

FIFTY-EIGHTH DAY

Wednesday, April 20, 1983

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

The Divine Blessing was invoked by Colonel Joseph E. McCausland, Chaplain, United States Air Force, after which the Roll was called showing all Senators present.

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

At this time Senator Holt rose and stated:

"Mr. President, at this time, I'd like, on behalf of the Senate, to introduce some people visiting with us from the Republic of Kiribati.

"Today, we have with us the Christmas Island Dance Group, a group of 29 dancers and 8 coordinators. They are here on a tour of the islands, their first to the United States, and will be here till Saturday.

"Before we introduce the people on the floor, I'd like to introduce a few individuals in the gallery who have accompanied the group. We have Mr. Brian Asgill, the General Manager of Air Tungaru; Cesino Tebaki, the Wildlife Warden of Christmas Island; Perry Langston, our head fishing guide; and a person responsible for today's activity, a good friend of mine (and Harry Kojima's sister), Ms. Carol Farrow.

"At this time, I'd like to introduce, seated on the floor, the leaders of this group, Mr. Tekeira Mwemwenikiaki and Mr. Tonana Uribano, who are accompanied by the Development Officer of Christmas Island, Mr. Patrick Lawrence.

"The group has consented to do a couple of numbers for us and so, Mr. President, may I present the Christmas Island Dance Group."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

HOUSE COMMUNICATIONS

The following communications from

the House (Hse. Com. Nos. 631 to 639), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 631), informing the Senate that the House has reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 752, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 632) transmitting House Concurrent Resolution No. 202, which was adopted by the House of Representatives on April 19, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING A 'BON VOYAGE' TO THE ROYAL HAWAIIAN BAND AND ITS CONTINGENT OF ROYAL GUARDS ON THEIR SEVEN-NATION EUROPEAN CONCERT TOUR BETWEEN MAY 12 AND JUNE 1, 1983, AND REQUESTING THE ROYAL HAWAIIAN BAND MASTER TO CONVEY THE MESSAGE OF 'ALOHA' FROM THE STATE OF HAWAII TO THE VARIOUS PEOPLES AND DIGINITARIES OF EUROPE," was adopted.

A communication from the House (Hse. Com. No. 633) transmitting House Concurrent Resolution No. 172, H.D. 1, which was adopted by the House of Representatives on April 19, 1983, was placed on file.

By unanimous consent, H.C.R. No. 172, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY BY THE LEGISLATIVE AUDITOR OF ALL CAUSES AND OTHER MATTERS, EVENTS, ORGANIZATIONS, INCLUDING LABOR, EMPLOYERS, GOVERNMENT, MEDICAL CARE AND REHABILITATION AND THE INSURANCE INDUSTRY WHICH MAY AFFECT THE COST OF WORKERS' COMPENSATION IN HAWAII," was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources.

A communication from the House (Hse. Com. No. 634) transmitting House Concurrent Resolution No. 111, H.D. 1, which was adopted by the House of Representatives on April 19,

1983, was placed on file.

By unanimous consent, H.C.R. No. 111, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION BY HONOLULU ATTORNEYS IN HAWAII LAWYERS CARE, THE BAR SPONSORED VOLUNTEER LAWYER PROJECT," was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 635) correcting a previous communication dated April 14, 1983, wherein the names of Representatives Bunda and Souki were inadvertently omitted as Managers on the part of the House for the conference on the amendments proposed by the House to Senate Bill No. 362, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 636) correcting a previous communication dated April 14, 1983, wherein the names of Representatives Crozier and Nakata were inadvertently omitted as Managers on the part of the House for the conference on the amendments proposed by the House to Senate Bill No. 656, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 637) correcting a previous communication dated April 12, 1983, wherein the names of Representatives Chun, Kawakami and Tam were inadvertently omitted as Managers on the part of the House for the conference on the amendments proposed by the House to Senate Bill No. 669, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 638) correcting a previous communication dated April 13, 1983, wherein the name of Representative Nakata was inadvertently omitted as a Manager on the part of the House for the conference on the amendments proposed by the House to Senate Bill No. 1008, was placed on file.

A communication from the House (Hse. Com. No. 639) correcting a previous communication dated April 13, 1983, wherein the names of Representatives Bunda, Kiyabu and Wong were inadvertently omitted as Managers on the part of the House for the conference on the amendments proposed by the House to Senate Bill No. 1254, was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Cobb, for the Committee on Conference on the recommittal to

Conference of House Bill No. 915, S.D. 1, C.D. 1, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 915, S.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and H.B. No. 915, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

Senator Uwaine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 337, H.D. 1, presented a report (Conf. Com. Rep. No. 60) recommending that H.B. No. 337, 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. 60 and H.B. No. 337, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES AND MOPEDS," was deferred for a period of 48 hours.

Senator Uwaine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1105, presented a report (Conf. Com. Rep. No. 61) recommending that S.B. No. 1105, 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. 61 and S.B. No. 1105, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-CYCLES," was deferred for a period of 48 hours.

Senator Uwaine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1247, S.D. 1, presented a report (Conf. Com. Rep. No. 62) recommending that S.B. No. 1247, 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. 62 and S.B. No. 1247, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES," 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. 945) informing the Senate that Conference Committee Report Nos. 13 to 62 and Standing Committee Report Nos. 946 to 973 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 Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 946) recommending that House Bill No. 514 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. 514, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 947) recommending that House Bill No. 657 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. 657, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF ELECTRICIANS AND PLUMBERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Young, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 948) recommending that House Bill No. 234 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. 234, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on

the calendar for Third Reading on Friday, April 22, 1983.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 949) recommending that Senate Concurrent Resolution No. 83 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. 83, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE NEED FOR MORE ON-CAMPUS HOUSING FOR THE STUDENTS OF THE UNIVERSITY OF HAWAII," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 950) recommending that House Bill No. 273 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. 273, entitled: "A BILL FOR AN ACT RELATING TO THE SUBPOENA POWERS OF THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 951) recommending that House Bill No. 284, 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. 284, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL EMPLOYMENT AGENCIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 952) recommending that House Bill No. 340 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. 340, entitled:

"A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 953) recommending that House Bill No. 440 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. 440, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Young, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 954) recommending that the Senate advise and consent to the nominations of Hoaliku Drake, Clarence K. Kamai and Linda K. Rosehill, to the Hawaiian Homes Commission, in accordance with Governor's Message No. 281.

By unanimous consent, action on Stand. Com. Rep. No. 954 and Gov. Msg. No. 281 was deferred until Thursday, April 21, 1983.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 955) recommending that House Bill No. 1129 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. 1129, entitled: "A BILL FOR AN ACT RELATING TO CONCESSION BID DEPOSITS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Solomon, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 956) recommending that Senate Resolution No. 113 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 113, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ACQUIRING BY LAND EXCHANGE THE FORMER OKIMOTO DRUG STORE

SITE AND BUILDING IN WAHIAWA, OAHU, FOR RENOVATION INTO A SENIOR CITIZENS COMMUNITY CENTER," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 957) recommending that Senate Concurrent Resolution No. 89 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. 89, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE WEEK OF MAY 14 THROUGH 20, 1983, HAWAII GIFTED AND TALENTED CHILDREN'S WEEK," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 958) recommending that the Senate advise and consent to the nominations of the following:

Cecilia C. Villafuerte, Mary Anne Migan and Hiroshi Yamashita, to the Hawaii Education Council, in accordance with Governor's Message No. 184;

John A. Thompson, to the Education Commission of the States, in accordance with Governor's Message No. 185; and

Betty Hemphill, Ethelreda R. Kahalewai, Roy J. Hutchinson and K. Russell Ho, to the Library Advisory Commission, City and County of Honolulu, in accordance with Governor's Message No. 186.

