

FIFTY-NINTH DAY

Thursday, April 18, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 11:55 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Z. Alexandria Berry of the United Church of Religious Science, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

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

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

Senator Aki then introduced the following:

"Mr. President and members of the Senate, we have today, sitting in the gallery, two very close and dear friends from Waianae who have been very instrumental in furthering culture and the arts in the State of Hawaii. First of all, Auntie Aggie Cope, director of the Waianae Coast Culture and Arts Society, and her son Tom Kanahele, deputy director of education, National Endowment for the Arts, the federal agency that deals with the nation's endowment program in arts education."

Auntie Aggie Cope and her son Tom rose to be recognized.

Senator McMurdo introduced 128 fifth grade students from the Ala Wai School and "their very able teacher," Mrs. Fujiwara.

STANDING COMMITTEE REPORTS

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1128) recommending that Senate Resolution No. 103 be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 103, entitled: "SENATE RESOLUTION CONCERNING THE IMPORTANCE OF THE HAWAIIAN PAPAYA INDUSTRY TO THE HAWAIIAN DIVERSIFIED AGRICULTURAL ECONOMY," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1129) recommending that Senate Concurrent Resolution No. 116 be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of

the Committee was adopted and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF INTEGRATED AGRICULTURE/AQUACULTURE SYSTEMS IN HAWAII," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1130) recommending that Senate Resolution No. 162 be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 162, entitled: "SENATE RESOLUTION RELATING TO THE DEVELOPMENT OF INTEGRATED AGRICULTURE/AQUACULTURE SYSTEMS IN HAWAII," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1131) recommending that Senate Concurrent Resolution No. 111 be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.C.R. No. 111, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORMULATE AN ACTION PLAN TO ACQUIRE THE KOHALA DITCH SYSTEM," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1132) recommending that Senate Resolution No. 151 be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 151, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORMULATE AN ACTION PLAN TO ACQUIRE THE KOHALA DITCH SYSTEM," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1133) recommending that Senate Concurrent Resolution No. 100, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.C.R. No. 100, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF THE FEDERAL SOIL CONSERVATION SERVICE TO HAWAIIAN AGRICULTURE AND

URGING THE PRESIDENT AND CONGRESS TO PREVENT ANY REDUCTION IN THE STAFFING AND FUNDING LEVELS OF THE HAWAII OFFICE OF THE SOIL CONSERVATION SERVICE," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1134) recommending that Senate Resolution No. 136, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 136, S.D. 1, entitled: "SENATE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE FEDERAL SOIL CONSERVATION SERVICE TO HAWAIIAN AGRICULTURE AND URGING THE PRESIDENT AND CONGRESS TO PREVENT ANY REDUCTION IN THE STAFFING AND FUNDING LEVELS OF THE HAWAII OFFICE OF THE SOIL CONSERVATION SERVICE," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1135) recommending that Senate Concurrent Resolution No. 117, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE ECONOMIC VIABILITY OF CRYOGENIC PROCESSING OF HAWAIIAN FRUITS, AND SUBSEQUENT MARKETABILITY OF THESE FRUITS," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1136) recommending that Senate Resolution No. 160, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 160, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY AND ECONOMIC VIABILITY OF CRYOGENIC PROCESSING OF HAWAIIAN FRUITS, AND SUBSEQUENT MARKETABILITY OF THESE FRUITS," was adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 160, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE ECONOMIC VIABILITY OF CRYOGENIC PROCESSING OF HAWAIIAN FRUITS, AND SUBSEQUENT MARKETABILITY OF THESE FRUITS," was

adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1137) recommending that Senate Concurrent Resolution No. 110, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.C.R. No. 110, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STUDIES TO DETERMINE THE APPROPRIATE FOOTAGE AND FEASIBILITY OF PROVIDING BUFFER ZONES BETWEEN RESIDENTIAL LOTS OR HOTELS AND FARMING OPERATIONS," was adopted.

Senator Solomon for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1138) recommending that Senate Resolution No. 150, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 150, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING STUDIES TO DETERMINE THE APPROPRIATE FOOTAGE AND FEASIBILITY OF PROVIDING BUFFER ZONES BETWEEN RESIDENTIAL LOTS OR HOTELS AND FARMING OPERATIONS," was adopted.

