

FIFTY-FOURTH DAY

Thursday, April 11, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:10 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Larry Kelley, Pastor, Ewa Town Baptist Mission, after which the Roll was called showing all Senators present with the exception of Senators Hee and Henderson who were excused.

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

Senator Cobb then introduced the following delegation of the Soviet Goodwill Mission to the members of the Senate:

"Mr. President, on behalf of the Senate and the people of Hawaii, I would like to introduce nineteen visiting dignitaries from the Union of Soviet Socialist Republics. They're here with us today on the floor: first, Mr. Boris Krylov, Professor, Institute of Soviet Law, introducer and leader of the group; second is Vladimir Semenov, secretary of the 'USSR-USA' Society and deputy leader of the group; third is Mr. Zigmantas Dolshas, member of the Supreme Soviet and a director of the State Farm from the Lithuanian Republic; fourth is Mrs. Galina Shatalova, Soviet and Russian song singer; and fifth is Mr. Sergei Maksimov, musician. We also have Mr. Vladimir Zviagin, Mr. Batir Ovezov, Mr. Chari Nazarov, Mr. Valerionis Shrubsha, Mr. Gunars Skriba, Mr. Alexander Giorgadze, Mr. Leonid Bakradze, Mrs. Ludmila Shipahina, Mrs. Lubov Popova, Mr. Efim Muhin, Mr. Umid Kadirov, Mr. Mahmud Gekkiev, Antoli Sokolov and Mr. Sabir Gasanov."

At this time, Mrs. Galina D. Shatalova, accompanied by Mr. Sergei N. Maksimov on the accordion, gave a short musical rendition of two Russian songs.

The President then invited Mr. Krylov to the rostrum.

Mr. Krylov addressed the members of the Senate as follows:

"Thank you, Mr. President. Thank you very much for your reception. Aloha. I thank you for the reception of your people which is very friendly for us, and we understand that the majority of the population around the world will to live in peace and good relations in our common aim that is improve our relations and to make our land, our earth more sensitive place than it is now. We come here as a mission of the goodwill. We meet the same response from the sights of the people of Hawaii.

Thank you very much. We will keep this feeling in the future. Thank you."

The Chair, on behalf of the Senate, conveyed the following message to the dignitaries from the Soviet Union:

"Members of the Soviet Delegation, before you leave, we would like to again welcome you to Hawaii.

"We hope you have a very successful mission in the United States. We, too, would like to see a much safer world. Thank you very much for coming."

The dignitaries were presented with leis by Senators Cobb, Young, Fernandes Salling, George and A. Kobayashi.

At 11:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:23 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 293 to 295) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 293, transmitting a Status Report on the Comprehensive Review of the Hawaii State Plan which includes: "1985 Hawaii State Plan Comprehensive Review: Preliminary Findings and Recommendations," and five technical studies covering the areas of population, economy, physical environment facility systems, and socio-cultural advancement, prepared by the Department of Planning and Economic Development, pursuant to Chapter 226, HRS, was referred to the Committee on Economic Development.

Gov. Msg. No. 294, informing the Senate that on Thursday, April 11, 1985, he signed the following bills into law:

S.B. No. 19 as Act 5, entitled: "RELATING TO EXPORT OF FRUITS, VEGETABLES, NUTS, AND COFFEE";

S.B. No. 62 as Act 6, entitled: "RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE";

S.B. No. 72 as Act 7, entitled: "RELATING TO DRUG ABUSE AND CONTROLLED SUBSTANCES";

S.B. No. 110 as Act 8, entitled: "RELATING TO HOUSING";

S.B. No. 191 as Act 9, entitled:

"RELATING TO THE BOARD OF DENTAL EXAMINERS";

S.B. No. 195 as Act 10, entitled: "RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS"; and

H.B. No. 163 as Act 11, entitled: "RELATING TO HEALTH,"

was placed on file.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Hawaii Criminal Justice Commission, the nomination of Roy Chang as chairman, term to expire June 30, 1989, or upon the expiration of the Commission, whichever comes sooner, was referred to the Committee on Judiciary.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 516 to 519) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 516 informing the Senate that the Speaker added Representative Kiyabu as co-chairman on the part of the House at the conference on Senate Bill No. 1185, S.D. 1, H.D. 1, was placed on file.

Hse. Com. No. 517 informing the Senate that the House reconsidered its action taken on April 9, 1985 in agreeing to the amendments made by the Senate to House Bill No. 995, H.D. 2, S.D. 1, was placed on file.