By unanimous consent, action on Stand. Com. Rep. No. 958 and Gov. Msg. Nos. 184, 185 and 186 was deferred until Thursday, April 21, 1983.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 959) recommending that the Senate advise and consent to the nominations of the following:

Carl H. Okuyama, to the Board of Planning and Economic Development, in accordance with Governor's Message No. 109;

Donald M. Kuyper, to the Board of Directors, Aloha Tower Development Corporation, in accordance with Governor's Message No. 110;

Asahi Okamoto and Frank Goto, to the Hawaii Fisheries Coordinating

Council, in accordance with Governor's Message No. 111;

William W.L. Yuen, to the Land Use Commission, in accordance with Governor's Message No. 112;

Keith K. Crosson, to the Board of Planning and Economic Development, in accordance with Governor's Message No. 182;

Joseph "Dolly" Makua, to the Hawaii Fisheries Coordinating Council, in accordance with Governor's Message No. 183; and

Susumu Ono, as Chairman, Board of Land and Natural Resources, in accordance with Governor's Message No. 229.

By unanimous consent, action on Stand. Com. Rep. No. 959 and Gov. Msg. Nos. 109, 110, 111, 112, 182, 183 and 229 was deferred until Thursday, April 21, 1983.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 960) recommending that the Senate advise and consent to the nominations of the following:

Margaret P. Josiah, Peter Cabral and James D. Williams, to the Windward Oahu Subarea Health Planning Council, in accordance with Governor's Message No. 282;

Richard Paul Bettini, Glenn Fujihara, D.D.S., John Domen, Jr. and Melvin Dumancas, to the Waianae Coast Subarea Health Planning Council, in accordance with Governor's Message No. 283;

Agnes Jerome Murphy, Setsuo Furuno, Ph.D. and Myron W. Hatch, to the State Planning Council on Developmental Disabilities, in accordance with Governor's Message No. 284; and

Robert L. May, M.D., to the Board of Radiologic Technologists, in accordance with Governor's Message No. 285.

By unanimous consent, action on Stand. Com. Rep. No. 960 and Gov. Msg. Nos. 282, 283, 284 and 285 was deferred until Thursday, April 21, 1983.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 961) recommending that Senate Concurrent Resolution No. 54 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. 54, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING THE TUNA CANNERY OPERATION," was adopted.

Senator Hagino, for the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 962) recommending that House Concurrent Resolution No. 69 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT, THE SECRETARY OF STATE, AND THE UNITED STATES CONGRESS TO PLACE A HIGH PRIORITY ON THE REDUCTION OF NUCLEAR ARMS," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 963) recommending that Senate Resolution No. 134, 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. 134, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER THE ADOPTION OF A RULE TO REQUIRE STAMPING THE PROCESSED DATE AND THE PULL DATE ON EACH CARTON OF MILK," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 964) recommending that Senate Concurrent Resolution No. 107, 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. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER THE ADOPTION OF A RULE TO REQUIRE STAMPING THE PROCESSED DATE AND THE PULL DATE ON EACH CARTON OF MILK," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 965) recommending that Senate Resolution No. 116 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 116, entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF A PUBLIC LIBRARY PORTASTRUCTURE IN THE MOANALUA-SALT LAKE AREA," was adopted.

Senator Solomon, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 966) recommending that Senate Concurrent Resolution No. 116 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. 116, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ACQUIRING BY LAND EXCHANGE THE FORMER OKIMOTO DRUG STORE SITE AND BUILDING IN WAHIAWA, OAHU, FOR RENOVATION INTO A SENIOR CITIZENS COMMUNITY CENTER," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 967) recommending that Senate Concurrent Resolution No. 67 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. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REOPENING OF OAHU HIKING TRAILS," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 968) recommending that Senate Resolution No. 86 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 86, entitled: "SENATE RESOLUTION REQUESTING THE REOPENING OF OAHU HIKING TRAILS," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 969) recommending that Senate Concurrent Resolution No. 65, 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. 65, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TO PROHIBIT THE EXPORT OF UNREGISTERED PESTICIDES," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 970) recommending that Senate Resolution No. 84, 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. 84, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES TO PROHIBIT THE EXPORT OF UNREGISTERED PESTICIDES," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 971) recommending that Senate Resolution No. 143 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 143, entitled: "SENATE RESOLUTION REQUESTING A STATUS REPORT ON IMPLEMENTATION OF THE FINAL CONCEPTUAL PLAN FOR THE DIAMOND HEAD STATE MONUMENT," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 972) recommending that Senate Concurrent Resolution No. 113 be adopted.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON IMPLEMENTATION OF THE FINAL CONCEPTUAL PLAN FOR THE DIAMOND HEAD STATE MONUMENT," was adopted.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 973) recommending that Senate Concurrent Resolution No. 57 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. 57, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING AN APPRAISAL AND ACQUISITION STUDY OF THE LANIHAU/KUKA'ILIMOKU PROPERTIES BETWEEN THE STATE PARK AT OLD KONA AIRPORT AND THE SHORELINE," was adopted.

ORDER OF THE DAY

MATTER DEFERRED FROM
APRIL 15, 1983

THIRD READING

House Bill No. 1531, H.D. 1:

By unanimous consent, action on H.B. No. 1531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Thursday, April 21, 1983.

MATTER DEFERRED FROM
APRIL 18, 1983

THIRD READING

House Bill No. 237:

Senator Machida moved that House Bill No. 237, having been read throughout, pass Third Reading, seconded by Senator Young.

At this time, Senator Machida rose and stated:

"Mr. President, I would like to make a few remarks in support of the bill and also correct some wrong impressions I may have left in my previous discussion on it.

"As indicated previously, I mentioned that TB is very prevalent among immigrants coming into the State of Hawaii. However, this bill does not address that particular problem.

"The problem the bill addresses is that there are many people who are suspected of having this disease and are very difficult to locate to substantiate whether they have TB or not. The Department of Health has indicated that immigrants are relatively easy to locate, so it is easy to obtain the necessary medical information. However, the problem lies with those who are transients in the State of Hawaii and have a general delivery address; and when this situation exists, then it's very, very difficult to locate these people.

"So, what the bill does is, it gives the Department the authority to obtain this medical information from

people who are very difficult to locate. So, I hope that this clarification helps. Thank you."

Senator Cayetano then stated:

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

"Mr. President, before speaking against this bill, I would like to thank the chairman of the Health Committee for deferring this bill for three or four days so that we could attempt to clear up what this bill proposes to do and gather information on the impact of the bill itself.

"My initial concern about this bill was that it infringes on the rights of immigrants, in that the bill provided that the Department of Health would be authorized to obtain medical records of patients without the patient's consent. The chairman informed me yesterday, that the problem, as explained by him now, (certainly was not explained to him at the hearing in this fashion) was not with the immigrants, but with the Caucasians, namely, to use his words, 'the hippie types,' who are somewhat hard to find.

"I wrestled with this question. The principle that I thought was involved, and I suppose, Mr. President, my objection against this bill was that it infringes on the rights of immigrants. That objection should not be any less because the problem is not the immigrants, but Caucasian hippies. The Constitution protects all of us, no matter what our ethnicity or racial persuasion is. Therefore, I have prepared a written speech that I think is still pertinent and which I would now, like to give.

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

"In doing so, my purpose is not to diminish the good intent behind this piece of legislation, namely in improving the ability of the Department of Health to retrieve information about tuberculosis; but rather, I'd like to raise some concerns about the bill's contributions towards undermining the fundamental constitutional rights of a segment of our population.