Senators Solomon and B. Kobayashi for the Committee on Agriculture and the Committee on Health, presented a report (Stand. Com. Rep. No. 1139) recommending that Senate Concurrent Resolution No. 34 be adopted.

On motion by Senator Solomon, seconded by Senator B. Kobayashi and carried, the joint report of the Committees was adopted and S.C.R. No. 34, entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE TRI-FLY ERADICATION PROGRAM AS PROPOSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, AND ENCOURAGING FURTHER RESEARCH IN GENETIC, BEHAVIORAL, AND BIOLOGICAL PEST CONTROL," was adopted.

Senators Solomon and B. Kobayashi for the Committee on Agriculture and the Committee on Health, presented a report (Stand. Com. Rep. No. 1140) recommending that Senate Resolution No. 161 be adopted.

On motion by Senator Solomon, seconded by Senator B. Kobayashi and carried, the joint report of the Committees was adopted and S.R. No. 161, entitled: "SENATE RESOLUTION OPPOSING THE AERIAL

APPLICATION OF MALATHION ON THE ISLAND OF KAUAI," was adopted.

Senators Solomon and B. Kobayashi for the Committee on Agriculture and the Committee on Health, presented a report (Stand. Com. Rep. No. 1141) recommending that Senate Concurrent Resolution No. 118 be adopted.

On motion by Senator Solomon, seconded by Senator B. Kobayashi and carried, the joint report of the Committees was adopted and S.C.R. No. 118, entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE AERIAL APPLICATION OF MALATHION ON THE ISLAND OF KAUAI," was adopted.

Senators Kuroda and Cayetano, for the Committee on Tourism and Recreation and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1142) recommending that Senate Concurrent Resolution No. 42, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, the joint report of the Committees was adopted and S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT INTERIM HEARINGS BE CONDUCTED BY THE SENATE TOURISM AND TRANSPORTATION COMMITTEES REGARDING RULES GOVERNING THE USE OF MOTORIZED WATER SPORTS ACTIVITIES," be adopted.

Senators Kuroda and Cayetano for the Committee on Tourism and Recreation and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1143) recommending that Senate Resolution No. 55, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Cayetano and carried, the joint report of the Committees was adopted and S.R. No. 55, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT INTERIM HEARINGS BE CONDUCTED BY THE SENATE TOURISM AND TRANSPORTATION COMMITTEES REGARDING RULES GOVERNING THE USE OF MOTORIZED WATER SPORTS ACTIVITIES," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1144) recommending that House Bill No. 905, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1144 and H.B. No. 905, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Monday, April 22, 1985.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM

WEDNESDAY, APRIL 17, 1985

By unanimous consent, action on the following House Bills was deferred until Friday, April 18, 1985:

H.B. No. 1000;
H.B. No. 219;
H.B. No. 20, H.D. 2; and
H.B. No. 154.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1034 (Gov. Msg. No. 143):

Senator Chang moved that Stand. Com. Rep. No. 1034 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of George H. Walker to the Board of Registration, Island of Hawaii, term to expire December 31, 1988, seconded by Senator Cayetano.

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

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

Stand. Com. Rep. No. 1035 (Gov. Msg. Nos. 157 and 305):

Senator Machida moved that Stand. Com. Rep. No. 1035 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Machida then moved that the Senate advise and consent to the nominations to the Labor and Industrial Relations Appeals Board of the following:

Edward L. Correa, term to expire December 31, 1993; and

Carol Yamamoto, term to expire December 31, 1994,

seconded by Senator Abercrombie.

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

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

Stand. Com. Rep. No. 1047 (Gov. Msg. No. 248):

Senator Holt moved that Stand. Com. Rep. No. 1047 be received and placed on file, seconded by Senator Chang and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of J.D. Watumull, to the Western Interstate Commission for Higher Education, term 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, 24. Noes, none. Excused, 1 (Holt).

Stand. Com. Rep. No. 1051 (Gov. Msg. Nos. 84 and 162):

Senator Cobb moved that Stand. Com. Rep. No. 1051 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations to the Board of Private Detectives and Guards of the following:

Nelson K. Moku, term to expire December 31, 1987; and

Stephen D. Goodenow, term to expire December 31, 1988,

seconded by Senator B. Kobayashi.