Hse. Com. No. 518, informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 995, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which, on April 10, 1985, the Speaker appointed Representatives Shito, chairman, Apo, Bunda, Hashimoto and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

Hse. Com. No. 519, informing the Senate that the Speaker, on April 10, 1985, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate Bills:

No. 462, S.D. 1, H.D. 1 - Representatives Yoshimura, chairman, Takamine and Hemmings;

No. 471, S.D. 2, H.D. 1 - Representatives Kiyabu and Yoshimura, co-chairmen, Crozier, Kihano, Lardizabal, Souki,

Takamine and Anderson;

No. 589, S.D. 2, H.D. 1 - Representatives Kiyabu and Yoshimura, co-chairmen, Cachola, Kim, Lardizabal, Souki and Anderson;

No. 1170, H.D. 2 - Representatives Kiyabu and Yoshimura, co-chairmen, Lardizabal, Oshiro, Souki, Takamine and Anderson;

No. 1286, S.D. 2, H.D. 2 - Representatives Kiyabu and Levin, co-chairmen, Hagino, Leong, Lindsey, Nakata, Onouye, Souki, Say, Takamine, Anderson and Pfeil;

No. 1287, S.D. 2, H.D. 2 - Representatives Kiyabu and Levin, co-chairmen, Cachola, Hagino, Kihano, Lindsey, Onouye, Oshiro, Say, Tajiri, Anderson and Hemmings; and

No. 1413, S.D. 1, H.D. 1 - Representatives Yoshimura and Tom, co-chairmen, Hashimoto, Metcalf, Taniguchi and Medeiros,

was placed on file.

STANDING COMMITTEE REPORTS

Senator Kawasaki, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 974) recommending that the Senate advise and consent to the nomination of Richard K. Yonezaki to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 244.

In accordance with Senate Rule 33, action on Stand Com. Rep. No. 974 and Gov. Msg. No. 244 was deferred until Friday, April 12, 1985.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 975) recommending that the Senate advise and consent to the nominations of the following:

Mary M. Katayama, Edwin M. Montell, M.D., Chitose Kanuha, Dorothy P. Kataoka and Yvonne Carvalho Paik to the Hawaii County Subarea Health Planning Council, in accordance with Gov. Msg. No. 222;

Herbert K. Yim, William W. Goodhue, M.D. and Amy A. Mendonca to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 223;

Ludvina K. Takahashi, William T. Honjiyo, Mabel Jean Odo and Leah Pereira to the County Hospital Management Advisory Committee, Kauai County Hospital System, in accordance with Gov. Msg. No. 224;

Harry M. Okumura and William H. Sager to the Advisory Committee on Pesticides, in accordance with Gov. Msg. No. 245;

Paul A. DeMare, M.D. to the Board of Radiologic Technologists, in accordance with Gov. Msg. No. 246;

Sharon E. Ogawa, Mary Ann Pyun, Dorothy K. S. Ono and Isabel M. Tagala to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, in accordance with Gov. Msg. No. 255;

William Kennison, Wayne M. Takehara to the County Hospital Management Advisory Committee, Maui County Hospital System, in accordance with Gov. Msg. No. 256; and

Maurice H. Kaya and Daniel F. Clark to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 257.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 975 and Gov. Msg. Nos. 222, 223, 224, 245, 246, 255, 256 and 257 was deferred until Friday, April 12, 1985.

Senator Holt for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 976) recommending that Senate Resolution No. 59, as amended in S.D. 1 be adopted.

On motion by Senator Holt, seconded by Senator Chang and carried, the report of the Committee was adopted and S.R. No. 59, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE ESTABLISHMENT OF AN INSTITUTE FOR PEACE AT THE UNIVERSITY OF HAWAII," was adopted.

Senator Holt for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 977) recommending that Senate Concurrent Resolution No. 45, as amended in S.D. 1 be adopted.

On motion by Senator Holt, seconded by Senator Chang and carried, the report of the Committee was adopted and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF AN INSTITUTE FOR PEACE AT THE UNIVERSITY OF HAWAII," was adopted.

Senator Holt for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 978) recommending that Senate Resolution No. 81 be adopted.

Senator Holt then moved that Stand. Com. Rep. No. 978 be adopted and S.R. No. 81 be adopted, seconded by Senator Chang.

Senator Abercrombie spoke on the measure as follows:

"Mr. President, I signed that resolution,

with reservations, and I just want to indicate why. I do not believe that the Board of Regents have any reason whatsoever to raise the tuition at this time, and while the resolution recommends that they, as it is put in the title, 'carefully consider the impact,' I hope that will not be seen as some kind of an indication from the Legislature that we would countenance a raise in the tuition at this time. All the testimony, and I have a good portion of it and heard a good portion of it at the hearing at the University of Hawaii at Manoa, and understand similar testimony was received all over the state, indicates overwhelmingly not only that the individuals testifying and the groups testifying are against the raise in tuition. The reasons for being against it are sound economically. They're sound socially. They're sound educationally. And the regents have continually cited as a reason for raising the tuition, a presumed demand on the part of the Legislature that tuition be raised.

"I want to indicate quite clearly for the record that to my knowledge this Legislature has never done anything of the kind and that this resolution in no way, shape, or form can be utilized as an indication that tuition should be raised. There is no question in my mind that the reasoning behind, if you can call it that, on the part of the regents or the administration of the University is faulty, so utterly devoid of a rationale, that to raise the tuition at this time, would simply be, well, I suppose, an act of aggression and attack on the student body and a clear indication to the taxpayers of the state that the regents are getting their signals from somewhere and are intending to turn the University into the private preserve of some people, and in fact are acting in a way to keep those most in need of an education from being able to obtain one if their finances in anyway are difficult for them.