"Mr. President, if you only review this bill for what it intends to accomplish, then support would be in order. But, each member should put themselves in the place of the patient. How would you feel if the government could have access to your medical records without your consent?

I believe most of the members of this body would not like anyone snooping around their personal medical files!

"We have all lived through a period in this country of such governmental intrusion into the personal affairs of individuals. We know how demeaning it is to a person's dignity, and we understand how important privacy is. The United States Constitution, Mr. President, does not expressly provide for a right of privacy. This has been inferred upon by the Constitution by the United States Supreme Court.

"However, we here, in the State of Hawaii, through the 1978 Constitutional Convention passed a new section which was ratified by the voters, establishing the explicit constitutional right to privacy in our State Constitution. Very few states have this. This new section states, and I quote: 'The right of the people to privacy is recognized and shall not be infringed without a showing of a compelling state interest.' The committee report states that there may be, 'a legitimate need for government to gather data about individuals but there is a danger of abuse in the use of such information.'

"Mr. President, this bill is an example of the kind of intrusion that the Constitutional Convention hoped to protect the citizenry of this state against. In broad language, this bill authorizes the retrieval of information without the consent of a person suspected of having the symptoms of tuberculosis. The conditions for suspicion are not legally defined. There exists a real possibility that the Department of Health, under this bill, can evoke its authority for the slightest suspicion based on the vaguest foundation of fact. Do we want the citizenry to be subjected to this kind of intrusion?

"I know that there may be a feeling that if there is an intrusion, the government interest in public health far outweighs the rights of these individuals. But, Mr. President, the present law protects all of us -- immigrant and hippie -- and the Constitution sees fit to hold this government interest to a very high legal standard.

"Every Senator in this body knows that a compelling state interest test is a difficult one to meet. Very few state interests have been upheld under this test, and under our system of government, explicit con-

stitutional, individual guarantees have always been deemed more important than state interest. In this case, I believe that this law, allowing the retrieval of such medical records without the person's consent, will fail because the Department will be unable to satisfy this test.

"I will not deny that TB exists in this state, but the facts indicate it is not of that epidemic proportion. Let me read to you some of the data that I have been able to develop. I have here a table taken from the State Data Book, page 113, Table 7, (and this speaks to the year 1981,) a total of 197 tuberculosis cases; 115 of those cases were male; 82 were female; 13 of those cases were Hawaiian and Part-Hawaiian; 21 were Chinese; 95 were Filipino; 23 were Japanese; 17 were Korean; 15 were from Vietnam or Cambodia or Laos; and the category 'others' included a total of 7. The pertinent figure here, Mr. President, is that Caucasians numbered only 6; so what we're talking about is a very, very small number and I'm just wondering whether the remedy proposed in this bill is worth overriding the constitutional right of privacy.

"Mr. President, while the chairman says that the problem is with this small population, I'm talking about the hippie population, the fact of the matter is that this law has a broad brush, and goes right across the board. If we want to provide protection for our people from TB, then it seems that we should use innovation. And one of the things that, maybe, the Department should consider would be to get the consent of people in advance rather than waiting until after the test is taken.

"The State of Hawaii has a good record when it comes to monitoring and fighting TB, and we should assist the state in every way we can. But, we have to remember that this is the first step. This is the first bill that I know of...this will be the first law, where we allow our government to get medical records without consent. What next? Certainly the question of herpes is probably more prevalent than TB today. Shall we then extend the concept of this law to provide in the next session, perhaps, that if anyone is suspected of herpes his medical records can be obtained without his or her consent?

"This bill is a Pandora's box. It opens a Pandora's box to the invasion of privacy, and I would ask the Senators here today to vote this bill

down and show that they believe, as the Constitutional Convention did, that the right to privacy is a right here in Hawaii that we truly cherish.

"Let me read to you from the committee report from the Constitutional Convention, and I quote: 'Another area of concern that may be alleviated by this right, is the issue of informational privacy, or the ability of a person to control the privacy of information about himself. There has been a trend in modern day society to require that a person complete forms detailing information about himself. There is often a legitimate need for government or private parties to gather data about individuals, but there is a danger of abuse in the use and/or dissemination of such information. The danger of inclusion of inaccurate data being retained in some computer bank, thereby affecting the life of an individual is inherent in our modern day that the right to privacy should insure that at least an individual shall have the right to inspect records to correct misinformation about himself. Perhaps the most important aspect of privacy is that it confers upon people the most important right of all, the right to be left alone.'

"It goes on to quote Justice Brandeis in the case of *Armstead vs. the United States*, and the quote says: 'The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and his intellect. They knew that only a part of the pain, pleasure and satisfaction of life could be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred as against government the right to be left alone, is the most comprehensive rights and the right most valued by civilized man.'

"I urge, again, for these reasons, that we vote this bill down. Thank you."

Senator Machida then replied:

"Mr. President, just a few remarks in rebuttal.

"First, I agree that there is a definite conflict between the rights of an individual as compared to the rights of the public to be protected from the control and spread of this disease. Second, the statistics alluded to by the previous speaker

are correct. However, the more vital information that we obtained from the Department is that every month there are 100 suspected cases, and out of these 100 suspected cases, 15 of them are very difficult to locate. Sometimes three months elapses before the necessary information is obtained, and in the meantime, the disease could be spreading throughout our community.

"Finally, as we know today, TB is treated on an outpatient basis. Many years ago TB was a very dreaded disease and we had TB hospitals located throughout the State of Hawaii, and we don't want to go back to that kind of condition. This is the reason why the Department is really asking for this particular measure.

"For these enumerated reasons, Mr. President, I would like to once again urge the members for their support of this bill. Thank you."

Senator Cayetano then replied:

"Mr. President, in rebuttal, first of all, there is no emergency. The state has a good record of fighting TB. We've come a long way to the point where the disease, I think, has been pretty well kept under control and for this reason I have a bone to pick with the Department of Health.

"When the Department proposed this bill, as I understood it, the problem was with immigrants. Now, we find out that the problems are the 'hippie types' who have general post office boxes that can't be found. It seems to me that the Department should have been up front with us and given us the information straight.

"But that doesn't really make a difference. If the problem is with these small numbers of people, (all we're really talking about is 15) it's so small that the danger is not epidemic. All I'm saying is that this is going to open the door to future bills which will be introduced by the Department of Health, to correct these kinds of problems; problems which seem to me, should have been worked out by some innovation; problems which can be worked out if there were better communications between doctors and the Department of Health.

"Had this bill been drafted to require that doctors be required to provide medical reports within a certain period of time with the consent of the patient, I would have had no problem. But, it does not. It broadly brushes against the entire

spectrum and I say that one day, maybe even next session, you will see other bills like this, further infringing into our right of privacy; further chipping away at those things that we, as individuals who live in this country, feel are very important."

The motion was put by the Chair and carried and Roll Call vote having been requested, H.B. No. 237, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF TUBERCULOSIS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Abercrombie, Ajifu, Carpenter, Cayetano, Fernandes Salling, Henderson, Kawasaki, A. Kobayashi, Soares and Toguchi).

FINAL READING

Conference Committee Report No. 2 (H.B. No. 278, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 2 was adopted and H.B. No. 278, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 3 (H.B. No. 286, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 3 was adopted and H.B. No. 286, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF BARBERING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 4 (H.B. No. 291, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 4 was adopted and H.B. No. 291, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed

Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 5 (H.B. No. 659, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 5 was adopted and H.B. No. 659, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 115, S.D. 1, H.D. 1:

Senator Cobb moved that S.B. No. 115, S.D. 1, H.D. 1, having been read throughout, pass Final Reading seconded by Senator Soares.

At this time, Senator Carpenter rose and stated:

"Mr. President, just briefly, I rise to speak in favor of this bill.