Stand. Com. Rep. No. 1052 (Gov. Msg. No. 181):

Senator Cobb moved that Stand. Com. Rep. No. 1052 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Henry R. Freund to the CATV Advisory Committee, term to expire December 31, 1987, seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1053 (Gov. Msg. Nos. 98, 111, 200, 240, and 251):

Senator Cobb moved that Stand. Com. Rep. No. 1053 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

George J.A. Kaahanui, Jr., and Thomas S.

Shimabuku to the Boxing Commission, terms to expire December 31, 1988;

Gloria Damron and Constance B. Smales to the Real Estate Commission, terms to expire December 31, 1988;

Toshio Fujimoto to the Credit Union Review Board, term to expire December 31, 1988;

Lou Geronimo and Delmond J.H. Won to the Board of Pilot Commissioners, terms to expire December 31, 1988; and

Charles T. Kudo, Alfred C.K. Chee and Steven M. Shinn to the Board of Public Accountancy, terms to expire December 31, 1988,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1054 (Gov. Msg. Nos. 85, 108, 110, 184 and 202):

Senator Cobb moved that Stand. Com. Rep. No. 105 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

Lani Hiyane Nakazawa to the State Board of Nursing, term to expire December 31, 1986;

Abe Sakai, Dorothy C. Hoe and Steven A. Scott-Hosaka to the Board of Examiners of Nursing Home Administrators, terms to expire December 31, 1988;

Mary A. Whalman to the Board of Pharmacy, term to expire December 31, 1988;

Darryl N. Ing to the Board of Examiners of Nursing Home Administrators, term to expire December 31, 1987;

Clifford E. Miller to the Board of Examiners of Nursing Home Administrators, terms to expire December 31, 1985; and

Richard J. Roth to the Board of Pharmacy, term to expire December 31, 1988,

seconded by Senator B. Kobayashi.

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

Ayes, 25. Noes, none. Excused, 1 (Holt).

Stand. Com. Rep. No. 1055 (Gov. Msg. Nos. 101, 182, 252, 253, 266 and 267):

Senator Cobb moved that Stand. Com. Rep. No. 1055 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

George Uesato, D.D.S., Karen J. Bardin-Billman, Martin H. Zais, D.D.S., and Thomas E. Crowley, III, to the Board of Dental Examiners, terms to expire December 31, 1988;

Bert J. Okuhara to the Board of Dispensing Opticians, term to expire December 31, 1985;

Ronald T. Iwata to the Board of Dispensing Opticians, term to expire December 31, 1988;

Kevin Doyle to the Board of Examiners in Optometry, term to expire December 31, 1988; and

Dudley G. Akama and Robert L. Simich, D.O., to the Board of Osteopathic Examiners, terms to expire December 31, 1988,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1056 (Gov. Msg. Nos. 100, 109, 218, 241, 262 and 264):

Senator Cobb moved that Stand. Com. Rep. No. 1056 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

Patricia N. Kramer to the Board of Cosmetology, term to expire December 31, 1988;

Miyoji Furusho and Claire Wolter to the Pest Control Board, terms to expire December 31, 1988;

Steven J. Choy, Ph.D., to the Board of Certification for Practicing Psychologists, term to expire December 31, 1988;

Patrick Y. Nakagawa and Patrick A.Y.H. Ahana, D.V.M., to the Board of Veterinary Examiners, terms to expire December 31, 1988;

Christobal J. Quintana and David Boback to the Board of Barbers, terms to expire December 31, 1988; and

Francis Y.M. Oh and Peter J. Jones to the Board of Cosmetology, terms to expire December 31, 1988,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1057 (Gov. Msg. Nos. 99, 102, 103, 216, 239, 263 and 265):

Senator Cobb moved that Stand. Com. Rep. No. 1057 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

Joseph Akiona and Tsukasa Murakami to the Contractors License Board, terms to expire December 31, 1988;

Warren M. La France to the Board of Electricians and Plumbers, term to expire December 31, 1988;

E. Claude Moore and Michael T. Miyabara to the Board of Registration of Professional Engineers, Architects, Surveyor and Landscape Architects, terms to expire December 31, 1988;

Gene T. Nishimoto to the Elevator Mechanics Licensing Board, term to expire December 31, 1988;

