fairness to the nominee, that department possibly is the most chaotic department that we have of any agency under the state government agencies.

"I am going to enter into the records of the Senate Journal some letters I have received from very concerned people, and I commend these people who are very familiar with the operations of the Hawaiian Homes program. Some of these letters have come to me and I know some of the authors. In trying to respect the confidentiality that we should maintain here, I will not divulge any names, but these letters come from people who are sincerely concerned. It possibly was not easy for them to write letters of this sort to you, Mr. President, to the Governor, to some of us as Senators.

"Let me just enter into the records some of the concerns that these people have, which is all part and parcel of the information we should digest in order that we arrive at a very fair judgment of whether the nominee should be confirmed or not. Let me read a letter that has come to me, to my attention, and I quote: '... The present administration is a detriment to the proper administering of this Congressional program as they continue to accommodate the loud and radical minority, even to the extent beyond the law of government. Dangerous, careless precedents devoid of the true intent and purpose of the program which will undoubtedly increase the dependency of this program and of the native Hawaiian on government subsidies and handouts are being initiated and implemented almost daily. Exorbitant and unnecessary travelling expenditures resulting from ill planned, uncoordinated, and repeated travel has become routine.

"Record keeping and important documentation are at its worst, and is presently in a serious situation. Disrespectful and uncalled for harassment, and a continuous employee turnover have resulted in a very low, unhealthy, and dangerous morale problem.

"The present administration is misguided in its direction, and its priorities are in a mass of confusion. Dereliction of responsibilities has caused this integrity of the program to be at stake.

"After four years of this kind of performance, the next administration must unravel, clean up, and set straight the terrible mess before proceeding forward.

"Social workers are poor administrators for this program. They have difficulty saying "No,"

and, therefore, bend the law to resolve situations. They do not have the strength to stand firm to ... demands.

"We sincerely request your honest consideration for the benefit of those thousands of law-abiding and patiently waiting native Hawaiians to reap the benefits of this program."

"Let me quote another letter here: 'Dear Senator: We've been keeping tabs on the proceedings to reappoint Miss Georgiana Padeken as Chairman of the Hawaiian Home Lands Department and we didn't want to say or do anything as we didn't think that she would make it. Now it seems that she is trying to brainwash you people into believing that she is the best and qualified person.

"Miss Padeken is a very weak administrator who relies on ... others to tell her how to run her office. They take two and three hours for lunch, entertaining Ms. Padeken.

"The Hawaiian Homes Commission has been without a secretary since their regular secretary retired and she hasn't appointed them a regular secretary. The Commissioners want and need their own secretary but Miriam dictates to them. She lets someone else take Oahu meetings but arranges for herself for the outer island meetings so that she can visit friends and relatives at Hawaiian Homes expenses. She goes before the meetings and stays a few days after the meetings. If she doesn't like the Commissioners discussions or how they vote, she tries to pressure them into changing their votes and goes back to Miss Padeken to "tattletale." The Commissioners don't want to complain or testify because they feel that if elected, they'll have to work with her and relations would be strained.

"The morale of the Department's staff is so low that the turnover is very high. Miss Padeken asked the staff to sign petitions on her behalf so that she could possibly present it to you. There are members of her staff who refused to sign, who are afraid of repercussions from her and the others signed under duress."

"There's another letter addressed to Senators: 'As a constituent of (your) ... Senatorial District and an employee of the Department of Hawaiian Home Lands, I plead for your support in opposing the pending confirmation of (Miss) ... Padeken to Chairmanship of the Hawaiian Homes

Commission.

"As worthy a program is this 60 or so year congressional movement for native Hawaiians, Chairmanship requires one who is firm in the unwavering respect of law and order, strong in the courage of true and honest convictions, and courageous in fairness and equality to all. Unfortunately, the true and unpublished performance of the present Chairman and her immediate Department (subordinates) ... as witnessed and agonized by almost all of the Department's employees is frustrating and embarrassing. Some extremely valuable employees have left the Department due to very undesirable administrative demands and practices.

"Some areas of the program which are damaging are:

"1. Loan delinquencies - There is no definite effort to improve this serious area of concern. The future will continue and increase the Department's delinquency rate as less emphasis is placed on energetic attack of this major problem, and more attention is placed on disguising delinquencies by unacceptable loan restructuring, informal prolongation on farm loan collections as the Department expands its agriculture program with additional homestead leases awards and farm loans, and the eventual dissolution of the proven successful informal collection arrangements and justified Contested Case Hearings on loan delinquency. These actions only emphasize more the stigma of Hawaiian homesteaders not maintaining good credit because of not paying their bills.

"2. Personnel - Since when does the Deputy Director have the time to personally interview and select Clerk Typists for our Staff Services Office, an assignment which should be the responsibility of the Staff Services Officer? At the present time I would say the Department probably has more non-permanent employees than permanent employees, all due to the Deputy Director's decision and choice to hire with conditions to manipulate political moves. A number of the Department's contract employees are working beyond their contract termination dates without assurance of any kind of continued employment.

"3. Homestead Applications Waiting List - Since the close of the previous administration in July, 1978, this vital issue has resulted in a very serious and dangerous situation. The once

computed, regularly audited, and meticulously maintained waiting list has now become a complex, unaudited, mismanaged, and confused mess. The waiting list is no longer computerized but maintained by word processor in a system where the Department has already expended thousands of dollars to convert only to learn that the present system is no longer applicable to our needs, ...'

"These are the examples of the letters of concern written to us, and as I said, never have I in the 16 years I've been here had these kinds of concerns expressed on the telephone, in terms of letters, and personal conversations with me by employees who are career employees, good employees who are demoralized by the chaos that remains in the department.

"I was able to attend the hearing conducted by Senator Young and I appreciate her giving us the opportunity to question the nominee and in the course of questioning Ms. Padeken as to what she intends to do with some of the problems enunciated in the Auditor's report, I wasn't quite able to get the kind of answers I would have expected out of a person who was in charge of administering a department with all these problems for four years. I was not convinced that she had the kind of qualities I think that department needs.

"That department needs not an easy-going person that always has the door open to anybody who wants to complain ... this is not the kind of person I think we need. It's one thing to be good-natured and very accommodating if people want to talk to you, but what that department needs is someone who is a good, capable administrator, capable of attracting competent people to attend to some of the problems that have been existing for many, many years. We need somebody strong enough to say no. We need someone to be eminently fair and just in decisions, because decisions made by the director affects many people ... their ability to get land, their ability to get homes, home loans, affecting their families.

"It just seems to me, and I think I suggested that in the Majority caucus with the Governor, perhaps the nominee should be placed in some other position that her personable qualities might be an asset, but that was not a quality which is the prime requisite in this particular case.

"On the basis of complaints I've also received with people very familiar with the operations of the commission in the past, I am concerned that she has not provided the kind of leadership that I expect of the chairman of the Hawaiian Homes Commission.

"In effect, in my judgment, she has manipulated in the past, what seems to me from the information I've received, people who were not the strongest type of individuals to do a good job as Hawaiian Homes commissioners. She has manipulated people who are willing to go along, not rock the boat, and people who did stand up to what they considered not in the best interest of Hawaiian people who served as commissioners were practically isolated, if you will, and pressure brought upon these people to conform according to the director's wishes and her ideas. All of this, I think, is reflective of the kind of leadership that is not wanted in that difficult agency.