"Mr. President, I note in the committee report that it does not mention the amounts of money that might be recoverable to the state. My understanding is, from the previous discussion and the hearings on this bill, that this Uniform Unclaimed Property Act could generate somewhere in the neighborhood of two to three million dollars annually, to the State of Hawaii, and that these revenues could go into the General Fund. I think it's a good bill and I request my colleagues' support. Thank you."

The motion was put by the Chair and carried, and S.B. 115, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 184, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 184, S.D. 1, H.D. 1, seconded by Senator Chang.

Senator Cobb then stated as

follows:

"Mr. President, the House has made primarily, technical changes with one exception, and that was in the display of the license. We put the 'business place,' and the House put the 'licensee's place.' For that reason, I find insufficient reason for a conference draft and recommend agreement with the House Draft 1."

The motion to reconsider the action was put by Chair and carried.

On motion by Senator Cobb seconded by Senator Chang and carried, the Senate agree to the amendments proposed by the House to S.B. No. 184, 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. 184, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF OSTEOPATHY."

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 19, 1983 on S.B. No. 418, S.D. 1, H.D. 1, seconded by Senator Yamasaki.

Senator Uwaine then stated as follows:

"Mr. President, yesterday, I made a motion on the floor for reconsideration and for agreement on S.B. No. 418, S.D. 1, H.D. 1, a bill for an act relating to Kona Airport.

"At this time, Mr. President, I'd like to recommend to you that we recommit this bill back to conference for further discussion."

Senator Henderson then queried:

"Would the chairman yield to a question?"

Senator Uwaine answered in the affirmative and Senator Henderson continued:

"Could he tell us the reason for recommitting back to committee?"

Senator Uwaine replied:

"Mr. President, late last night, I had a further discussion with the chairman of the Transportation Committee in the House, Representative

Taniguchi, and it appears that we are close to agreement, so we decided to go back into conference."

Senator Soares then rose and stated:

"Mr. President, a point of order. Didn't we, yesterday, discharge the conferees on this bill?"

The President interjected:

"No, we did not, Senator Soares."

Senator Soares queried:

"Did not?"

The President replied:

"They may talk until such time when the Chair does discharge all the conferees."

Senator Soares then replied:

"So the bill is on 48-hours notice then?"

The President replied:

"That is correct."

Senator Henderson then rose and queried:

"Mr. President, what is the nature of the disagreement?"

Senator Uwaine replied:

"Mr. President, the nature of the disagreement may seem very small for many of us here in this body, but apparently it's a very big issue for the people in Kona, and it deals with the naming of the airport over there.

"The Senate's position is 'The Kona Airport at Keahole, Island of Hawaii,' whereas for the House, the position is 'The Kona Airport situated at Keahole, Island of Hawaii.' Apparently, for those people on that island, and particularly in Kona, it is a major concern. So, rather than just taking this action arbitrarily in the Senate, I decided we should go back into conference."

Senator Henderson then queried:

"Mr. President, I understood that we agreed to the House version. The problem is not in the Senate; it's in the House, right?"

Senator Uwaine replied:

"I beg your pardon, Senator Henderson?"

Senator Henderson replied:

"My question, Mr. President, would be that the problem is not here in the Senate. The problem is in the House, and if we agreed to the House version, what seems to be the problem?"

Senator Uwaine replied:

"Apparently, Mr. President, there are some concerns within the Senate as well, especially from some of the representatives from the Big Island, and, trying to take everybody's concerns into consideration, rather than just my own judgment, as the chairman of the committee, I decided to have further discussion on this bill."

The motion to reconsider the action was put by the Chair and carried.

Senate Bill No. 669, S.D. 1, H.D. 1:

Senator Machida moved that the Senate reconsider its action taken on April 7, 1983 on S.B. No. 669, S.D. 1, H.D. 1, seconded by Senator Young.

Senator Machida then stated as follows:

"Mr. President, we just wanted additional time to see what the impact of the House amendment was upon the small food industry. In checking with the industry and also talking to the Department of Health, we found that both agreed to the amendment and this is the reason why we're agreeing with the House draft."

At 12:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:45 o'clock p.m.

The motion to reconsider the action taken was put by the Chair and carried.

On motion by Senator Machida, seconded by Senator Young and carried, the Senate agree to the amendments proposed by the House to S.B. No. 669, S.D. 1, and in accordance with the provisions of Article III, Section 15 of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 669, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH."

In accordance therewith, the

President discharged the Managers who were appointed on the part of the Senate.

At this time, Senator Cobb, chairman of the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour notice of a Public Hearing on H.C.R. No. 172, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY BY THE LEGISLATIVE AUDITOR OF ALL CAUSES AND OTHER MATTERS, EVENTS, ORGANIZATIONS, INCLUDING LABOR, EMPLOYERS, GOVERNMENT, MEDICAL CARE AND REHABILITATION AND THE INSURANCE INDUSTRY WHICH MAY AFFECT THE COST OF WORKERS' COMPENSATION IN HAWAII", and the President granted the waiver.

At 12:47 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:49 o'clock p.m.

Senator Cayetano then rose and stated:

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

"Mr. President, I'd just like to clarify some remarks that I made yesterday. During the confirmation of Mr. Murakami, I alluded to a person who I described as being politically influential in this town, and also as the Governor's campaign treasurer. I stand corrected. This person never served as the Governor's campaign treasurer, however, I think that most of us agree that he is politically influential. Otherwise, I stand by all of the other remarks that I made yesterday. Thank you."

At this time, Senator Aki, chairman of the Committee on Economic Development requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

H.B. No. 1399, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", and

H.B. No. 1505, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS",

and the President granted the waiver.

Senator Cayetano then rose and

stated:

"Mr. President, a point of information, please. Would the Chair explain to us for the record, when does the 48-hour clocking begin on a bill?"

The President replied:

"The Chair has taken the position that clocking will begin when the budget bill or any bill is presented on your desks."

Senator Cayetano then replied:

"On our desks?"

The President replied in the affirmative and Senator Cayetano concluded his remarks to the Chair stating:

"Thank you, Mr. President."

At 1:02 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 8:00 o'clock p.m. this evening.

EVENING SESSION

The Senate reconvened at 11:30 o'clock p.m. with all Senators present.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 289) transmitting a report prepared by the State Law Enforcement Planning Agency for the Juvenile Justice Interagency Board pursuant to Chapter 571D, Hawaii Revised Statutes, entitled: "Juvenile Justice Information System Study, Phase I," January 1983, was read by the Clerk and was referred to the Committee on Judiciary.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 640 to 672), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 640) 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. 621, H.D. 1, and that the Speaker, on April 19, 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. 641), informing the Senate that the amendments proposed by the Senate to House Bill No. 10, H.D. 1 were agreed to by the House; and H.B. No. 10, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 642), informing the Senate that the amendments proposed by the Senate to House Bill No. 15, H.D. 1 were agreed to by the House; and H.B. No. 15, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 643), informing the Senate that the amendments proposed by the Senate to House Bill No. 42, H.D. 2 were agreed to by the House; and H.B. No. 42, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 644), informing the Senate that the amendments proposed by the Senate to House Bill No. 43, H.D. 2 were agreed to by the House; and H.B. No. 43, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 645), informing the Senate that the amendments proposed by the Senate to House Bill No. 118, H.D. 1 were agreed to by the House; and H.B. No. 118, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 646), informing the Senate that the amendments proposed by the Senate to House Bill No. 208, H.D. 1 were agreed to by the House; and H.B. No. 208, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 647), informing the Senate that the amendments proposed by the Senate to House Bill No. 209 were agreed to by the House; and H.B. No. 209, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 648), informing the