K. David Malama to the Board of Electricians and Plumbers, term to expire December 31, 1985;

Francis I. Hayakawa to the Board of Electricians and Plumbers, term to expire December 31, 1988;

Japo L. Yokoyama and Edward S. Kusuda to the Contractors License Board, terms to expire December 31, 1988; and

George T. Okamoto to the Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects, term to expire December 31, 1988,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1058 (Gov. Msg. Nos. 106, 107, 183 and 249):

Senator Cobb moved that Stand. Com. Rep. No. 1058 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

Dwane Brennemann and Carolyn C. Van Der Linden to the Motor Vehicle Industry Licensing Board, terms to expire December 31, 1988;

Clifford K. Yuen to the Motor Vehicle Repair Industry Board, term to expire December 31, 1988;

Robert G. Schmitt to the Motor Industry Licensing Board, term to expire December 31, 1988; and

Clyde Akina and John T. Komeiji to the Motor Vehicle Repair Industry Board, terms to expire December 31, 1985,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1061 (Gov. Msg. Nos. 104, 105, 201, 215 and 217):

Senator Cobb moved that Stand. Com. Rep. No. 1061 be received and placed on file, seconded by Senator B. Kobayashi and carried.

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

Roy R. Kamisato and George Kimata, M.D., to the Board of Hearing Aid Dealers and Fitters, terms to expire December 31, 1988;

Paul T. Esaki, M.D., to the Board of Medical Examiners, term to expire December 31, 1988;

Marion L. Hanlon, M.D., to the Board of Medical Examiners, term to expire December 31, 1985;

Stephen Okumura to the Board of Chiropractic Examiners, term to expire

December 31, 1988; and

Willow Sekiya Morton to the State Board of Nursing, term to expire December 1987,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1075 (Gov. Msg. Nos. 119 and 120):

Senator Toguchi moved that Stand. Com. Rep. No. 1075 be received and placed on file, seconded by Senator Solomon and carried.

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

Sam Leong to the Library Advisory Commission, County of Hawaii, term to expire December 31, 1988; and

Dee Dudley to the Library Advisory Commission, County of Maui, term to expire December 31, 1988,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1079 (Gov. Msg. Nos. 203, 220, 243, 271, 277 and 278):

Senator Toguchi moved that Stand. Com. Rep. No. 1079 be received and placed on file, seconded by Senator Solomon and carried.

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

Chieko K. Tanimoto to the Library Advisory Commission, County of Hawaii, term to expire December 31, 1988;

Arlene M. Waiamau to the Library Advisory Commission, County of Kauai, term to expire December 31, 1985;

John H. Fitzgibbon, Jr., to the Library Advisory Commission, County of Maui, term to expire December 31, 1986;

Verna Ann Alo to the Library Advisory Commission, County of Maui, term to expire December 31, 1987;

Shigeko Ogawa to the Library Advisory Commission, County of Maui, term to

expire December 31, 1988;

Robert N. Kumasaka, Linda Mae Victor and Nancy E. Brown to the Library Advisory Commission, City and County of Honolulu, term to expire December 31, 1988;

Joseph W. Lapilio, III, to the Education Commission of the States, term to expire December 31, 1988; and

Doris M. Ching and John L. Knorek to the Hawaii Education Council, term to expire December 31, 1988,

seconded by Senator Solomon.

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

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

Stand. Com. Rep. No. 1104 (Gov. Msg. No. 242):

Senator Aki moved that Stand. Com. Rep. No. 1104 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the Animal Species Advisory Commission of the following:

Clifford Winston Smith and John R. Henderson, terms to expire December 31, 1988; and

Timothy A. Burr, term to expire December 31, 1987,

seconded by Senator B. Kobayashi.

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

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

Stand. Com. Rep. No. 1105 (Gov. Msg. No. 268):

Senator Aki moved that Stand. Com. Rep. No. 1105 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of Teofilo Tacbian to the Land Use Commission, term to expire December 31, 1988, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1106 (Gov. Msg. No.

269):

Senator Aki moved that Stand. Com. Rep. No. 1106 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of Hideto Kono to the Public Utilities Commission, term to expire December 31, 1989, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1107 (Gov. Msg. No. 303):

Senator Chang moved that Stand. Com. Rep. No. 1107 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Hiroshi Kato to the Hawaii Criminal Justice Commission, term to expire June 30, 1989 or upon the expiration of the board, whichever occurs sooner, seconded by Senator Cayetano.