"It is virtually in my eyes a criminal act from a social point of view to try to prevent people in this day and age from going to the university. Perhaps we should have a group of Regents whose incomes are limited. Maybe that should be the criteria before they are allowed to even be on the Regents.

"But these individuals who are on the Board of Regents now I hope will get the message that they are to represent the best educational interests of the people of this state and not make decisions which further alienate our people from our institutions, particularly our educational institutions. This is not an elitist institution, not the private preserve of the regents or political cronies of whatever party is in power. This university is the people's university and should be treated as such, and the regents should be advocates for the best educational opportunities for anyone in our state."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 81, entitled: "SENATE RESOLUTION URGING THE BOARD OF REGENTS TO FULLY AND CAREFULLY CONSIDER THE IMPACT OF IMPLEMENTING A TUITION INCREASE BASED SOLELY ON AN ARBITRARY PERCENTAGE OF EDUCATIONAL COSTS BASIS," was adopted.

Senator Solomon, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 979) recommending that House Bill No. 113 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and H.B. No. 113, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF DEALERS IN FARM PRODUCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 12, 1985.

Senator Solomon, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 980) recommending that House Bill No. 115 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and H.B. No. 115, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 12, 1985.

Senator Solomon, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 981) recommending that House Bill No. 114 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and H.B. No. 114, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 12, 1985.

Senator Solomon, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 982) recommending that the Senate advise and consent to the nomination of John E. Loomis to the Board of Agriculture, in accordance with Gov. Msg. No. 214.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 982 and Gov. Msg. No. 214 was deferred until Friday, April 12, 1985.

Senator Aki, for the majority of the Committee on Economic Development,

presented a report (Stand. Com. Rep. No. 983) recommending that House Bill No. 1063, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the report of the majority of the Committee was adopted and H.B. No. 1063, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 12, 1985.

At 11:30 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:32 o'clock a.m.

ORDER OF THE DAY

THIRD READING

By unanimous consent, action on the following bills was deferred until Friday, April 12, 1985:

S.B. No. 669, S.D. 1, H.D. 1;
H.B. No. 191;
H.B. No. 192, H.D. 1;
H.B. No. 206, H.D. 1;
H.B. No. 38;
H.B. No. 228;
H.B. No. 233, H.D. 1;
H.B. No. 462;
H.B. No. 1060; and
H.B. No. 1382.

ADVISE AND CONSENT

Stand. Com. Rep. No. 970 (Gov. Msg. No. 149):

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

Senator Cobb then moved that the Senate advise and consent to the nomination of Glenn E. Mason to the Hawaii Historic Places Review Board, term to expire January 1, 1989, seconded by Senator Soares.

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

Ayes, 23. Noes, none. Excused, 2 (Hee and Henderson).

Stand. Com. Rep. No. 971 (Gov. Msg. No. 150):

Senator Cobb moved that Stand. Com. Rep. No. 971 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of Robert L. Shuford, Tom T. Okuda and

Sharon R. Weiner to the Stadium Authority, terms to expire December 31, 1988, seconded by Senator Soares.

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

Ayes, 23. Noes, none. Excused, 2 (Hee and Henderson).

Stand. Com. Rep. No. 972 (Gov. Msg. No. 283):

Senator Cobb moved that Stand. Com. Rep. No. 972 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Kazu Hayashida, L. Stephen Lau, Ph.D., and James J. Nakatani to the Technical Advisory Committee on Pesticides, terms to expire December 31, 1985, or upon the expiration of the board, whichever occurs sooner;

Melvin Koizumi, Susumu Ono and Jack K. Suwa to the Technical Advisory Committee on Pesticides, terms to expire December 31, 1986, or upon the expiration of the board, whichever occurs sooner;

James W. Morrow, Samuel S.H. Lee and Jacqueline Parnell to the Technical Advisory Committee on Pesticides, terms to expire December 31, 1987, or upon the expiration of the board, whichever occurs sooner;

seconded by Senator Soares.

Senator McMurdo rose to speak against the Governor's nominations as follows:

"Mr. President, I think that the legislative intent of Act 275, relating to environmental quality, is explicit in its findings and purpose and it reads: 'The Legislature finds that the problem of pesticide contamination has increased in scope and urgency, requiring a comprehensive and innovative approach in statewide effort to address recent problems in our various communities. The Legislature further finds that the enhancement of the authority of the Office of Environmental Quality and Control, and the delegation to the office of additional responsibilities to protect and preserve the health of Hawaii's people, are appropriate responses to a compelling state interest.' I think if it is the intention of the Legislature to protect and preserve the health of Hawaii's people, that appointing those who have been implicated in previous contamination crises and associated in the minds of the public with possible cover-ups is a strange way of showing it.

"As many of you must know from talking to citizens during the heptachlor crisis, they lack confidence in the government's efforts and ability to protect their health and that of their children.

"We need a committee whose members are technically competent, but also whose lack of bias can be used to solve the problem of regulating and monitoring of pesticides in Hawaii, and to give the citizens of this state a sense that they can trust us to fulfill our responsibilities as their representatives.