Senate that the amendments proposed by the Senate to House Bill No. 210, H.D. 1 were agreed to by the House; and H.B. No. 210, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 649), informing the Senate that the amendments proposed by the Senate to House Bill No. 211 were agreed to by the House; and H.B. No. 211, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 650), informing the Senate that the amendments proposed by the Senate to House Bill No. 313, H.D. 1 were agreed to by the House; and H.B. No. 313, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 651), informing the Senate that the amendments proposed by the Senate to House Bill No. 351 were agreed to by the House; and H.B. No. 351, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 652), informing the Senate that the amendments proposed by the Senate to House Bill No. 402, H.D. 1 were agreed to by the House; and H.B. No. 402, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 653), informing the Senate that the amendments proposed by the Senate to House Bill No. 411 were agreed to by the House; and H.B. No. 411, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 654), informing the Senate that the amendments proposed by the Senate to House Bill No. 452, H.D. 1 were agreed to by the House; and H.B. No. 452, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 655), informing the Senate that the amendments proposed

by the Senate to House Bill No. 499, H.D. 1 were agreed to by the House; and H.B. No. 499, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 656), informing the Senate that the amendments proposed by the Senate to House Bill No. 576, H.D. 1 were agreed to by the House; and H.B. No. 576, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 657), informing the Senate that the amendments proposed by the Senate to House Bill No. 757 were agreed to by the House; and H.B. No. 757, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 658), informing the Senate that the amendments proposed by the Senate to House Bill No. 783 were agreed to by the House; and H.B. No. 783, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 659), informing the Senate that the amendments proposed by the Senate to House Bill No. 796, H.D. 1 were agreed to by the House; and H.B. No. 796, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 660), informing the Senate that the amendments proposed by the Senate to House Bill No. 890, H.D. 1 were agreed to by the House; and H.B. No. 890, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 661), informing the Senate that the amendments proposed by the Senate to House Bill No. 1037 were agreed to by the House; and H.B. No. 1037, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 662), informing the Senate that the amendments proposed by the Senate to House Bill No. 1121,

H.D. 1 were agreed to by the House; and H.B. No. 1121, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 663), informing the Senate that the amendments proposed by the Senate to House Bill No. 1128 were agreed to by the House; and H.B. No. 1128, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 664), informing the Senate that the amendments proposed by the Senate to House Bill No. 1153, H.D. 1 were agreed to by the House; and H.B. No. 1153, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 665), informing the Senate that the amendments proposed by the Senate to House Bill No. 1237 were agreed to by the House; and H.B. No. 1237, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 666), informing the Senate that the amendments proposed by the Senate to House Bill No. 1294, H.D. 1 were agreed to by the House; and H.B. No. 1294, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 667), informing the Senate that the amendments proposed by the Senate to House Bill No. 1317, H.D. 1 were agreed to by the House; and H.B. No. 1317, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 668), informing the Senate that the amendments proposed by the Senate to House Bill No. 1363, H.D. 1 were agreed to by the House; and H.B. No. 1363, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 669), informing the Senate that the amendments proposed by the Senate to House Bill No. 1438, H.D. 1 were agreed to by the House;

and H.B. No. 1438, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 670), informing the Senate that the amendments proposed by the Senate to House Bill No. 1496, H.D. 1 were agreed to by the House; and H.B. No. 1496, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 671), informing the Senate that the amendments proposed by the Senate to House Bill No. 1528, H.D. 2 were agreed to by the House; and H.B. No. 1528, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 19, 1983, was placed on file.

A communication from the House (Hse. Com. No. 672) transmitting House Concurrent Resolution No. 179, H.D. 1, which was adopted by the House of Representatives on April 20, 1983, was placed on file.

By unanimous consent, H.C.R. No. 179, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE OPPOSITION TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT AND ENCOURAGING THE HAWAII CONGRESSIONAL DELEGATION TO FIGHT ITS PASSAGE," was referred to the Committee on Federal Relations.

CONFERENCE COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1062, S.D. 2, presented a report (Conf. Com. Rep. No. 63) recommending that S.B. No. 1062, 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. 63 and S.B. No. 1062, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT," 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. 834, S.D. 1, presented a report (Conf. Com. Rep. No. 64) recom-

mending that S.B. No. 834, 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. 64 and S.B. No. 834, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," 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. 4, S.D. 1, presented a report (Conf. Com. Rep. No. 65) recommending that S.B. No. 4, 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. 65 and S.B. 4, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND MAKING APPROPRIATIONS THEREFOR," was deferred for a period of 48 hours.

Senator Solomon, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1434, H.D. 1, presented a report (Conf. Com. Rep. No. 66) recommending that H.B. No. 1434, 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. 66 and H.B. No. 1434, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," 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 House to Senate Bill No. 994, S.D. 1, presented a report (Conf. Com. Rep. No. 67) recommending that S.B. No. 994, 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. 67 and S.B. No. 994, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI GENERAL HOSPITAL,"

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. 937, S.D. 1, presented a report (Conf. Com. Rep. No. 68) recommending that S.B. No. 937, 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. 68 and S.B. No. 937, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX," 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. 1, H.D. 1, presented a report (Conf. Com. Rep. No. 69) recommending that H.B. No. 1, 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. 69 and H.B. No. 1, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

At this time, Senator Cayetano rose and stated:

"Mr. President, did I hear conference Conference Committee Report No. 69 mentioned?"

The President replied in the affirmative and Senator Cayetano continued:

"That is the budget. Is that correct?"

The President replied:

"Yes, relating to the State Budget, that's correct."

Senator Cayetano then stated:

"Mr. President, I have a question. I've just read the committee report, No. 69, and I notice there's no discussion of the financial plan that this budget is supposed to comport to, nor is there any indication that this budget follows the revenue projections prepared by the Council on Revenues.

"It is my understanding that under HRS 37-112, part (b), and let me read it for the members, it says, 'All estimates submitted by the Council shall be made public. If the Legislature in appropriating funds or the Governor, in preparing the budget, uses revenue estimates which differ from the estimate prepared by the Council, then the Governor or Legislature shall make that fact public together with the reasons for using the differing revenue estimates.'

"I see in this committee report, no mention of it nor of the Council on Revenues' projections. Frankly, there is no indication as to how these projections are reached, and it would seem to me that for those of us who have not had any opportunity to be involved in the preparation of this budget, it will be very difficult for us to figure out whether we are coming out with a balanced budget or not.

"So, my question is, where is the disclosure that is required under 37-112? I do not see it in the committee report."

At 11:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock p.m.

Senator Cayetano then rose and stated:

"Mr. President, I believe I posed a question to the Chair and I would appreciate an answer."

The question was posed by the Chair and Senator Yamasaki replied as follows:

"Mr. President, in answer to the question posed by the previous speaker, I would also like to read slowly the section that he read under Part IV, Council on Revenues, Chapter 37-112 (b), 'All estimates submitted by the Council shall be made public. If the Legislature in appropriating funds, or if the Governor in preparing the budget, uses a revenue estimate which differs from the estimate prepared by the Council, then the Governor or the Legislature shall make the fact public together with reasons for using the differing revenue estimates.'

"Mr. President, I may not be a lawyer, however, the reading of the section clearly states that the only time you make it public is when there

is a different formula used, other than that of the Council on Revenues' projections. Thank you."

Senator Cayetano then stated:

"Mr. President, I have some knowledge of this section because I believe I wrote it in 1979 or 1980, and, I don't have the committee report before me, but it seems to me that the question of making this information public should be resolved in the committee report.

"Reading this committee report, we have no way of knowing whether in fact, the appropriations or the budget are based on other than the Council on Revenues' projections. That is the point that I'm trying to make. Now, how is anyone supposed to know whether this budget is based on the Council on Revenues' projections or not, if the committee report does not so indicate? May I ask the chairman that question?"