"For these reasons and many other reasons related to me, and time will not permit me to go into the details of it, I think that we would be doing the Hawaiian people of this state a favor by seeking an individual that has the kind of qualities we want to direct the department. We owe the Hawaiian people no less."

Senator Young, in support of the nominee, then added: "Mr. President, I too received those letters that were mentioned by Senator Kawasaki but, alas and sadly, my letters were not signed. They were all unsigned.

"And, Mr. President, to my understanding, in the Polynesian culture of Hawaii the 'haku' or the leader of a 'ohana' did not use dictatorial style in leadership, but subjected himself to the advice and opinion of all other members concerned, exercising humility as a leader. The 'haku' seemed to be revered. The same kind of quality, that of humbleness, can be seen in Georgiana Padeken's style of leadership, as was mentioned by the constituents on Monday, April 11th's hearing.

"The kinds of feelings that Padeken projects, especially that of humbleness, are very important in making the Hawaiian community a cohesive force. Padeken's style of leadership allows for group decision-making process that is central to the Hawaiian culture and

the 'ohana' concept."

Senator Abercrombie then said: "Mr. President, I would like to set an example, if I may, for my history because I think that this advise and consent procedure may not prevail necessarily on the merits or demerits, and I would like to remind the body as to what it is that we're doing.

"We have a history, my friends, we have a history in this country and the Senate, both in the Congress and in the state legislatures, a duty that evolves out of that which goes back to Sparta, goes back to Athens, goes back to deliberative bodies who were chosen by the people in various circumstances in both city states and on with the founding of our country. Now, I'd just like to read a portion to try to remind us as to what we're supposed to be doing here today. Before you make your decision, I hope you will think of it."

The Chair then asked: "Senator Abercrombie, the Chair would like to inquire as to whether you are speaking in favor of the nomination or against the nomination?"

Senator Abercrombie answered: "Mr. President, I'm in the process of making a decision."

The Chair then stated: "The reason I ask, Senator Abercrombie, I think it will be appropriate for the members to find out your feelings and then perhaps receive an explanation of what the process is about. I think that is germane and proper."

Senator Abercrombie answered: "That is germane, Mr. President, and I'm in a bit of a dilemma in answering you because I'm trying to make up my mind, and in doing so I'm trying to remind myself as to what I'm supposed to do, and I see the arguments going back and forth here.

"As you know, in the past, with advise and consent have resorted to the Federalist papers because I think they make the most cogent explanation as to what the duty of the Senate is, and I would just like to read a very short portion of it for the benefit of yourself and others who may not have made their minds up as this moment."

The Chair allowed Senator Abercrombie to proceed.

Senator Abercrombie then continued: "Thank you very much, Mr. President.

"I'm referring to, and I'm quite serious, by the way, Mr. President ... I have been reading through The Federalist papers. With respect to the Senate, there are several issues. The one that I think is most pertinent or a portion of it is most pertinent to our deliberation is Number 65, written by Mr. Hamilton: 'The remaining powers which the plan of the convention allots to the Senate, in a distinct capacity, are comprised in their participation with the executive in the appointment to offices, and in their judicial character as a court for the trial of impeachments.'

"May I interject, Mr. President, that the references as to the trial of impeachments are referred to throughout the rest of the document with respect to the powers of the Senate in the same manner in which appointments to office are considered.

"As in the business of appointments the executive will be the principal agent, the provisions relating to it will most properly be discussed in the examination of that department. We will, therefore, conclude his head with a view of the judicial character of the Senate.' That is what, in fact, we are called upon to do, I believe, Mr. President, is to come to that kind of judgment.

"A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL,' and that is in capital letters, Mr. President. I think it's the only time in the entire Federalist papers that that word appears in that manner. 'as they relate chiefly to injuries done immediately to the society itself. The prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstration of innocence or guilt.

"The delicacy and magnitude of a trust which so deeply concerns the political reputation and existence of every man engaged in the administration of public affairs, speak for themselves. The difficulty of placing it rightly in a government resting entirely on the basis of periodical elections, will as readily be perceived, when it is considered that the most conspicuous characters in it will, from that circumstance, be too often the leaders or the tools of the most cunning or the most numerous faction, and on this account can hardly be expected to possess the requisite neutrality towards those whose conduct may be the subject of scrutiny.

"The convention, it appears,' referring to the Constitutional Convention, 'thought the Senate the most fit depository of this important trust. Those who can best discern the intrinsic difficulty of the thing, will be least hasty in condemning that opinion, and will be most inclined to allow due weight to the arguments which may be supposed to have produced it.

"What, it may be asked, is the true spirit of the institution itself? Is it not designed as a method of NATIONAL INQUEST into the conduct of public men? If this be the design of it, who can so properly be the inquisitors for the nation as the representatives of the nation themselves? It is not disputed that the power of originating the inquiry, or, in other words, of preferring the impeachment, ought to be lodged in the hands of one branch of the legislative body. Will not the reasons which indicate the propriety of this arrangement strongly plead for an admission of the other branch of that body to a share of the inquiry?"

"The paper goes on to compare it with Great Britain and points out very clearly that it is in the interest of the body politic to have this power vested in the Senate.

"Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation to preserve, unawed and uninfluenced, the necessary impartiality between an individual accused and representative of the people ...?"

"It goes on then to point out that the Supreme Court could not have this same situation, but rather the

Supreme Court would have the same situation applied to it as to the House of Representatives.

"Those '... considerations seem alone sufficient to authorize a conclusion, that the Supreme Court would have been an improper substitute for the Senate, as a court of impeachments. ...'

"Would it have been an improvement of the plan to have united the Supreme Court with the Senate, in the formation of the court of impeachment? This union would certainly have been attended with several advantages; but would they not have been overbalanced by the signal disadvantage, already stated, arising from the agency of the same judges in the double prosecution to which the offender would be liable? ...'

"The whole thrust of the argument, Mr. President, then is that the United States was divided into three branches of government for good reason and that the conferring of affirmation on the appointment of the executive was given for good reason to the Senate because it was in the Senate with its longer terms that it was felt that there would be sufficient independence to make a judgment not based on faction, not based on partiality, not based on influence, but on the independent judgment which was to be rendered by that body. It also makes clear that the Senate had a high calling that respect and that to abuse that high calling for partiality based on convenience would be to undermine the Constitution.

"The conclusion that I reach from it is that regardless of how well the Constitution is written, unless and until the members of the Senate for whom the power is granted in the Constitution to affirm the nominations of the executive, unless and until they exercise that authority and that obligation in a manner consistent with the public purpose, the Constitution will fail.

"Therefore, Mr. President, while it has been viewed, I should say, by some that nominations and affirmations are in effect rubber-stamping and in effect take place without much in the way of discussion or the discussion becomes proforma. I hope that today, especially with the importance of this nomination as enunciated by the chairman of the committee and in some of the remarks of previous speakers that we will take into

account who is it we serve with this nomination, either affirmatively or negatively.

"We serve not ourselves, not those who are in ostensible power because that can wax and wane as we well know, but rather we are to serve the interests of the people of this state and particularly the beneficiaries of the power of the Hawaiian Homes Commission."

Senator Fernandes Salling then stated:

"Mr. President, I rise to speak against this nomination.

"Until now, I have tried to refrain from making statements about the matter before us, or commenting extensively on my review of the Department of Hawaiian Home Lands and its programs. The exception to this was my amendments to the Senate draft of the executive budget which I proposed on the day before Good Friday.