"Mr. President, I would like to add that I am not opposed to all of the members on this. Is there any way we can take up a separate vote on the individuals on this particular Governor's Message?"

The Chair replied: "We could so note it in the record."

Senator Abercrombie rose to speak against the nominations as follows:

"Mr. President, speaking in support of Senator McMurdo's points with reservation. I believe that while there may be individuals that the Senator can support, the point here is that a committee is being appointed and that's what's being judged, and I don't see any clear way to make the point unless the committee, as it is presented here in the Governor's Message, receives a 'no' vote.

"I subscribe to the points raised by Senator McMurdo and I urge that this body make its view known not only to the executive, but to the public at large that we do in fact consider the contamination of the environment such a serious issue that simply to go through the motions of appointing a committee for show purposes is not sufficient; that this Senate, in particular, takes its obligations and its responsibilities a good deal more seriously than simply allowing names to slide through because it formulates for all intents and purposes a political convenience; that is to say, well we have done something; it is now up to them; it is not up to us to do.

"It is up to us to confirm these appointments and a 'no' vote today would indicate to the public and to the executive that we want to see far more serious effort made to deal with the question of pesticides in a manner that can regain that confidence that Senator McMurdo indicates is sorely lacking at this point."

Senator B. Kobayashi rose to speak in favor of the nominations as follows:

"Mr. President, the difficulty here is that we have given a body several responsibilities. The name of the group talks about technical advice. Technical advice is only one aspect of their

responsibility. Another and very important aspect is the evaluation, coordination and recommendation function.

"We are caught in a difficult situation in which we in the Legislature cannot replace those in the executive branch who have to implement these various actions. In order to really get people to coordinate, to evaluate and to make recommendations we eventually will need the cooperation of some of these people who are listed on this committee. There is no getting around that unless we attempt to remake the Governor's cabinet. We will have to ask these people to take on responsibilities which they may have in previous years not done to everyone's satisfaction. Nonetheless, we have to move another body within the executive branch toward a more agreeable situation in addressing a difficult and perhaps partially unsolvable problem, that of pesticide contamination.

"I would contend that there may be grounds for appointing other people if the function of this committee were purely technical advice. But since the function of this group is technical advice and other administrative functions including the evaluation, coordination and recommendations to better handle pesticide contamination, I think we have to rely on these people to do their level best to proceed perhaps more vigorously, perhaps more carefully, but nonetheless proceed to improve a situation in which they have administrative responsibility over. Thank you."

Senator Abercrombie then asked if the chairman would yield to a question. The Chair posed the question and Senator B. Kobayashi having answered in the affirmative, Senator Abercrombie inquired as follows:

"Mr. President, would you ask whether the chairman was implying or was he actually explicit in his remarks in the sense that in the absence of naming some of these individuals to this committee that there would be a lack of cooperation on the part of these individuals in the executive with a committee made up of other people?"

Senator B. Kobayashi replied as follows:

"Mr. President, I made no such implication. It's simply that in order to move an entire department one has to have the cooperation of those who make policy decisions. In this case the ultimate policy decision maker would be the director of the department.

"If we were asking for simple technical advice it is probably best that we get somebody at a lower level on the administrative ladder who would indeed be a subject matter expert. But that subject

matter expert would not be able to make commitments and to make policy decisions for the department, particularly when some of those department matters are inter-department or agency."

Senator Abercrombie responded as follows:

"Mr. President, I thank the chairman for his response but I do not find it persuasive in the least. I refer the members to the Governor's Messages which follow the one in question gubernatorial nominees for the Statewide Health Coordinating Council and Subarea Health Planning Councils and you will see numerous individuals who are not associated with the departments by way of being chairs of those departments or individuals who have administrative responsibility such as those which have been called into question in respect of pesticides. The chairman is not persuasive in his defense of these names. He merely repeats, it seems to me, the idea that in absence of having these individuals on the Technical Advisory Committee that it is likely, if not probable, that whatever advice was received would be ignored.

"That is further indictment of this committee and its function.

"Recommendations are received all the time from individuals on advisory committees in various departments and the directors of those departments are expected to act on them, favorably or unfavorably as the case may be, but nonetheless act on them and give their reasons as to why they have done what they have done or not done what has been suggested.

"If the only argument for taking this committee as it is and voting it through, essentially, is that we risk that no attention will be paid in terms of implementation, then that is a comment on the genuineness of the committee's nominations, as opposed to the arguments that Senator McMurdo and myself have made that the public is the one that needs to be served here. The message coming from this vote, then, would be, if I understand the thrust of the chairman's comments correctly, that the people must continue to petition the government to please do the right thing by them. And if we do not approach the government in the proper fashion, well then the government may reject us. We are in the position of petitioners of making pleas to this authority that exists up here over us as if we were still vassals, as if we were some kind of serfs, as if we were some peasantry that had no right to come before the barons and the lords of a manor except under circumstances that they indicate are proper and only in such a manner as they will allow us to follow, when it's supposed to be the exact opposite. They're supposed to be serving the public interest.