Senator Yamasaki then replied:

"Mr. President, when I'm ready to debate on this bill, I shall make this information accessible to this body."

Senator Cayetano then stated:

"Mr. President, you realize this puts us at an extreme disadvantage because we have only a few days to review and analyze this budget and, if we do not know what the financial plan is, we can't properly analyze the budget!"

The President replied:

"I think, Senator Cayetano, if I understand correctly the reply from the chairman of the committee, he indicated that when the debate starts on the bill, the pertinent information that members of the Senate seek would be made available."

Senator Cayetano then inquired:

"Is it the position of the chairman and yourself, Mr. President, that that information does not have to be set forth in the committee report? Because it seems to me that maybe the safer course would be for us to separate the committee report, redo it, and insert into the committee report the information that I think is required by Chapter 37-112. I don't think that's an unreasonable request."

Senator Cobb then rose and stated:

"Mr. President, I believe that the chairman of the committee, after having read the law, has indicated that there is not a change from the Council on Revenues' estimate, and unless there is such a change, that matter is not required to be disclosed. But if there is such a change, I would assume; as a matter of law and, of course, it would be contained either in the standing committee report or in a separate financial plan submitted to the Senate and debated."

Senator Cayetano then replied:

"Mr. President, I really cannot understand reluctance to disclose the information. If you recall, this entire section was rewritten to conform with the spirit of the Constitutional Convention and the amendments proposed by that Convention, which basically provided for full disclosure of of facts on which the Legislature makes decisions.

"Am I to understand, (1) that it is the position of the chairman that this information does not have to be contained in the committee report, and (2) that he will keep it a secret from the members of this body who have not had the opportunity to engage in the budget negotiations and not disclose this information until debate is had on the budget?" It that the position of the chairman?"

The President replied:

"That is his response to your inquiry."

Senator Cayetano then replied:

"Is that the position, Mr. President?"

The President replied:

"That is correct."

Senator Cayetano concluded his remarks to the Chair stating:

"Thank you, Mr. President."

At 11:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock p.m.

At this time, Senator Carpenter rose and stated:

"Mr. President, now that House Bill No. 1, H.D. 1, S.D. 1, C.D. 1, has

been placed on our desks, I believe it is a matter of public record, is it not?"

The President replied:

"That is correct, Senator Carpenter."

Senator Carpenter then continued:

"Mr. President, in that event, may I request of the Chair and the appropriate committee that all pertinent worksheets or copies of worksheets that comprise the basis for this budget, H.B. 1, H.D. 1, S.D. 1, C.D. 1, be made available to six Senators -- Abercrombie, Cayetano, Toguchi, Kawasaki, Fernandes Salling and Carpenter -- for the purpose of being better informed, so that we can make a more informed and enlightened decision in determining whether or not we should approve or disapprove. And that, Mr. President, is in accordance with Chapter 92, more specifically, Section 92-50 and 92-51. May we have a response from the Chair, please?"

The President replied:

"I believe that inquiry should be taken up with the Committee on Ways and Means. In terms of the worksheets, the worksheets are for the use of the members of the Ways and Means Committee and it will be up to the chairman whether or not he feels that such information should be released at this time."

Senator Carpenter then stated:

"May I then, through your good office, request of the chairman if he would respond to that question?"

The question was posed and Senator Yamasaki replied:

"Mr. President, I don't think that these worksheets can be made available at this time."

Senator Carpenter then continued:

"Mr. President, may I ask a question of the Ways and Means Committee chairman, and I'll ask it through you, do the worksheets ultimately become an implementing mechanism for that which we have before us in the form or H.B. 1, H.D. 1, S.D. 1, C.D. 1, in terms of implementing guidelines for the administration in carrying out the purposes of this budget before us?"

Senator Yamasaki replied:

"Yes, Mr. President. A set of the worksheets are sent to the Department of Budget and Finance."

Senator Carpenter then continued:

"Then, can we conclude, Mr. President that the worksheets are very vital to the implementation of this budget before us?"

Senator Yamasaki replied:

"Mr. President, I'm not so sure whether the worksheets are vital to the implementation of the budget, but the Department of Budget and Finance would have all the details on how allocation of the budget is made."

Senator Carpenter then stated:

"I understand. Mr. President do the worksheets not also break down, within the sub-numbers of the accounts, explaining the programs and where the savings might be affected in the various positions that might be changed or in question. Will you ask that of the chairman please?"

Senator Yamasaki replied:

"Mr. President, even the chairman of the committee does not even look into the worksheets. The staff looks into the worksheets when they are compiling the figures on the respective programs. We look at the specific numbers in general."

Senator Carpenter then asserted:

"Mr. President, I believe that the worksheets are a vital part in implementing the budget, and as they are a vital part in implementing the budget that will cost the taxpayers some 3.2 billion and it will require each member of this body to be competent to speak to the various portions of the budget, and it would certainly enable at least six Senators, whom I mentioned earlier, a better opportunity to make better policy decisions on behalf of the citizens of this state. Can I take it at this point that they are being denied access to these documents?"

The President replied:

"The Chair would like to suggest to the Senator that he make arrangements for possibly getting those worksheets. Whatever procedures are necessary to accomplish that particular objective, the Chair would suggest a discussion with the chairman of Ways and Means for some

amicable way of working them out. I hope this will enable the getting of information that anyone in this body would like to seek."

Senator Carpenter then stated:

"All right. Can we assume that in accordance with subsection 92-51 that at the commencement of tomorrow's workday that those records will be made available to us?"

The President replied in the affirmative and Senator Carpenter continued:

"And we can peruse them?"

The President then replied:

"Yes. At this time, and quite germane to this particular point, the Chair would like to recommend that any discussion on the budget take place on Friday at the opening of the session so as to allow everyone an opportunity to express fully, his or her concerns. Hopefully, any information that is necessary to justify a position can be obtained from the various sources, in particular a discussion with the chairman of Ways and Means, with reference to the worksheets."

Senator Carpenter then stated:

"I think I understand and I appreciate and respect that. Mr. President, I'm not trying to conduct a discussion on the budget at this time. I'm merely asking that could at least six of the individuals, whom I named earlier, be provided access to the worksheets so that we may make a more informed judgement when the subject matter is discussed at the appropriate hour."

The President replied:

"I believe that the chairman has suggested that he is considering the matter and I think the appropriate thing is to have a discussion with him relative to the release of the information that is necessary to make an intelligent decision."

Senator Carpenter then continued:

"Perhaps, Mr. President, we can clear this matter right now if the chairman of the committee would tell us that we could have access to it at the commencement of tomorrow's working day. I would appreciate a response, please."

At this time, Senator Uwayne rose

and stated:

"Mr. President, I appreciate your response to the previous speaker. However, your past practice has been in giving the prerogative to the chairman of each subject matter committee. I think, therefore, that the decision whether or not the worksheets shall be made available to any member is the chairman's prerogative. And, as a member of the Ways and Means Committee, I am strongly recommending to the chairman that we do not make this information available to the six Senators! Thank you."

Senator Carpenter then stated:

"Mr. President, may I have a response from the chairman of the committee?"

The President then asserted:

"I think that the inquiry is to the chairman as to whether or not he would entertain such an inquiry."

Senator Yamasaki then replied:

"Mr. President, the worksheets that are referred to here are hundreds of pages of sheets that cover details of specific program areas, and if we were to make copies of these worksheets, it would probably take weeks...probably after adjournment."

Senator Carpenter then continued:

"Mr. President, I think all we're asking for is access to the worksheets. If a copy is easier, fine. If a copy is not easier, access would be more than adequate. So, Mr. President, could I please have a response from the chairman?"