"While there may have been other matters which clouded the debate on the worthiness of these programs, it should be clear by now that the amendments proposed were the result of my review of the programs of the Department of Hawaiian Home Lands. These amendments were the result of my good faith effort to critically examine this agency and its ability to fulfill its mandate - to guarantee to the Hawaiians the use and enjoyment of their lands. My responsibility as chairman was to assure that the native Hawaiians, the beneficiaries of this program, would receive every benefit to which they are entitled and which the State of Hawaii is able to provide.

"My review included all audits which have been done on the department, extensive discussions with its commissioners and staff, and others affected by its programs, personal visits to each island and inspection of proposed projects, and public hearings on important issues. I began raising questions about the direction and policies which have been pursued by the department during the last four years and what this would mean for the next four years. Increasingly, I became more concerned whether the present administration could provide the leadership needed to make programs more effective and the delivery of services more efficient. This is what I believed to be the central task of the Legislature during its 1983

session, especially the Senate which will act on the nomination of the director of the Department of Hawaiian Home Lands.

"In this regard, I must address a particular point that has concerned me about the nomination before the Committee on Hawaiian Programs which I chaired. There has been considerable comment in the media and throughout these halls about my alleged reluctance to hold a hearing on this matter. Let me simply say that the consideration of Miss Padeken's nomination was an integral part of the committee's work during the 1983 session. Our full examination of the programs, practices and the administration of the Department of Hawaiian Home Lands was the foundation for our serious consideration of her performance as director. When a hearing was held, we would have been in a better position to judge Miss Padeken's performance of the past four years and whether her confirmation for another term was merited.

"The events of the past two weeks, however, changed the course of action that the Senate has taken on this matter. At this time, I feel that as the Senator who has been most concerned about the Hawaiian Homes program during the 1983 session, I should report to this body my findings as the chairman of the Committee on Hawaiian Programs.

"It is my hope that the remarks I make today can be utilized as the criteria that the Legislature can use to measure the progress of the department during the next four years. What I will outline can serve as an agenda for the Department of Hawaiian Home Lands, and its major projects and problems it must address. If this is done, great strides will have been made in meeting the needs of the Hawaiian people.

"During the next four years, we must ask the following questions:

"First, has the department finalized an accurate and complete inventory of all Hawaiian Home lands. Lands originally set aside by Congress were designated by the number of acres only. No metes and bounds descriptions or other survey information or maps were provided. There are major discrepancies in acreage for lands in Anahola, Kalaupapa and Lualualei as well as significant differences in the Island acreages, i.e. Kauai's 722 acres;

Molokai, 585 acres. The basic system for the land inventory are tax key maps to which handwritten adjustments have been made by the Department of Hawaiian Home Lands personnel without explanations for these adjustments or any reference to support documents."

"Second, has a sound fiscal management system been established for the Department of Hawaiian Home Lands? It is critical that this be done since our own Legislative Auditor has concluded that the department's records are inaccurate and unverifiable and not in an auditable condition. Complete financial statements for all departments funds are not being prepared and the last complete financial statement located was for the fiscal year ending June 30, 1972. The department's cash management has not been effective. For example, large cash reserves were being maintained in noninterest bearing accounts and during a nine-month period ending February 28, 1982, it was estimated that \$170,000 in interest was lost. Those monies could have provided three to four new homes.

"Third, has the department and commission made the improvements needed in procedures used to compile and maintain the eligibility lists? The department recently admitted that the waiting list for Kau on the Big Island had been lost and there were people who had been waiting for a lot since 1956, believing they were listed somewhere on a statewide eligibility list." Today, there are over 7,000 people on the waiting list and some have waited for as long as 30 years. Since June of 1981, the department has not complied with its own rules and notified applicants who have filed whether their applications had been approved. There is no system to assure that all applications have been accounted for or that some applications have not been lost.

"Fourth, has the department taken the necessary steps to resolve the issue of lands withdrawn under Governor's executive orders (GEO) or proclamation? Of the 34 parcels withdrawn under GEO, there has been no concerted effort to resolve the problem except in two cases. We are dealing with lands being used by the state and federal governments for airports, schools, defense installations, parks, forest and game reserves. These are lands being used without compensation to the Hawaiian Home Lands Department.

The administration should establish a self-imposed deadline of one year to resolve the executive orders used by other state agencies and notify said agencies that the department will take possession of lands not licensed or leased within one year from the giving of said notice.

"Fifth, has the department prepared a long range plan to meet the needs of its beneficiaries to provide them the desired residential lots. As of June 30, 1981, 87 per cent of the native Hawaiians had applied for residential lots as compared to agricultural or pastoral lots. In preparing a plan, is it necessary for the department to provide fully improved residential lots with sidewalks, drainage, street lights, utility access, sewer and other facilities. These are policy decisions the department must make within the next four years.

"Sixth, has the department identified their revenue producing properties and proposed innovative methods to increase their revenues and thereby become more self-sufficient and less dependent upon the state for funds. The department should set a high priority on review of its industrial and commercial leases and compare their leasing and subleasing practices to those of the Department of Land and Natural Resources and the private sector to insure they are collecting comparable rents from their lessees. Has the department lobbied with our Congressional representatives to include Hawaiians under the Native American Indian Act and thereby qualify them for Federal Home Administrative Loan guarantee status for housing.

"Seventh, has a review of the personnel organization of the department been made and assistance solicited from other state departments in areas where expertise in the department is badly needed? The department's pay scale is such that the turnover rate is so high, continuity is lost in critical areas such as fiscal and property management.

"And, last, has the department's annual budget and CIP requests been thoroughly reviewed by the director and Hawaiian homes commissioners to avoid problems where funds are being used, for example, on Oahu, to appropriate \$1 million to literally cut grass in a Hawaii Housing Authority subdivision where all infrastructure has been completed and the only

thing left to be done is to clear the lots of weeds before they are awarded to native Hawaiians; on Molokai, where funds have been used to build a 'white elephant' community center now discovered as having \$450,000 construction defects after only being three years old and which center does not even house the department's area office but instead is being temporarily rented out to the state and County of Maui; on Kauai, where funds are being used to build a freeway in an agricultural subdivision; on Oahu, where monies are being used for gravity lines without first checking with the City and County of Honolulu and the Department of Health where it was found that funds are available to the Hawaiian Home's Department to cover costs of sewer lines, and as a result no request for CIP in 1983 is necessary.

"I bring this to your attention once again, very briefly only to illustrate the department's real need for help from other state agencies and from this Legislature to guide and direct them in these areas.

"What I have outlined is an agenda that faces the Legislature and this administration in the Hawaiian homes area. They are serious problems which desperately need attention in the next four years, and their satisfactory resolution will be the basis for us to judge the performance of the department in the future. Let us remember that our responsibility in consenting to this nomination also requires our continued evaluation of the director's performance throughout her tenure. Our duty lies in assuring that the programs we establish in the Hawaiian homes area do not become inefficient and fail to fulfill the rightful expectations of those Hawaiians who are entitled to benefit from them.

"In closing, let me offer Miss Padeken my very best wishes. While we may have differences, her success in addressing these concerns will mean a substantial improvement in the administration of this department. If this does happen, I will be the first to offer my heartfelt thanks and congratulations on a job well done."