"It is, again, a commentary on the way our party is operating, that the Majority party is operating, that we still in the face of the overwhelming sense of frustration and fear and anxiety that exists in the public mind with respect to the way we are dealing with pesticides that we nonetheless continue to condescend to the public, to patronize the public, to speak down to the public and indicate that we are not going to allow them to have even this small opportunity, almost symbolic opportunity, to indicate that we really do care about pesticides. And in the fragile environment that we have in Hawaii, particularly with our water supply, it just seems impossible for me to understand how it is we can still be fighting the idea that the public deserves protection.

"The appointment of this committee will do nothing to relieve the anxiety in the public and on the contrary will be another mark against us in the public mind and most certainly in the political struggle to come. It will be another mark against us. And I do not wish to be associated with that and protest vigorously that this series of nominations will only serve to further denigrate in the public mind the seriousness with which this party respects the idea of pesticides in our environment."

Senator Cayetano then asked if the chairman would yield to a question. The Chair posed the question and Senator B. Kobayashi having answered in the affirmative, Senator Cayetano inquired as follows:

"Mr. President, let me preface my question by stating that the title of the committee is the Technical Advisory Committee on Pesticides. I'm not certain in my mind, Mr. President, as to what this committee is supposed to do and to whom this committee is supposed to provide advice. Would you ask the chairman, first, to describe the role of the committee and explain to what body this committee is supposed to provide technical advice as the title implies?"

Senator B. Kobayashi explained as follows:

"Mr. President, the body is to provide advice to the Office of Environmental Quality Control which is administratively attached to the Department of Health. It is to provide advice and is not a policymaking body. The policymaking body still resides with the Office and the director of that office."

Senator Cayetano responded as follows:

"Thank you. Mr. President, I'm going to join Senators McMurdo and Abercrombie in voting against this measure. Quite frankly, at the outset I had not intended to.

"I know most of the individuals involved. I have had experience with them. I know what their roles are, what their functions are. Let me state, also, for the edification of this body that one of the individuals, Mr. Samuel S.H. Lee is a constituent of mine and he must be the public member on this body because I know of no technical advice that Mr. Lee can provide.

"I am not opposed to Mr. Lee. I'm opposed to the naming of the other individuals primarily because unless I misinterpreted the remarks of the chairman, the implication of his remarks seems to me that if the Office of Environmental Quality Control does not come up with decisions or policies which pleases these individuals who are themselves directors or heads of departments or agencies within the respective departments, namely, the Department of Agriculture, the Department of Health, and the Department of Land and Natural Resources, then those policies or the recommendations of the Office will not be adopted by those respective departments. If that's the case, it seems to emasculate the role, (1) of this committee, and (2) the function of the Office of Environmental Quality Control. For that reason, I'm going to vote against this measure."

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

Ayes, 19. Noes, 4 (Abercrombie, Cayetano, Kawasaki and McMurdo). Excused, 2 (Hee and Henderson).

Stand. Com. Rep. No. 973 (Gov. Msg. Nos. 273, 279, 280, 281, 282 and 272):

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

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Joji Nouchi, Jonathan S. Raymond, Ph.D., Rosalie Kasaba, Ronald T. Hayashi, Leland M. Yagi to the Statewide Health Coordinating Council, term to expire December 31, 1986;

Joyce E. Allosada, David H. Luehr, Katherine G. Takehiro and Richard Higashi to the Statewide Health Coordinating Council, terms to expire December 31, 1987;

Peter A. Sybinsky, Ph.D., Harold S.Y. Hee, Masao Watanabe, Minoru Inaba, Patrick R. Cullen, Albert P. Moniz, Eugene Yamamoto, Kenneth A. Haling, M.D., Cullen T. Hayashida and the Reverend Kenneth W. Smith to the Statewide Health Coordinating Council,

terms to expire December 31, 1988;	No. 103	Committee on Energy
Bernadette Ledesma, Patty Yamamoto and John A. Rabanal to the Central Oahu Subarea Health Planning Council, terms to expire December 31, 1988;	No. 104 Recreation	Committee on Tourism and Recreation
Robert K. Mole to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1985;	No. 105 Development	Committee on Economic Development
Kiyoko Akase to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1987;	No. 106 Operations	Committee on Government Operations
Stanley E. Rodrigues, Sr., Merrie K. Aipoalani and Karen G.S. Shimabukuro to the Waianae Coast Subarea Health Planning Council, terms to expire December 31, 1988;	No. 107 Operations	Committee on Government Operations
Edward C. McCrea and Loretta T. Schuler to the Windward Oahu Subarea Health Planning Council, term to expire December 31, 1986;	No. 108 Means	Committee on Ways and Means
Kathryn N. Kato, Saburo Ebisu, Ralph J. Kiessling, Roger E. Roach and James R. Yano to the Windward Oahu Subarea Health Planning Council, terms to expire December 31, 1988;	No. 109 Recreation	Committee on Tourism and Recreation
Amelia R. Jacang, M.D., to the Drug Product Selection Board, term to expire December 31, 1987,	No. 110	Committee on Agriculture
Leslie Bailey, Ph.D., to the Drug Product Selection Board, term to expire December 31, 1988; and	No. 111	Committee on Agriculture
seconded by Senator Soares.	No. 112 Transportation	Committee on Transportation
The motion was put by the Chair and carried on the following showing of Ayes and Noes:	No. 113 Employment	Committee on Labor and Employment
Ayes, 23. Noes, none. Excused, 2 (Hee and Henderson).	No. 114 Development	Committee on Economic Development
REFERRAL OF SENATE RESOLUTIONS	No. 115	Committee on Health
The Chair made the following committee assignments of resolutions that were offered on Tuesday, April 9, 1985:	No. 116	Committee on Agriculture
Senate Concurrent Resolutions	No. 117	Committee on Agriculture
Referred to:	No. 118	Jointly to the Committee on Agriculture and the Committee on Health
No. 98	No. 119	Committee on Judiciary
Committee on Government Operations	No. 120	Committee on Judiciary
No. 99	No. 121	Committee on Economic Development
Committee on Education	No. 122	Committee on Judiciary
No. 100	No. 123	Committee on Judiciary
Committee on Agriculture	No. 124	Jointly to the Committee on Agriculture and the Committee on Economic Development
No. 101	No. 125	Committee on Ways and Means
Committee on Higher Education	No. 126	Committee on Government Operations
No. 102	No. 127	Committee on Government Operations
Committee on Tourism and Recreation	No. 128	Committee on Transportation
	No. 129	Committee on Economic Development