Senator Yamasaki then replied:

"Mr. President, as you know, I think the previous chairman of the committee knows that after the session is over, the staff, after a hard month's work, we usually give them more than a week or two of rest. And, after they have been given their time to rest, then, they are given the time to work on the worksheets so that they can be sent up to the Department of Budget and Finance.

"Since there is so much detailed information in each of the program areas and in each of the line items, I think that this is an unreasonable request that is being made here. I think that the six of them, the people for whom these worksheets are being

requested, they are intelligent individuals, and I'm sure that they are only seeking these worksheets for other purposes than to just peruse them and to make a group determination as to what the budget contains in H.B. No. 1."

Senator Carpenter then queried:

"Mr. President, I'm not sure if the response is 'yes' or 'no.'"

The President replied:

"I think the answer is 'no.'"

Senator Carpenter then stated:

"Mr. President, may I just say that I am surprised that the worksheets aren't together; otherwise, how could we get the numbers that finally evolved into House Bill No. 1, H.D. 1, S.D. 1, C.D. 1? The worksheets would obviously have to be in order to produce this document for us, and, Mr. President, that is the set of worksheets that we ask to have access to, to gather information so that we may make a more enlightened decision as regards the final outcome.

"Mr. President, if I may, I'd like to extend the request not only from the six individuals, but also on behalf of the other eighteen members of this body."

The President then stated:

"I'm not sure exactly what response you are looking for, Senator Carpenter."

Senator Carpenter then replied:

"I think you already gave the answer. The answer was 'no.' Is that correct?"

The President then replied:

"For the record, the answer was 'no.'"

At this time, Senator Toguchi rose and stated:

"Mr. President, as you know, I'd just like to get a little more specific on that request. Very quickly, let's take, for example, EDN 105, which is the Education area. The budget for that area in terms of money amounts, we're talking about \$162 million; therefore, the total for the biennium, approximately \$325 million.

"Now, from what I have before me, the budget, all I see before EDN 105

is a summary. I have no idea as to what some of the details that have gone into that EDN 105. I can go on and on with the Education budget, which is an approximate \$370 million budget per year. How do you expect us to support the budget when the debate comes up, if we do not have this information prior to the debates?

"We're talking about a budget. That's a thick document here, and I think it's unreasonable for you, for the Ways and Means chairman, for any of you here, to expect us to vote for a budget when we don't even know what makes up these summaries or these total numbers! I think it's necessary, prior to any kind of a debate to know what's inside of this budget.

"Another point, Mr. President, in working with the budget in past years, I also know that the Department of Education, in implementing their budget, gets the worksheet from the Legislature. It's a public document. It's a document that's going to be binding on the Department of Education! They have to follow that! It's part of this budget document summaries here; and they'll follow it. Are we saying here, this evening, that we are to support this budget even before we know what the details are?"

The President replied:

"Senator Toguchi, I wonder if the Chair could implore you that perhaps we can discuss trying to get some information back to you later. Time is running and we have several other measures to take care of, so if you would yield the floor, the Chair would appreciate it."

Senator Toguchi then stated:

"Okay, just one last thing, then, Mr. President. I am very concerned and I was going to add more things, but I am very concerned about the details."

The President then replied:

"Thank you very much, Senator Toguchi."

STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 974) recommending that Senate Resolution No. 64 be referred to the Committee on Legislative Management.

On motion by Senator Cobb, second-

ed by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 64, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF LAWS BASED ON AGE," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 975) recommending that Senate Resolution No. 80 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. 80, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE TO APPOINT AN INTERIM COMMITTEE TO REVIEW CAMPAIGN SPENDING LAWS," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 976) recommending that Senate Resolution No. 91 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 91, entitled: "SENATE RESOLUTION REQUESTING A STUDY BY THE FAMILY COURT OF THE ENFORCEMENT OF VISITATION RIGHTS OF DIVORCED PARENTS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 977) recommending that Senate Concurrent Resolution No. 77 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. 77, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE EQUALITY OF WOMEN," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 978) recommending that the Senate advise and consent to the nomination of Nicholas W. Teves, Jr., to the Board of Electricians and Plumbers, in accordance with Governor's Message No. 277.

By unanimous consent, action on Stand. Com. Rep. No. 978 and Gov. Msg. No. 277 was deferred until Thursday, April 21, 1983.

Senator Uwaine, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 979) recommending that the Senate advise and consent to the nomination of Ryokichi Higashionna, Ph.D., as Director of Transportation, in accordance with Governor's Message No. 286.

By unanimous consent, action on Stand. Com. Rep. No. 978 and Gov. Msg. No. 286 was deferred until Thursday, April 21, 1983.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 980) recommending that Senate Concurrent Resolution No. 16, 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. 16, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE HAWAII PENAL CODE," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 981) recommending that Senate Resolution No. 101 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 101, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII SMALL BUSINESS ADVISORY COMMITTEE AND THE STATE ATTORNEY GENERAL'S OFFICE TO JOINTLY DEVELOP EQUAL ACCESS TO JUSTICE LEGISLATION FOR THE STATE OF HAWAII," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 982) recommending that the Senate advise and consent to the nominations of Eve Clute and Rex R. Ball, to the Board of Massage, in accordance with Governor's Message No. 278.

By unanimous consent, action on Stand. Com. Rep. No. 982 and Gov. Msg. No. 278 was deferred until Thursday, April 21, 1983.

Senator Aki, for the Committee on Culture and Arts, presented a report (Stand. Com. Rep. No. 983) recommending that Senate Resolution No. 78, 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. 78, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF AN ARTS CENTER AT THE LINEKONA SCHOOL SITE," was adopted.

Senator Aki, for the Committee on Culture and Arts, presented a report (Stand. Com. Rep. No. 984) recommending that Senate Concurrent Resolution No. 62, 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. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF AN ARTS CENTER AT THE LINEKONA SCHOOL SITE," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 985) recommending that House Bill No. 72, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 985 and H.B. No. 72, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE SERVICES," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 986) recommending that the Senate advise and consent to the nominations of Charles M. Saiki, Frank G. Stone, Jr., Reginald Young, D.Sc., and Dennis Tulang, to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Governor's Message No. 108.

By unanimous consent, action on Stand. Com. Rep. No. 986 and Gov. Msg. No. 108 was deferred until Thursday, April 21, 1983.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 987) recommending that Senate Concurrent Resolution No. 25, 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. 25, S.D. 1, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING THE REMOVAL OF K-POI RADIO TOWER FROM KALIHI VALLEY," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 988) recommending that Senate Resolution No. 33, 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. 33, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE REMOVAL OF K-POI RADIO TOWER FROM KALIHI VALLEY," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 989) recommending that Senate Resolution No. 122 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. 122, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY OF ESTABLISHING A BOARD UNDER THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO LICENSE PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS AND REGULATE THE PRACTICE OF PHYSICAL THERAPY," 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. 990) recommending that Senate Concurrent Resolution No. 101 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. 101, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY OF ESTABLISHING A BOARD UNDER THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO LICENSE PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS AND REGULATE THE PRACTICE OF PHYSICAL THERAPY," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 991) recommending that the Senate advise and

consent to the nominations of the following:

Flora M. Shota and Sharon Bazzell, to the Library Advisory Commission, County of Kauai, in accordance with Governor's Message No. 230;

Kerry Yukio Ogawa, Edwin T. Silva, Penny Lou Endo and Harriet Anne Borton, to the Library Advisory Commission, County of Maui, in accordance with Governor's Message No. 264; and

Hideo Kuniyoshi and Diana B. Kahler, to the Library Advisory Commission, County of Hawaii, in accordance with Governor's Message No. 280.