Senator Solomon then rose to support the nomination and stated:

"Mr. President, the chairman of the Hawaiian Homes Commission has the difficult task of directing a very complex organization -- financially and programmatically -- an agency which serves a broad and diverse

clientele group. No matter how stunning her performance, there are bound to be detractors. Many of the criticisms directed at the present chairman relate to problems of a long-standing nature ... criticisms which have been leveled at all previous administrators of the Hawaiian Homes Commission. There is no denying the fact that some of the problems of the Department of Hawaiian Home Lands are serious and need resolution, but these problems are very complex and need adequate resources and personnel before they can be laid to rest.

"For example, the audit report of the Inspector General of the United States Department of the Interior estimates that it will take over 50 years and over \$600 million to satisfy the applicants on the present eligibility list for homestead lands. Although the problems of the Department of Hawaiian Home Lands have recently been highlighted by the Inspector General's report, many of these problems have been "inherited" from previous administrations and require immense effort and resources to right, but the budget and staff of the department have remained stable during recent years.'

"Following the Inspector General's report, the Federal-State Task Force on the Hawaiian Homes Commission Act (HHCA) was established by the U.S. Secretary of the Interior and the Governor of the State of Hawaii. The purpose of this group is to conduct a comprehensive review of the act and the programs carried out under the act. The mission of the task force is to make recommendations to the Secretary and the Governor on ways to better effectuate the purposes of the Hawaiian Homes Commission Act and to accelerate the distribution of benefits to the beneficiaries. One of the findings of the task force is that the 'Hawaiian Homes Commission and the Department of Hawaiian Home Lands have made significant strides in carrying out the purposes of the act in the past several years. A shortage of funding and personnel will continually hamper their efforts to meet the needs of the beneficiaries, especially as demands for land and housing continue to increase.'

"The task force has stated that 'the Department of Hawaiian Home Lands has made outstanding progress in carrying out its programs under Ms. Padeken.' The task force further stated that 'under her administration the commission and the department

will continue to make progress and the beneficiaries will be served.'

"I feel strongly that we should look at the record of Miss Padeken and take that into consideration. I feel that it's very important for the Hawaiian community to be able to move in a solid and cohesive direction. I was formerly with the Office of Hawaiian Affairs and initially had expressed my concerns about Ms. Padeken, but after sitting at the hearing conducted by the now chairman of Hawaiian Programs, Senator Young, would like to support the chairman's position and recommend to this body to take into serious consideration Ms. Padeken's confirmation. Thank you."

Senator A. Kobayashi, although in support of the confirmation, stated: "Mr. President, I'll be voting for the nominee with the hope that improvements will be made to the department.

"After sitting through many hearings under the very capable leadership of the Senator from Kauai, I was just astounded that the financial records of the department could be in such a mess. However, I've been assured that changes are being made and will continue to be made, and I'll be voting for the nominee and I'll also be looking for those changes. Thank you."

Senator Kawasaki then added: "Mr. President, whatever the outcome of the vote for confirmation, I think perhaps a note of admonition is in order here that in the future that this Senate, in its confirmation of commissioners, commissioners to the Hawaiian Homes Commission, exercise great care and judgment in the quality of the commissioners who are actually the board of directors of the department. We should keep that in mind, perhaps, even with weaknesses in the director, perhaps, a good, intelligent, objective commission could help to alleviate some of the problems that exist in that department."

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

Ayes, 20. Noes, 4 (Abercrombie, Cayetano, Fernandes Salling and Kawasaki). Excused, 1 (Carpenter).

At 1:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:33

o'clock p.m.

At this time, Senator Abercrombie rose on a point of personal privilege and stated:

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, accounts from members of your conferees on the budget, accounts in the media, both linear and electronic, indicate that the budget is still in the progress of negotiation and that in particular some items have not been settled, or major portions of items have not been settled with respect to capital improvement projects.

"Mr. President, I received an indication by way of memo from the Ways and Means Committee with respect to capital improvement projects in the Eleventh District. I was quite surprised to receive it. I had no knowledge that such a thing would be done, other than accounts which appeared again after the conference began about these capital improvement projects by districts. It was very disturbing to me, especially with respect to those items which might appear in the education budget, and as a result I tried to formulate in writing ... I thought the chairman deserved something in writing, and inasmuch as the conference is not concluded, Mr. President, I would like to read my reply into the record in the hopes that it may influence positively the budget process.

"I must decline your invitation to provide you with a list of capital improvement projects for the 11th Senatorial District. To do so would run counter to the platform upon which I first ran for office. In my judgment, it also undermines the position taken by the Senate of focusing on statewide concerns in a manner consistent with the public purpose.

"We all know that one of the reasons for the 1978 Constitutional Convention mandated a 3-year limit on CIP items was because of the practice of filling the books with "pork barrel" projects which had little or no chance of funding. Such projects open the door to accusations of irresponsibility and favoritism. They foster an image in the public mind of legislators as wheeler-dealers who disregard even a semblance of merit when piling these projects into the books.

"Pork barrel projects have a particularly devastating effect on

education. I have tried to work within a framework where the executive body of the state-wide education system, the Board of Education, sets the priorities on a basis not of individual political districts but educational needs regardless of whose district it is in which the project will be implemented.

"A glance at the record will show the overwhelming majority of pork barrel projects were associated with the schools -- completely subverting the intent as well as the efficacy of a state-wide system. They were an insult to the Board of Education which was doing its best to represent the needs of the schools rather than the desires of individual politicians.

"Obviously, the BOE is not beginning and ending of wisdom in this area. The legislature has the final say and we have extensive public hearings to clarify the priorities within the context of available funding. The latter factor is a crucial one inasmuch as BOE requirements and the ceiling for projects are often at wide variance.

"I have always tried to balance the BOE priorities and the public input in such a manner that all concerned felt they were being treated fairly. If not everyone was happy with respect to a project in which they were interested no one thought themselves discriminated for or against in the process.

"I have just been through a grinding series of hearings at which I told people the budget for the DOE was to be cut by at least 21 million dollars. Interest on CIP comes from the operating budget. I worked very hard with the WAM Committee to stay within the operating budget and CIP ceilings given to me.

"Now, I find that while DOE programs and personnel must bear the brunt of the cuts, you are allowing legislators between 250,000 and 350,000 dollars each for whatever pet project they might wish to indulge themselves in.

"Such activity will simply turn the budget process into a shark feed with little or no concern for how it affects programs. How is it possible for us to tell the public we must cut because there is no money and suddenly without consultation find millions of dollars for ourselves?

"How do we square pork barrel projects with the Senate Program we

ostensibly support? All of the projects I was forced to submit in the so-called omnibus bill at the beginning of the session were connected directly to activities which promoted the Senate Program in terms of subject matter committee focus. I claim no particular virtue in this. I feel that such an approach is fundamentally good politics with a practical aim of giving the public clear sense that we are looking out for the needs of the state as a whole. If one or more of these projects fall in a particular district so be it. As long as it or they can be openly defended on the basis of selection within the framework of a state-wide plan of action credit will accrue to all parties to the decision.

"The alternative is to turn the legislature into a begging body camping outside the Governor's door hoping to get whatever crumbs can be gleaned from the executive expenditures table. It not only allows but virtually dictates to the Governor that he or she will have to cite a profligate legislature which put far more spending on the books than was possible for funding as the reason why projects had to be held back.

"In other words, we are marching backwards, going back to all the bad past practices which some of us have worked nearly 10 years to erase.