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

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

Stand. Com. Rep. No. 1110 (Gov. Msg. No. 254):

Senator Aki moved that Stand. Com. Rep. No. 1110 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

Walter J. Smith, Jr., term to expire December 31, 1988; and

Louis Agard, term to expire December 31, 1986,

seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1113 (Gov. Msg. Nos. 117, 219, 118, 221 and 270):

Senator Toguchi moved that Stand. Com. Rep. No. 1113 be received and placed on

file, seconded by Senator Solomon and carried.

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

Franklin S. Odo, Ph.D., and Joanne Vaughan Trotter to the State Foundation on Culture and the Arts, terms to expire December 31, 1988;

Bernadette H. Sakoda to the State Foundation on Culture and the Arts, term to expire December 31, 1988;

Rochelle Lee Gregson and Willard E. Welsh to the Board of Public Broadcasting, terms to expire December 31, 1990;

Millicent Y.H. Kim to the Board of Public Broadcasting, term to expire December 31, 1990;

Karen Ho Hong to the Board of Public Broadcasting, term to expire December 31, 1988; and

Gladys E. Rodenhurst, William E.K. Allen, Jr., and Winona L. Resents to the King Kamehameha Celebration Commission, terms to expire December 31, 1988,

seconded by Senator Solomon.

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

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

Stand. Com. Rep. No. 1114 (Gov. Msg. No. 295):

Senator Chang moved that Stand. Com. Rep. No. 1114 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Roy Chang as Chairman of the Hawaii Criminal Justice Commission, term to expire June 30, 1989 or upon expiration of the board, whichever occurs sooner, seconded by Senator Cayetano.

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

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

Stand. Com. Rep. No. 1120 (Gov. Msg. No. 231):

Senator Cayetano moved that Stand. Com. Rep. No. 1120 be received and placed on file, seconded by Senator Toguchi and carried.

Senator Cayetano then moved that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

Reverend George A. Rozycki, term to expire December 31, 1985; and

Bina M. Chun, term to expire December 31, 1987,

seconded by Senator Toguchi.

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

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

Stand. Com. Rep. No. 1121 (Gov. Msg. No. 151):

Senator Cayetano moved that Stand. Com. Rep. No. 1121 be received and placed on file, seconded by Senator Toguchi and carried.

Senator Cayetano then moved that the Senate advise and consent to the nominations of Chew Hoy Lee and Paul T. Matsumoto to the Commission on Transportation, terms to expire December 31, 1988, seconded by Senator Toguchi.

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

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

Stand. Com. Rep. No. 1122 (Gov. Msg. No. 152):

Senator Cayetano moved that Stand. Com. Rep. No. 1122 be received and placed on file, seconded by Senator Toguchi and carried.

Senator Cayetano then moved that the Senate advise and consent to the nominations of Arthur H. Loeb, Paul K. Findeisen, Clyde W. Namuo and Herbert S. Tsuda to the State Highway Safety Council, terms to expire December 31, 1988, seconded by Senator Toguchi.

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

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

Stand. Com. Rep. No. 1123 (Gov. Msg. No. 258):

Senator Cobb moved that Stand. Com. Rep. No. 1123 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

Dennis Yamada to the Board of Regents, University of Hawaii, term to expire December 31, 1987, seconded by Senator Soares.

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

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

Stand. Com. Rep. No. 1124 (Gov. Msg. No. 304):

Senator Cobb moved that Stand. Com. Rep. No. 1124 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 Thomas S. Yagi to the Board of Directors of the Research Corporation of the University of Hawaii, term to expire December 31, 1988.

MATTERS DEFERRED FROM WEDNESDAY, APRIL 17, 1985

HOUSE CONCURRENT RESOLUTIONS

Stand. Com. Rep. No. 1032 (H.C.R. No. 37, H.D. 1, S.D. 2):

Senator Aki moved that Stand. Com. Rep. No. 1032 be adopted and H.C.R. No. 37, H.D. 1, S.D. 2, be adopted seconded by Senator Matsuura.

The motion was put by the Chair and Stand. Com. Rep. No. 1032 was adopted and H.C.R. No. 37, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was adopted on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hagino). Excused, 1 (Holt).