No. 130 Recreation	Committee on Tourism and Recreation	No. 139 Recreation	Committee on Tourism and Recreation
No. 131 Development	Committee on Economic Development	No. 140	Committee on Energy
No. 132 Development	Committee on Economic Development	No. 141	Jointly to the Committee on Health and the Committee on Human Services
No. 133 Development	Committee on Economic Development	No. 142	Committee on Economic Development, then to the Committee on Legislative Management
No. 134	Committee on Housing and Community Development	No. 143	Committee on Tourism and Recreation
No. 135 Development	Committee on Economic Development	No. 144	Committee on Economic Development
No. 136 Development	Committee on Economic Development	No. 145	Committee on Government Operations
No. 137 Recreation	Committee on Tourism and Recreation	No. 146	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management
No. 138 Development	Committee on Economic Development	No. 147	Committee on Government Operations
Senate Resolutions	Referred to:	No. 148	Committee on Ways and Means
No. 125 Operations	Committee on Government Operations	No. 149	Committee on Tourism and Recreation
No. 126 Employment	Committee on Labor and Employment	No. 150	Committee on Agriculture
No. 127	Committee on Labor and Employment, then to the Committee on Legislative Management	No. 151	Committee on Agriculture
No. 128	Committee on Labor and Employment	No. 152	Committee on Economic Development
No. 129	Jointly to the Committee on Tourism and Recreation and the Committee on Economic Development	No. 153	Committee on Transportation
No. 130	Committee on Higher Education, then to the Committee on Legislative Management	No. 154	Committee on Labor and Employment
No. 131 Operations	Committee on Government Operations	No. 155	Committee on Economic Development
No. 132	Committee on Education	No. 156	Committee on Consumer Protection and Commerce
No. 133 Transportation	Committee on Transportation	No. 157	Committee on Housing and Community Development
No. 134	Committee on Education	No. 158	Committee on Government Operations
No. 135	Committee on Agriculture	No. 159	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management
No. 136	Committee on Agriculture	No. 160	Committee on Agriculture
No. 137 Education	Committee on Higher Education	No. 161	Jointly to the Committee on Agriculture and the Committee on Health
No. 138 Recreation	Committee on Tourism and Recreation	No. 162	Committee on Agriculture

No. 163	Committee on Judiciary
No. 164	Committee on Judiciary, then to the Committee on Legislative Management
No. 165	Committee on Economic Development
No. 166	Committee on Judiciary
No. 167	Committee on Judiciary
No. 168	Committee on Ways and Means, then to the Committee on Legislative Management
No. 169	Jointly to the Committee on Agriculture and the Committee on Economic Development
No. 170	Committee on Ways and Means
No. 171	Committee on Government Operations
No. 172	Committee on Government Operations, then to the Committee on Legislative Management
No. 173	Committee on Transportation, then to the Committee on Legislative Management
No. 174	Committee on Tourism and Recreation
No. 175	Committee on Economic Development
No. 176	Committee on Economic Development
No. 177	Committee on Economic Development, then to the Committee on Legislative Management
No. 178	Committee on Economic Development, then to the Committee on Legislative Management
No. 179	Committee on Housing and Community Development, then to the Committee on Legislative Management
No. 180	Committee on Government Operations
No. 181	Committee on Economic Development
No. 182	Committee on Economic Development
No. 183	Committee on Tourism and Recreation
No. 184	Committee on Economic Development

APPOINTMENT OF CONFEREES

In accordance with the disagreement of the House to the amendments proposed by the Senate to the following House Bill, and the request for a conference on the respective subject matters thereof, the President appointed the following Managers on the part of the Senate for the consideration of said amendment:

H.B. No. 995 (S.D. 1) - Senators Cobb, chairman, Cayetano, Kawasaki, McMurdo and A. Kobayashi.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

At this time, Senator Matsuura made the following introduction:

"Mr. President, speaking on behalf of Senators Richard Henderson, Malama Solomon, myself and the State of Hawaii, it is, indeed, a great honor to introduce to this body, our first 'Hawaiian-grown' astronaut, U.S. Air Force Lt. Col. Ellison Shoji Onizuka.