"Therefore, if the 11th Senatorial District has projects which will fit into a pattern of spending consistent with fairness and equity with other districts and such projects can reasonably be expected to commence within the constitutional time limits I would be happy to sponsor their passage.

"Inasmuch as no such process is involved here and it appears instead that S.B. No. 4 amounts to little more than political list-making for campaign purposes -- purposes which will no doubt be pointed out by opponents in elections to come -- I will not be submitting any projects for your consideration.

"I feel, in conclusion, that this issue is indicative of the problems we have experienced this year. There is a basic philosophy of government at stake here. I trust my point of view is clear on the subject. I feel very strongly that failure to address the concerns I've expressed will have serious repercussions in time to come when the voters realize that we are regressing in this area and that they

and their children are the losers."

"Thank you."

Senator Kawasaki then added: "Mr. President, in view of the fact that we have the conferees to the budget conference struggling with the great task of arriving at some sensible, defensible appropriations figures, might I suggest to these conferees that they take two minutes out of their busy schedule to read an article in the morning paper regarding an evaluation list conducted by the deans at the University of Hawaii, and perhaps because most of us are not familiar as the former chairman of the Higher Education Committee is with UH programs. I think particularly if we are conferees to the budget conference, it behooves us to read that list for evaluation.

"The article reads, 'Academic deans at the University of Hawaii's Manoa campus have completed a rare -- and unsolicited -- evaluation of the "relevance" of each UH-Manoa academic program to the university's overall missions.

"The evaluation's authors say it is a rating and not a ranking, that it is not intended to suggest where UH funding should be reduced if not eliminated, and that it is not an indication of which programs are desirable and which are not. But UH-Manoa faculty members are taking the evaluation as all of these things.'

"Now the deans further go on to say, 'We see ourselves as part of the UH administration, and we felt this was a worthwhile project in that the university faces several years of budgetary constraint,'" said one dean.'

"'Unless chaos is going to prevail, unless programs are going to survive or die purely for purely political reasons, the university has to ask itself what its major missions are -- and then spend its limited funds accordingly.'"

"And I note with certain amount of delight that some of the programs at the campus that I rated rather low happens to fall in Category IV list of priorities and let me just for the edification of the members of the conference committee in their allocation decisions, just listen to some of these lists.

"Category IV, the lowest rated programs include: 'the Freshman Seminar Program, the Honors

Program, population studies, the Waikiki Aquarium, ethnic studies, women's studies, the Center for Labor Education and Research, and the Industrial Relation Center ... Hawaiian studies ... the Marine Option Program.'

These are the programs listed in Category IV and I take Category IV to mean perhaps this is the least justifiable programs in this time of constraint and perhaps it behooves the conferees to keep the deans' list on mind ... those people, the 20 deans who are most conversant with the value of the programs and its conformance to the University of Hawaii's mission."

Senator Cayetano also rose on a point of personal privilege and stated:

"Mr. President, I'd like to make some comments on personal privilege.

"Mr. President, while the budget conferees have been working hard, trying to negotiate the budget, I have been doing some work, also burning the midnight oil and attempting to, with the information available to me, make some sense out of the financial plan that will be followed by the budget conferees.

"After due consideration, I'm a bit concerned because it is my understanding that the balancing of the budget is predicated on the receipt of about \$70 million in liquor taxes from a case which was recently ruled on.

"The question that I have is, what is the plan if, as expected, the ruling is appealed and that \$70 million does not come in? It is my understanding that the \$70 million will be relied on for spending in the first year of the biennium. Does that mean then that the Governor will have to make seventy ... actually I understand that if it's appealed the deficit will be closer to \$90 million ... does that mean that then in such a case the Governor will be allowed to make \$90 million in cuts, or does that mean that the Legislature will come back in special session to raise taxes? I would like to pose this question to the chairman of the Ways and Means Committee."

The Chair asked: "Mr. Chairman, will you yield to a question?"

Senator Yamasaki replied in the affirmative and said: "Mr. President, I would just like to say, in answer to

the question, that we are still in conference. The financial plan is also a subject of the conference and it's premature for me to make any statements regarding the budget and the conference."

Senator Cayetano continued: "Mr. President, of course, some of us are not privy to the conference. I frankly don't see what is premature about explaining the financial plans since one should have the financial plan ready, going into conference so that one can adjust the appropriations to the money that one has.

"I mean, this is done by housewives who budget, and certainly the Legislature should not be any different. I don't think it's any secret, Mr. President, that everyone from the Governor to the House and apparently the Senate, is relying on that \$70 million in liquor taxes.

"But the critical question, and it was raised by Senator Henderson of the Minority, the critical question is what do we do if the money doesn't come in because it appears that there is a very high probability that that will happen. Does the Senate leadership have a plan in terms of a special session to increase taxes?

"Is there any plan with respect to the manner in which the Governor will proceed then to make cuts in lieu of us raising taxes. I think those are legitimate questions, hardly premature. The answers to those questions should have been sought out before going in to conference. So, I would like to ask the chairman, again, if he would reconsider?"

Senator Yamasaki responded:

"Mr. President, in answer to the question posed by the Senator, I'd just like to say that you will recall that this body considered Senate Bill 1464, a measure to raise revenues by one-half percent, and this was in anticipation of a shortfall in revenues should certain things happen.

"And as you know, the statutes provide in Chapter 37-69 and under Chapter 37-71, the administration, the executive is also required, should expenditures exceed resources, that the executive is also required to come up with some measures to provide for some revenues to balance the budget ... the requirements of the state.

"With that kind of statute that we have, the chairman of your Ways and Means Committee has considered the

necessity to look into the possibility ... and with that in mind introduced a measure that would provide for some revenues should there be some shortfall. As you know, there was quite a bit of opposition to this measure and you, yourself, spoke against the bill; and you, yourself, said to the newspapers ... you were quoted that revenues have to be raised in this session and you introduced some measures to that effect. These are facts.

"Also, you will recall that on March 21, one evening I met you and another Senator on the elevator and one of the statements you posed to me was, if we can raise revenues through taxes, won't we be able to fund many of the programs? I said, 'I guess so,' and I clearly remember that."

Senator Cayetano then said: "Mr. President, it's true I said that but he's not answering my question. My question is, are we going to go into special session to increase taxes?"

Senator Yamasaki interjected: "Mr. President, I still have the floor."

The Chair replied: "Yes."

Senator Cayetano then said: "I'm sorry, I apologize, go ahead, finish."

Senator Yamasaki continued: "And with that question that you posed to me, I said, 'I guess so,' and with that I rode down the elevator together with you.

"After careful study and after reviewing what you had introduced and others had introduced to raise revenues in this year's session, I felt that after reading the statutes, Chapter 37, I felt that it was incumbent upon us, upon myself, to introduce some kind of measure as a standby measure, just in case there is a necessity to meet any kind of shortfall, and that was the reason for Senate Bill 1464. That was the plan that I had, to take care of any kind of problem that may arise and the concern that you now have on this subject. Thank you."

Senator Cayetano then said: "Mr. President, I'm not sure he answered the question.

"My question went to what is our financial plan at this particular juncture.

"First, let me clear up what happened at the very beginning of

this session. I think all of us, Mr. President, ... I introduced a bill for a tourist tax; I think you did also. There were some measures to raise money by a lottery which I think you were pushing. And all of those measures died. So our attempts to raise revenue failed. There was a Senate bill which would increase the excise tax by a half percent and that, Mr. President, from all of the reports that I get, including your public statements, apparently is dead also because the Governor has said that he will not go for any tax increases and the House has staked out the position that there will be no tax increases also.