House Concurrent Resolution No. 4:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.C.R. No. 4, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO REVIEW AND REVISE THE FEDERAL BANKRUPTCY PREFERENCE LAW," was adopted.

House Concurrent Resolution No. 78, H.D. 2:

By unanimous consent, action on H.C.R. No. 78, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SECRETARY OF THE NAVY TO HOMEPORT A BATTLESHIP AND NINE ASSOCIATED SHIPS AT PEARL HARBOR," was deferred until Friday, April 19, 1985.

HOUSE CONCURRENT RESOLUTIONS

By unanimous consent, the following House Concurrent Resolutions were referred to the Committee on Legislative Management:

H.C.R. No. 11, entitled: "REQUESTING A REVIEW OF THE COLLECTIVE BARGAINING LAW";

H.C.R. No. 43, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON COUNSELING SERVICES IN THE PUBLIC SCHOOLS";

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT OF STATE ENVIRONMENTAL PROTECTION PROGRAMS";

H.C.R. No. 57, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM";

H.C.R. No. 66, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION"; and

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SERVICES FOR SCHIZOPHRENICS PROVIDED BY THE MENTAL HEALTH DIVISION."

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 217, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 217, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi and carried.

Senator Cobb then moved that the Senate agree to the amendments proposed by the House to S.B. No. 217, S.D. 1, and S.B. No. 217, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

Senator Cobb then explained as follows:

"Mr. President, the basic difference was that Section 6 of the bill in the Senate version provided for recognition of podiatrists being in hospitals. The House position was that we cannot compel such recognition but in the conference it was determined that the problem exists only on Oahu and not on the neighbor islands; however, there is no way that we can by law require a hospital to accept a particular type of medical practitioner and therefore

we will be agreeing with the House position."

The motion was put by the Chair and carried and S.B. No. 217, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 327, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 327, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi and carried.

Senator Cobb then moved that the Senate agree to the amendments proposed by the House to S.B. No. 327, S.D. 1, and S.B. No. 327, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

Senator Cobb then explained as follows:

"Mr. President, the House eliminated the language conclusively and stated that the party who the presumption under the section is directed shall have the burden of proof to rebut the presumption. While the standard of evidence is not quite what we would have liked to have seen, it is a step in the right direction and, therefore, we reluctantly agreed with the House position."

The motion was put by the Chair and carried and S.B. No. 327, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1127, S.D. 1, H.D. 2:

Senator Cobb moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 1127, S.D. 1, H.D. 2, seconded by Senator B. Kobayashi and carried.

Senator Cobb then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1127, S.D. 1, and S.B. No. 1127, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

Senator Cobb then explained as follows:

"Mr. President, the bill in question had House language providing for inter-oral infiltration of local anesthetics instead of just local anesthetics as was in the Senate version. The practical effect of this is that the topical anesthetics and very small scale injections would be allowed under the House

language; however, if the lower or mandibular block is to be entirely anesthetized, it will require six injections.

"The dentists felt that this was a step in the right direction although it doesn't go nearly as far as the Senate would have preferred, however, we felt after considerable discussion and testimony by interested parties on the subject, in conference, it was called upon by the conferees that we would accept half a loaf rather than none.

"So, at this time, we felt if this is what we can get, we'll take it."

The motion was put by the Chair and carried and S.B. No. 1127, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

Senate Bill No. 1144, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 1144, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi and carried.

Senator Cobb then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1144, S.D. 1, and S.B. No. 1144, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

Senator Cobb then remarked:

"Mr. President, the House version provides for requiring further diagnosis and treatments to be made by a licensed physician in case a patient evidences ocular abnormalities, symptoms of systematic diseases and so forth. It also has a provision where it requires a licensed optometrist to report any adverse effects from using eye drops during an examination to the board.

"The House version also corrected the definition that the Senate had passed on the subject of malpractice where it was determined we cannot define malpractice as a matter of law in here. It specified that a failure to perform or the exercise of a certain practice could constitute negligence. They provided for that in the bill.

"During the conference committee we had one ophthalmologist who was present, others

who had been there earlier and left and when we questioned the ophthalmologist at length, he could find no substantive reason to continue with disagreement and, therefore, the Senate is recommending that we agree with the bill.

The motion was put by the Chair and carried and S.B. No. 1144, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1270, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 1270, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi.