"As you are well aware, Colonel Onizuka, together with four other astronauts, made a classified journey into space and orbited the earth in the space shuttle Discovery. This space shuttle was launched on January 24 at Kennedy Space Center and returned to earth after completing a very successful 7-day space mission.

"His flight into space was an achievement of a dream, a dream that came true through dedication, perseverance and determination. He overcame staggering odds against his selection as one of 35 candidates for the space program back in July 1982.

"He credits many of his friends and family members for helping him achieve that dream—from the coffee fields of Kona to a United States astronaut.

"Colonel Onizuka is the son of the late Masamitsu Onizuka and Mrs. Mitsue Onizuka of Kona. Ellison's parents, who were coffee growers, worked very hard to send Ellison to school in Colorado. They had a dream and Ellison's achievements made their dream come true. Ellison participated and excelled in various boyhood life experiences. He attained the highest award in scouting, the eagle scout award. As a member of the Kona 4-H Club, he was elected to the highest post in the 4-H federation, the State presidency. He was an outstanding student at Konawaena High School, and as a college student at the University of Colorado, he attained his Bachelor of Science and Master of Science degrees, majoring in Aerospace Engineering.

"There were numerous other achievements in which he served with distinction. However, as with all great achievers, there are others who also helped him become great. These include his wife, Lorna of Naalehu, and daughters, Janelle and Darien Lei.

"Colonel Onizuka is one of Hawaii's favorite sons and his dedication to his profession and to his family is an inspiration and a noble example to all.

"At this time, may I now introduce Hawaii's own astronaut, Lt. Colonel Ellison Onizuka.

"Together with Colonel Onizuka is NASA Public Relations Specialist Ms. Evelyn Thames. Accompanying them is Kona businessman, Fred Fujimoto."

The Chair then invited Lt. Col. Onizuka to say a few words to the Senate:

"At this time, Colonel, I'd like to apologize for detaining you. I know you have a commitment in Waikiki and if you would just say a few brief words, we'll let you go. Senators, may I present our 'Outer Space Hawaiian,' Colonel Onizuka."

Lt. Col. Onizuka addressed the members of the Senate as follows:

"Mr. President, members of the Senate, it's an honor and a pleasure for me to be here today as a resident of Hawaii and also a member of the Astronaut Corps representing the National Aeronautic and Space Administration.

"It's been a dream come true for me, but I think more importantly it reflects the opportunity available to the youth of Hawaii today, the youth of America. Ours is a great country, full of opportunity; it's the freest, most democratic country, and because of its ideals those of us who had dreams in our youth are able to realize them with the help of many people.

"I've been very fortunate and today I'd like to thank all the members of the Senate and the people of Hawaii for their support and help in getting me to where I am today. I will be the first to say that being an astronaut is not an easy task, but it's a long road and it cannot be travelled alone. It requires a lot of help from people back home. It requires a lot of help from the people in the space program. And I'm here today to thank all of you in the State of Hawaii for helping make all of this possible for me. I'd also like to express some special thanks to Evelyn Thames from NASA headquarters in Washington who has coordinated all of our post-flight activities, and to Mr. Fred Fujimoto who has served as the Hawaii coordinator for our post-flight activities here in March and in April. I'd

like to thank them for all their hard work, for what they've done to make all this possible.

"We will be in the state for the next twelve days and hopefully we'll be able to inspire some other youth from Hawaii to try this program. And it's only possible because of the type of work that you all are doing today to help make the opportunity available to the youth of Hawaii.

"I thank you for the opportunity to be here. It's been a pleasure for me to go off and fly in space. More importantly, it was an honor to serve the United States of America on its first Department of Defense mission, and I will always remember the work that was done. All of us can be very proud of what was accomplished in the mission. Unfortunately, I cannot share it with you today. Needless to say, all of you should be proud because the expertise and technology available in the United States today is second to none.

"Today, before leaving I'd like to present the Hawaii State Senate a Hawaiian Flag and a crew patch which was flown aboard the United States Space Shuttle Discovery in January of this year. It has travelled some 1.3 million miles and crossed over the State of Hawaii many times on this Department of Defense mission.

"Again, thank you very much for all your support."

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

Senator Kawasaki, chairman of the Committee on Government Operations, then requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Government Operations Committee's hearing notice for Friday, April 12, 1985, and the President granted the waiver.

RECONSIDERATION OF ACTION TAKEN

Senate Bill 1404, H.D. 1:

Senator Chang moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 1404, H.D. 1, seconded by Senator Cayetano.

Senator Chang explained as follows:

"Mr. President, your committee has found that the amendments made by the House are in conformance with recommendations made by the National Commissioners to the Uniform Law on Fraudulent Transfers and is perfectly consistent with the action taken by the National Commissioners at their

mid-year conference. Your committee finds that these amendments are preferable to the amendments made by the Senate to the bill."