"My basic concern, Mr. President, is that I would like to know, given those facts, given the fact that the Senate bill apparently is dead, that the bill to raise money via the hotel room tax is dead, that the lottery is dead, that all those measures are dead ... I get back to the financial plan with which this budget is being made. If that \$70 million does not come in, I would like to know what are we going to do? That's the point that I'm trying to get at. The chairman seems to be talking about apples and maybe I'm talking about oranges. I think it's a legitimate question. I'm not sure he's answered the question.

"It seems to me that if there are no tax increases, if we do not come back in special session to increase taxes, then the only alternative for the executive is then to make cuts. And if we are talking about \$90 million, and I think that that figure is correct ... Senator Henderson gave it to me during the recess ... are we then saying that we are giving the executive carte blanche to make \$90 million worth of cuts? I think those are legitimate questions.

"I think that those answers should be answered prior to wrapping up the budget.

"Mr. President, I did some analysis of the Council on Revenues projections and to tie this in to my concern about the \$70 million being held up by an appeal, let me also say that I'm not confident at all, having analyzed the Council on Revenues projections which we take into account when we make up our financial plan. I'm not confident at all that the revenues will be coming in as expected.

"For example, the estimated fiscal '83 increase by the Council on

Revenues tax revenues is 8.2 percent or \$81.5 million over fiscal '82. That sounds pretty good, Mr. President, but when you take a look at it, when you break it down, you find that of that amount, of the \$81.5 million million increase, approximately \$60 million dollars or nearly 75 percent is from the reduction of the \$100 tax credit to \$25. In other words, the true growth in revenue, and that's what we're interested in, the true growth in revenue for that fiscal year is only 21.5 million or about 2 percent over fiscal '82. Certainly, budgeting, once you consider this and not just look at the 8.2 percent as being somewhat magic.

"Now, I also talked to Mr. Freitas about the 8.2 percent and the figures so far indicate that after nine months, after the March revenue take came in, tax revenues have increased only to 4 percent of the 8.2 percent.

"Now, let's go further down and look at fiscal '84. The Council on Revenues estimates a tax revenue increase of 6.2 percent or 67.4, more than expected in fiscal '83. At first glance, this 6.2 percent increase appears conservative and it appears that we can make it but when you look at the 8.2 and you realize that only 2 percent is true growth, then the question is whether we can, in fact, make the 6.2 percent.

"Well, where has most of the increase come from, for example, in the 2 percent increase in revenue over '82? Tourism has held up better than we expected, Mr. President, and the reason for that is that because of deregulation and other factors there has been a dramatic decrease or reduction in air fares. But just a couple of weeks ago the airlines announced that airfares will go up again and the increase will be substantial.

"Moreover, as much as I hate to admit it, on the national level President Reagan has been somewhat successful, at a tremendous cost of course to the social fabric of our country, in fighting inflation.

"Those who understand the effect that inflation has on the excise tax base that we have know that as inflation goes down our tax revenue take will decrease. There is a direct correlation there. So all I'm saying is that these things should be taken into account and so I was looking for some answers.

"Moreover, there are other factors

that we have to consider. Let's take, for example, the highway fund. Now, a couple of years ago the executive predicted that the highway fund would be in trouble, so what was done ... the 4 percent general excise tax that's paid on gasoline was diverted from the general fund into the highway fund. This was supposed to be temporary and I think the figures was about \$20 million a year. Next year that is supposed to drop dead.

"In the financial plan at the present time, it is my understanding that for the second year of the biennium the \$20 million that is expected to return from the highway fund is counted. Now, if that is the case then we will have a problem with the highway fund. Why? Well, my calculations indicate that if the diversion of the revenue from the 4 percent general excise tax into the highway fund does end next year, the highway fund will probably be able to be solvent for one additional fiscal year; but in the following year, because of planned expenditures, because of the warm body policy, because the highway fund at the present pays almost 50 percent or half of its revenues to debt service, my analysis indicates that there will be a \$38 million deficit in the highway fund. If that's the case, then, the gasoline tax will have to be increased from 8½ cents per gallon to 20 cents per gallon.

"These things have to be taken into account. I thought I was raising some rather legitimate questions here. I would hope that if the chairman of the Ways and Means Committee doesn't want to answer them, then maybe his vice-chairman or the chairman of the Transportation Committee can address the concerns that I have about the highway fund..

"If we are going to rely on the money that was diverted to the highway fund for the second year of the biennium, then we face a deficit in the highway fund. If we are not going to rely on that, if next year we are going to extend the diversion of that money and continue it into the highway fund so that we can keep the highway fund solvent for a few more years, then somebody has to make up the \$20 million, and where's that money going to come from?

"I think these are legitimate questions which I would like to have answers to."

Senator Yamasaki, in response, stated: "Mr. President, in answer to

part of the questions raised by the previous speaker, although I don't pretend to be a financial wizard as the previous speaker, I have also considered the revenue projections of the Council on Revenues, and I have said this to the press, the newspapers, when they asked me, why did I introduce Senate Bill 1464. And, at that time in March, the Council on Revenues projections was 8.2 for the current fiscal year, the actual tax collections at the end of February amounted to 2 percent for the 8 months of the current fiscal year, and we lacked about 6 percent as compared to the projections of the Council on Revenues.

"Based on the collections, actual tax collections, I had some concern too. I felt that should this kind of condition continue to prevail for the rest of the current fiscal year and go into the next fiscal year, we may be in trouble, financially, and that something ought to be done. And for that reason, because there may be a shortfall, I told the press that one of my concerns was the shortfall in actual tax collections and, therefore, something had to be done. The standby tax measure must be made available should we need, should there be a necessity for us to lean on something.

"Also, on the question of the liquor tax, we have been informed that two of the three attorneys representing the liquor dealers decided not to appeal to the U.S. Supreme Court, so two-thirds of the money in escrow is now available to the state because no appeal to the U.S. Supreme Court would be taken.

"These are some of the information that are presently available and the basis on which the revenue measure was introduced for consideration for which this body supported by a vote of 14 to 11 and was passed out to the House for their consideration.

"So, there was serious consideration. Just as the previous speaker has said that tax collections were low and there were some concerns expressed by him also that, should tax collections continue to prevail in the manner it has, there may be some serious problems. These are some of the considerations that I gave in introducing a tax revenue measure in the latter part of March."

Senator Cayetano then said: "Mr. President, first of all, I don't claim to be a financial wizard. I think my staff person may be one but not me,

certainly, and believe me the information that I attempted to give out here today had to be explained to me over and over. So I don't claim any credit in being a tax expert of any kind. I raise these questions because I thought they were legitimate questions. I'm not sure whether the chairman got the gist of my question because he keeps on talking about the one-half percent tax and I think that's something that's bygone and gone.

"I would like an answer, for example, about the highway fund. Is he going to propose next year that the diversion of the 4 percent tax be continued? If not, are we prepared to make an increase in the fuel tax? With respect to the alternatives, it would seem to me that had we seriously considered the financial plan that we're talking about now, and I'm glad to hear the chairman did consider or does at least have the same analysis of the Council on Revenues projections that I do, at least for the first year, then, I think, the hard question would have been, do we make cuts? And, if asked, that would have been my preference, to make cuts rather than to increase taxes.