By unanimous consent, action on Stand. Com. Rep. No. 991 and Gov. Msg. Nos. 230, 264 and 280 was deferred until Thursday, April 21, 1983.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 992) recommending that Senate Concurrent Resolution No. 98 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 992 and S.C.R. No. 98, entitled: "SENATE CONCURRENT RESOLUTION URGING THE U.S. GENERAL SERVICES ADMINISTRATION TO EXPEDITE STATE ACQUISITION OF FEDERAL LAND AT SALT LAKE, OAHU, FOR THE SITE OF THE SALT LAKE/MOANALUA COMMUNITY LIBRARY," was deferred until Thursday, April 21, 1983.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 993) recommending that Senate Resolution No. 115 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 993 and S.R. No. 115, entitled: "SENATE RESOLUTION URGING THE U.S. GENERAL SERVICES ADMINISTRATION TO EXPEDITE STATE ACQUISITION OF FEDERAL LAND AT SALT LAKE, OAHU, FOR THE SITE OF THE SALT LAKE/MOANALUA COMMUNITY LIBRARY," was deferred until Thursday, April 21, 1983.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 994) recommending that Senate Concurrent Resolution No. 99 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 994 and S.C.R. No. 99, entitled: SENATE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A PUBLIC LIBRARY PORTASTRUCTURE IN THE MOANALUA-SALT LAKE AREA," was deferred until Thursday, April 21, 1983.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 995) recommending that Senate Concurrent Resolution No. 90, 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. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY REGARDING THE FEASIBILITY OF ALLOWING RETIREMENT BENEFITS FOR JOB-SHARING TEACHERS NEARING RETIREMENT AGE IN THE DEPARTMENT OF EDUCATION," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 996) recommending that Senate Concurrent Resolution No. 118 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. 118, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS AND PRESIDENT OF THE UNITED STATES TO AUTHORIZE THE NATIONAL AQUACULTURE ACT OF 1980," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 997) recommending that Senate Concurrent Resolution No. 111 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. 111, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF MAKING HAWAII A CENTER FOR THE INSURANCE BUSINESS," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 998) recommending that Senate Resolution No. 142 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 142, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF MAKING HAWAII A CENTER FOR THE INSURANCE BUSINESS," was adopted.

Senators Uwaine and Chang, for the Committee on Transportation and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 999) recommending that House Bill No. 187, 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 joint report of the Committees was adopted and H.B. No. 187, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 22, 1983.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1000) recommending that Senate Resolution No. 127 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 127, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO PROVIDE ADDITIONAL ASSISTANCE TO HAWAII'S BEEF PRODUCERS," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1001) recommending that Senate Concurrent Resolution No. 104 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. 104, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO PROVIDE ADDITIONAL ASSISTANCE TO HAWAII'S BEEF PRODUCERS," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1002) recommending that the Senate advise and consent to the nominations of the following:

Katsumi Higa, Barry Brennan,

Ph.D., Mark D. Merlin, Ph.D., to the Advisory Committee on Pesticides, in accordance with Governor's Message No. 82;

Stanley T. Tomono, to the Advisory Committee on Agricultural Products, in accordance with Governor's Message No. 162; and

Darryl K.H. Choy, Charles Y. Nagamine and James K. Ikeda, to the Advisory Committee on Pesticides, in accordance with Governor's Message No. 257.

By unanimous consent, action on Stand. Com. Rep. No. 1002 and Gov. Msg. Nos. 82, 162 and 257 was deferred until Thursday, April 21, 1983.

Senator Hagino, for the majority of the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 1003) recommending that Senate Concurrent Resolution No. 59, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.C.R. No. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO DISALLOW ADDITIONAL AID TO EL SALVADOR," was adopted.

Senator Hagino, for the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 1004) recommending that Senate Concurrent Resolution No. 63 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. 63, entitled: "SENATE RESOLUTION REQUESTING THAT THE UNITED STATES SENATE EXPEDITIOUSLY ADVISE AND CONSENT TO THE UNITED STATES PACIFIC ISLANDS FRIENDSHIP TREATIES," was adopted.

Senator Hagino, for the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 1005) recommending that House Concurrent Resolution No. 32, H.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 32, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT RONALD REAGAN, SECRETARY OF

STATE GEORGE P. SCHULTZ, AND THE UNITED STATES CONGRESS TO WORK TOWARD THE BANNING OF ALL FORMS OF NUCLEAR WEAPONS TESTING IN THE PACIFIC BASIN," was adopted.

Senator Hagino, for the Committee on Federal Relations, presented a report (Stand. Com. Rep. No. 1006) recommending that House Concurrent Resolution No. 33 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A BAN ON THE DISPOSAL OF NUCLEAR WASTE MATERIALS IN THE PACIFIC BASIN," was adopted.

At this time, Senator Chang requested that Conference Committee Report No. 21 and Senate Bill No. 1279, S.D. 2, H.D. 2, C.D. 1, entitled, "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," be recommitted to the Committee on Conference, and the President, noting that there was no objection, so ordered.

At 11:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock p.m.

CONFERENCE COMMITTEE REPORTS

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. 1279, S.D. 2, H.D. 2, C.D. 1, presented a report (Conf. Com. Rep. No. 70) recommending that S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70 and S.B. No. 1279, S.D. 2, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," 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. 387, H.D. 2, presented a report (Conf. Com. Rep. No. 71) recommending that H.B. No. 387, 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. 71 and H.B. No. 387, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," 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. 45, H.D. 2, presented a report (Conf. Com. Rep. No. 72) recommending that H.B. No. 45, 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. 72 and H.B. No. 45, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," 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. 1190, H.D. 2, presented a report (Conf. Com. Rep. No. 73) recommending that H.B. No. 1190, 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. 73 and H.B. No. 1190, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY FARM LOANS," 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. 670, H.D. 1, presented a report (Conf. Com. Rep. No. 74) recommending that H.B. No. 670, 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. 74 and H.B. No. 670, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," 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. 5, H.D. 1, presented a report (Conf. Com. Rep. No. 75) recommending that H.B. No. 5, 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. 75 and H.B. No. 5, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," 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. 236, presented a report (Conf. Com. Rep. No. 76) recommending that H.B. No. 236, 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. 76 and H.B. No. 236, S.D. 2, 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 Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 225, H.D. 1, presented a report (Conf. Com. Rep. No. 77) recommending that H.B. No. 225, 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. 77 and H.B. No. 225, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," 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. 702, H.D. 2, presented a report (Conf. Com. Rep. No. 78) recommending that H.B. No. 702, 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. 78 and H.B. No. 702, H.D.

2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred for a period of 48 hours.

At this time the President stated:

"At this time, the Chair would like to announce that the Chair was in error this morning, with reference to Senate Bill No. 418, S.D. 1, H.D. 1, relating to the Kona Airport.

"Under Rule 63-2, the rule specifically states that when a motion for reconsideration has been decided by vote, that vote shall not be reconsidered. Therefore, the measure lies on the floor for Final Reading."

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

Senator Cobb then rose and stated:

"Mr. President, a point of information please. Could we have the clocking time for the budget, please?"

The President replied:

"Yes, the clocking time for the State Budget was at 9:07 p.m. this evening."

Senator Carpenter then rose and stated:

"Mr. President, I'd like to make a note that the budget was not available from 11:03 to 11:09 when the clerks and staff removed it from the desks to do some maneuver, but subsequently brought them back in about nine minutes."

The President then asserted:

"The budget bill that was presented on the floor was decked at 9:07 p.m. and the committee report followed."

ADJOURNMENT

At 12:00 o'clock midnight, on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 21, 1983.