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

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1404, and S.B. No. 1404, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT TRANSFERS," was placed on the calendar for Final Reading on Monday, April 15, 1985.

At this time, Senator Holt, chairman of the Committee on Higher Education, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.C.R. No. 101, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INSTITUTE FOR PEACE TECHNOLOGY"; and

S.R. No. 137, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INSTITUTE FOR PEACE TECHNOLOGY,"

and the President granted the waiver.

Senator Kawasaki rose on a point of personal privilege as follows:

"Mr. President, yesterday I asked the chairman of the Senate Committee on Judiciary whether an audiovisual tape, a reproduction of what went on on Channel 9 with commentator Matt Levi regarding the activities of our nominee for the Attorney General position, whether that tape would be available for viewing by members of the Senate, and I believe it would be unless the chairman tells us otherwise.

"It seems to me, because the possible confirmation or non-confirmation of this nominee is such a controversial issue in this state, I think if we are all, 25 Senators, to make a responsible decision here, it behooves each of us to examine or take a look at that tape that's documentary proof of some of the criticisms registered against the nominee, specifically regarding his relationship with the leader of a gypsy group here. And in this tape, specifically the interview involves the interview taken both with the nominee as well as former Police Chief Keala. And if you were to view that tape, someone between the two is lying. And it is my opinion that it is not Chief Keala who is not telling the truth and, perhaps, members of the Senate should judge for themselves because I know even members of the Judiciary Committee have not had the opportunity to view the tapes

that were provided by Senator Cayetano.

"I think if we want to make an intelligent decision in the way of voting for or against the nominee it becomes our responsibility to view those tapes and make our judgments accordingly."

Senator Cayetano responded as follows:

"Mr. President, the tape happens to be in my office and I do have a video recorder and I would be more than willing to make that tape available to anyone who desires to see it.

"On checking with the chairman, Mr. President, I find that the Judiciary Committee spent over forty hours, more than forty hours, of hearing time on this particular nomination. I realize that because of other responsibilities—committee assignments, etc.—that many of the, some at least, of the Judiciary members could not be there to view the tape and hear the rest of the testimony.

"I would urge all members of this body, specifically the members of the Judiciary Committee, to at least take a look at the tape because what this hearing boils down to is the question, in my view, of credibility. And the tape speaks for itself because the nominee is speaking for himself on the tape and the nominee expresses a different recollection of events than those expressed by Chief Keala who in this instance had no axe to grind on that particular tape.

"I think it's very revealing. You can judge for yourself. Others have seen the tape and maybe have walked away with a different impression. An explanation was given for the answer given by the nominee on that tape, but I think it's very important that all of us view that tape before making a decision on this nominee. Thank you."

Senator Cobb inquired as follows:

"Mr. President, I'd like to ask the chairman and vice chairman of the Judiciary Committee, if I may, is that the same tape that was earlier shown in the Judiciary Committee hearing room that the chairman had?"

Senator Chang replied as follows:

"The tape has been shown twice. Whether it's the same tape...I don't believe we've shown any other tape this session with the exception of something from the Family Court, so it should be the same one, yes."

Senator Cayetano responded also as follows:

"Mr. President, the tape was shown once

during hearings and it was at the tail end of the hearing, if I recall correctly. In fact, it was probably the last piece of evidence, so to speak, that was brought to the attention of the committee. My recollection is that committee attendance was rather sparse at that time. I can't recall the tape ever being shown a second time."

Senator Cobb commented as follows:

"If it is the same tape, then the portion of interest to the committee members will be at approximately the 50th minute of a one-hour tape that goes through a lot of other material first, so it might be advisable to set it at the end so that the watching time would be ten minutes instead of an hour."

Senator Cayetano responded as follows:

"Mr. President, I think Senator Cobb is correct. The tape is the complete tape of a special that was done by Channel 9 reporter, Matt Levi. Actually the entire tape is relevant, but I would agree with Senator Cobb that the viewing time can be condensed to about the last ten minutes because that's the critical part of the tape."

Senator Kawasaki commented as follows:

"Mr. President, the matter of credibility happens to be an important factor in our decision to be made in the next few days, and in that regard I have suggested as a member of the Judiciary Committee that

we put all witnesses and the nominee himself under oath so that this matter of credibility can be reasonably determined, perhaps, more efficiently.

"We have found out, much to our chagrin, that the putting of witnesses under oath, under the interpretation of the staff of the Judiciary Committee, was not possible unless it's a committee that's investigating a particular issue, and that contrary to what most of us as chairmen of the committees have believed that we can put witnesses under oath, this is not possible according to the interpretation of the attorney member of the staff of the Judiciary Committee.

"This is something perhaps the Senate should consider very seriously because I think the inability to put witnesses under oath so that we would try to eliminate perjury to the best of our ability, this impossibility may hamper committee deliberations in the future.

"That's something I would suggest, Mr. President, should be looked into to make sure that committee chairmen can put witnesses under oath to get at the truth. And if not, perhaps legislation is in order to make sure that this is possible."

ADJOURNMENT

At 12:18 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 12, 1985.