"But, all of the discussion that we had about increasing revenue and all of that was primarily because of the great concern that many of the members here had about making cuts which would affect the social services and human services, for example. I think my record here, Mr. President, indicates that I've never been afraid to make any kind of cut in the budget. I've always been of the view that the government is top heavy with fat and whenever I've had the chance, whether it has been with the Health Department or the Department of Planning and Economic Development, I have attempted to make that philosophy prevail in the preparation of my budget."

At this time, Senator Cobb then called the members' attention to Conference Committee Report No. 1 and stated:

"Mr. President, at this time, I'd like to direct the members' attention to Conf. Com. Rep. No. 1 (H.B. No. 274, H.D. 1, S.D. 1, C.D. 1), dated April 18th, most specifically, page 6, line 13 of the bill itself whereby the House, since this is a House bill, had inadvertently left in a bracket. A separate page 6 has been circulated for each Senator and is attached or should be attached to the bill. Since

the House has already corrected the error thus precluding us from doing a conference draft 2, I would simply like to call the members' attention to the corrected page 6 and request that the bill be placed on the calendar for 48-hour notice from today so that we would not be voting on it prior to Thursday."

The President, noting that there were no objections, so ordered.

Senator Cobb also called the members' attention to Conference Committee Report No. 11 (H.B. No. 915, S.D. 1, C.D. 1) and stated: "We have discovered some technical errors in there that do not involve brackets but actual words and, therefore, the request for recommittal of the bill was asked."

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 255, S.D. 1 (H.D. 2):

Senator Chang moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 255, S.D. 1, H.D. 2, seconded by Senator Cobb and carried.

Senator Chang then explained as follows:

"Mr. President, this bill relates to firearms brought into the state. After deliberations, your conferees concluded that the House version of the bill was the preferable version and recommend that the Senate concur with the amendments by the House and place this bill on the calendar for Third Reading."

On motion by Senator Chang, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 255, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 255, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS BROUGHT INTO THE STATE."

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

Senate Bill No. 362, S.D. 1 (H.D. 1):

Senator Chang moved that the

Senate reconsider its action taken on April 7, 1983 on S.B. No. 362, S.D. 1, H.D. 1, seconded by Senator Cobb and carried.

Senator Chang then explained as follows:

"Mr. President, this bill relates to the enforcement program of the Department of Land and Natural Resources. Your conferees, after examining the amendments made by the House, concluded that the House version was the preferable version and recommend that the Senate concur with the amendment and place the bill on the calendar for Third Reading."

On motion by Senator Chang, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by House to S.B. No. 362, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 362, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

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

Senate Bill No. 1092, S.D. 1 (H.D. 2):

Senator Chang moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 1092, S.D. 1, H.D. 2, seconded by Senator Cobb and carried.

Senator Chang explained as follows:

"Mr. President, this bill relates to the Attorney General. Your conferees upon examination of the two versions of the bill, concluded that the House version was the preferable version and recommend that the Senate concur with the amendment and place the bill on the calendar for Third Reading."

On motion by Senator Chang, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1092, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1092, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY

GENERAL."

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

Senate Bill No. 993 (H.D. 1):

Senator Hagino moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 933, H.D. 1, seconded by Senator Cobb and carried.

Senator Hagino then explained as follows:

"Mr. President, the original purpose of the bill is to allow an owner of Class A or Class B agricultural land to cultivate crops for personal or economic use. The amendment that the House made clearly indicates the personal use of the land, in addition to commercial ventures before agricultural pursuits. The amendment is a lot cleaner and defines the agricultural uses."

On motion by Senator Hagino, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 933, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 993, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE."

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

Senate Bill No. 756 (H.D.1):

Senator Aki moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 756, H.D. 1, seconded by Senator Cobb and carried.

Senator Aki explained as follows:

"Mr. President, the House rewrote the bill by putting in an addition with a time limitation on this bill, the time limitation of one year."

On motion by Senator Aki, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 756, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 756, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FILM MAKING."

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

Senate Bill No. 907 (H.D. 1):

Senator Aki moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 907, H.D. 1, seconded by Senator Cobb and carried.

Senator Aki explained as follows:

"Mr. President, no substantive amendments were made to this bill."

On motion by Senator Aki, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 907, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 907, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE."

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

Senate Bill No. 1075, S.D. 1 (H.D. 2):

Senator Aki moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 1075, S.D. 1, H.D. 2, seconded by Senator Cobb and carried.

Senator Aki explained as follows:

"Mr. President, the House made minor changes to the bill, just requiring that copies be furnished to any person, on request."

On motion by Senator Aki, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1075, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1075, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

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

Senate Bill No. 418, S.D. 1 (H.D.

1):

Senator Uwaine moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 418, S.D. 1, H.D. 1, seconded by Senator Cobb and carried.

Senator Uwaine explained as follows:

"Mr. President, basically, the bill accomplishes the same thing, that is, it renames the Kona Airport as Kona Airport. It'll do such that it will clear up any kind of misunderstanding that it presently has. The bill was introduced by Senator Henderson."

On motion by Senator Uwaine, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 418, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 418, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KONA AIRPORT."

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

Senate Bill No. 742, S.D. 2 (H.D. 1):

Senator Uwaine moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 742, S.D. 2, H.D. 1, seconded by Senator Cobb and carried.

Senator Uwaine then explained as follows:

"Mr. President, this bill accomplishes two basic things; one, it simplifies the requirement for the deeming of a vehicle to be derelict; and, second, it requires an independent appraisal of a derelict or abandoned vehicle that is up for sale.

"Right now, we're in conference on this bill and there apparently is a House amendment that deletes a portion of the independent appraisal and it only accomplishes the first portion, to simplify the requirement for deeming the vehicle to be derelict.

"Rather than to see the bill die in conference, since it does accomplish some of the purposes of the bill, I'd like to have the Senate agree to that portion."

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

The Senate reconvened at 2:24 o'clock p.m.

On motion by Senator Uwaine, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 742, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 742, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE; SALE OF ABANDONED VEHICLES BY TOWING COMPANIES; AND MOTOR VEHICLE REPAIR BUSINESS."

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

RE-REFERRAL OF A HOUSE BILL

The President, at this time, re-referred House Bill No. 187, H.D. 1, which was received on Wednesday, March 16, 1983, jointly to the Committee on Transportation and the Committee on Judiciary.

Senator Uwaine, chairman of the Committee on Transportation, then requested a waiver of the 48-hour notice of a Public Hearing on House Bill No. 187, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," and the President granted the waiver.

APPOINTMENT OF CONFEREES

Senate Bill No. 4, S.D. 1 (H.D. 1):

The President appointed Senator Machida as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 4, S.D. 1.

Senate Bill No. 937, S.D. 1 (H.D. 1):

The President appointed Senator Machida as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 937, S.D. 1.

At 2:26 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess for the purpose of receiving

Conference Committee Reports.

CONFERENCE COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 314, presented a report (Conf. Com. Rep. No. 13) recommending that H.B. No. 314, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and H.B. No. 314, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was deferred for a period of 48 hours.

Senator Young, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1232, H.D. 1, presented a report (Conf. Com. Rep. No. 14) recommending that H.B. No. 1232, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14 and H.B. No. 1232, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Senator Young, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1620, H.D. 1, presented a report (Conf. Com. Rep. No. 15) recommending that H.B. No. 1620, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15 and H.B. No. 1620, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COOPERATIVE HOUSING CORPORATIONS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 800, presented a report (Conf. Com. Rep. No. 16) recommending that H.B. No. 800, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the

State of Hawaii, action on Conf. Com. Rep. No. 16 and H.B. No. 800, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," was deferred for a period of 48 hours.

Senator Holt, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1254, presented a report (Conf. Com. Rep. No. 17) recommending that S.B. No. 1254, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17 and S.B. No. 1254, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 569, S.D. 1, presented a report (Conf. Com. Rep. No. 18) recommending that S.B. No. 569, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18 and S.B. No. 569, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 133, S.D. 1, presented a report (Conf. Com. Rep. No. 19) recommending that S.B. No. 133, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19 and S.B. No. 133, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE AND PLANTS," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 809, H.D. 1, presented a report (Conf. Com. Rep. No. 20)

recommending that H.B. No. 809, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20 and H.B. No. 809, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1279, S.D. 2, presented a report (Conf. Com. Rep. No. 21) recommending that S.B. No. 1279, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21 and S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 844, H.D. 1, presented a report (Conf. Com. Rep. No. 22) recommending that H.B. No. 844, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22 and H.B. No. 844, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1567, H.D. 2, presented a report (Conf. Com. Rep. No. 23) recommending that H.B. No. 1567, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23 and H.B. No. 1567, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1557, presented a report (Conf. Com. Rep. No. 24) recommending that H.B. No. 1557, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24 and H.B. No. 1557, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPONSIBILITY AND FITNESS OF DEFENDANT," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1417, H.D. 1, presented a report (Conf. Com. Rep. No. 25) recommending that H.B. No. 1417, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25 and H.B. No. 1417, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1342, H.D. 1, presented a report (Conf. Com. Rep. No. 26) recommending that H.B. No. 1342, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26 and H.B. No. 1342, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1119, H.D. 2, presented a report (Conf. Com. Rep. No. 27) recommending that H.B. No. 1119, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com.

Rep. No. 27 and H.B. No. 1119, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATION THEREFOR," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 992, H.D. 2, presented a report (Conf. Com. Rep. No. 28) recommending that H.B. No. 992, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28 and H.B. No. 992, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOG CONTROL," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 535, presented a report (Conf. Com. Rep. No. 29) recommending that H.B. No. 535, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29 and H.B. No. 535, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 467, H.D. 1, presented a report (Conf. Com. Rep. No. 30) recommending that H.B. No. 467, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30 and H.B. No. 467, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1562, H.D. 1, presented a report

(Conf. Com. Rep. No. 31) recommending that H.B. No. 1562, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31 and H.B. No. 1562, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECT OF FINDING OF UNFITNESS TO PROCEED," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 180, S.D. 1, presented a report (Conf. Com. Rep. No. 32) recommending that S.B. No. 180, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32 and S.B. No. 180, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 181, S.D. 1, presented a report (Conf. Com. Rep. No. 33) recommending that S.B. No. 181, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33 and S.B. No. 181, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING HOME ADMINISTRATORS ACT," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 247, S.D. 1, presented a report (Conf. Com. Rep. No. 34) recommending that S.B. No. 247, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34 and S.B. No. 247, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE AND COLLECTION

SERVICING AGENTS," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 555, S.D. 2, presented a report (Conf. Com. Rep. No. 35) recommending that S.B. No. 555, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35 and S.B. No. 555, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 711, S.D. 1, presented a report (Conf. Com. Rep. No. 36) recommending that S.B. No. 711, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36 and S.B. No. 711, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICING PSYCHOLOGISTS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 735, S.D. 1, presented a report (Conf. Com. Rep. No. 37) recommending that S.B. No. 735, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37 and S.B. No. 735, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 631, S.D. 1, presented a report (Conf. Com. Rep. No. 38) recommending that S.B. No. 631, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III,

Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38 and S.B. No. 631, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW. ADMISSIONS FOR NONEMERGENCY TREATMENT OR SUPERVISION," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 390, H.D. 1, presented a report (Conf. Com. Rep. No. 39) recommending that H.B. No. 390, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39 and H.B. No. 390, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUIETING TITLE," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1266, H.D. 1, presented a report (Conf. Com. Rep. No. 40) recommending that H.B. No. 1266, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40 and H.B. No. 1266, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 663, H.D. 2, presented a report (Conf. Com. Rep. No. 41) recommending that H.B. No. 663, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41 and H.B. No. 663, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote

of the House to the amendments proposed by the Senate to House Bill No. 1102, H.D. 1, presented a report (Conf. Com. Rep. No. 42) recommending that H.B. No. 1102, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42 and H.B. No. 1102, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 901, H.D. 1, presented a report (Conf. Com. Rep. No. 43) recommending that H.B. No. 901, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43 and H.B. No. 901, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 30, S.D. 2, presented a report (Conf. Com. Rep. No. 44) recommending that S.B. No. 30, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44 and S.B. No. 30, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 800, S.D. 1, presented a report (Conf. Com. Rep. No. 45) recommending that S.B. No. 800, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45 and S.B. No. 800, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

DESIGN PROFESSIONAL CONCILIATION PANEL," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 393, H.D. 2, presented a report (Conf. Com. Rep. No. 46) recommending that H.B. No. 393, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46 and H.B. No. 393, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1338, S.D. 2, presented a report (Conf. Com. Rep. No. 47) recommending that S.B. No. 1338, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47 and S.B. No. 1338, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," was deferred for a period of 48 hours.

Senator Solomon, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1050, presented a report (Conf. Com. Rep. No. 48) recommending that S.B. No. 1050, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48 and S.B. No. 1050, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTENDANCE AT CLASSES OUTSIDE A SCHOOL DISTRICT," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1122, S.D. 2, presented a report (Conf. Com. Rep. No. 49) recommending that S.B. No. 1122, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III,

Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49 and S.B. No. 1122, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1018, H.D. 2, presented a report (Conf. Com. Rep. No. 50) recommending that H.B. No. 1018, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50 and H.B. No. 1018, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING FACILITIES," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 80, S.D. 1, presented a report (Conf. Com. Rep. No. 51) recommending that S.B. No. 80, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and S.B. No. 80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," was deferred for a period of 48 hours.

Senator Young, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1003, S.D. 1, presented a report (Conf. Com. Rep. No. 52) recommending that S.B. No. 1003, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and S.B. No. 1003, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND SALES," was deferred for a period of 48 hours.

Senator Machida, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 753, presented a report (Conf. Com. Rep. No. 53) recommending that

H.B. No. 753, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and H.B. No. 753, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1587, H.D. 1, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 1587, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and H.B. No. 1587, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 904, S.D. 1, presented a report (Conf. Com. Rep. No. 55) recommending that S.B. No. 904, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and S.B. No. 904, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR DEALERSHIP PRACTICES," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 903, S.D. 1, presented a report (Conf. Com. Rep. No. 56)

recommending that S.B. No. 903, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and S.B. No. 903, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 787, S.D. 1, presented a report (Conf. Com. Rep. No. 57) recommending that S.B. No. 787, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and S.B. No. 787, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 966, H.D. 2, presented a report (Conf. Com. Rep. No. 58) recommending that H.B. No. 966, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and H.B. No. 966, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 20, 1983.