Senator Cobb then moved that the Senate agree with the amendments proposed by the Senate to S.B. No. 1270, S.D. 1, and S.B. No. 1270, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

Senator Cobb then remarked as follows:

"Mr. President, the House made some minor language changes which did not disturb the intent and direction of the bill and, on discussion in conference, the changes were considered acceptable."

The motion was put by the Chair and carried and S.B. No. 1270, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 59, S.D. 1, H.D. 1:

Senator Toguchi moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 59, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi and carried.

Senator Toguchi then moved that the Senate agree on the amendments proposed by the House on S.B. No. 59, S.D. 1, and that S.B. No. 59, S.D. 1, H.D. 1, pass Final Reading, seconded by Senator B. Kobayashi.

Senator B. Kobayashi then explained as follows:

"Mr. President, the difference between the House and Senate bills is the difference between a 'shall' in the House draft and a 'may' in the Senate draft. The department between the passage of the bill from one house to the other reconsidered its priorities and suggested that they could live with the

'shall.' They indicated that there are other sections in statute which allow them flexibility and discretion. The present 'shall' language is also the circumstance under which we presently operate."

The motion was put by the Chair and carried and S.B. No. 59, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION FOR SCHOOL ATTENDANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 86, S.D. 1, H.D. 1:

Senator Aki moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 86, S.D. 1, H.D. 1, seconded by Senator Matsuura and carried.

Senator Aki then moved that the Senate agree to the amendments proposed by the House to S.B. No. 86, S.D. 1, and that S.B. No. 86, S.D. 1, H.D. 1, pass Final Reading, seconded by Senator Matsuura.

Senator Aki explained as follows:

"Mr. President, the House made a new sub-section that speaks to aquaculture directly. The Senate had the aquaculture together with another section and the House decided to make it a separate section and we agree on this point."

The motion was put by the Chair and carried and S.B. No. 86, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENVIRONMENTAL POLICY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 280, S.D. 1, H.D. 1:

Senator Aki moved that the Senate reconsider its action taken on April 4, 1985 on S.B. No. 280, S.D. 1, H.D. 1, seconded by Senator Matsuura and carried.

Senator Aki then moved that the Senate agree to the amendments proposed by the House on S.B. No. 280, S.D. 1, and that S.B. No. 280, S.D. 1, H.D. 1, pass Final Reading, seconded by Senator Matsuura.

Senator Aki then explained as follows:

"Mr. President, this bill deals with rental to be set at fair market value at the time of reopening. House draft 1 provides that the fair market value provision would apply to existing leases as well as future leases but only those reopening dates fall after the enactment of this bill. The Senate wanted

to look into some of the problems with existing leases that have passed and are having problems; however, at this time, we agree with the amendments made by the House."

The motion was put by the Chair and carried and S.B. No. 280, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

CONFERENCE COMMITTEE REPORT

Conf. Com. Rep. No. 17 (H.B. No. 1393, H.D. 2, S.D. 1, C.D. 1):

Senator Cayetano moved that Conf. Com. Rep. No. 17 and H.B. No. 1393, H.D. 2, S.D. 1, C.D. 1, be recommitted to the Committee on Conference, seconded by Senator Toguchi.

Senator Cayetano then remarked:

"Mr. President, we discovered some technical errors. We will coordinate with the House and correct those errors."

The motion was put by the Chair and carried and Conf. Com. Rep. No. 17 and H.B. No. 1393, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL," was recommitted to the Committee on Conference.

At this time, Senator B. Kobayashi, chairman of the Committee on Health, requested a waiver of the 48-hour notice of a Public Hearing on the following:

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MAY, 1985, AS BETTER

HEARING AND SPEECH MONTH,"

and the President granted the waiver.

At 12:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:35 o'clock p.m.

The Chair announced as follows:

"Members of the Senate, before adjournment today, the Chair would like to remind all conferees to make themselves available to meet in conference committees and for signing of conference reports."

CONFERENCE COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the Senate Clerk to receive conference committee reports prior to midnight. In consequence thereof, subsequent to its recessing at 12:37 o'clock p.m., and, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on the following conference committee reports and bills was deferred for a period of 48 hours:

Conf. Com. Rep. No. 61 and House Bill No. 463, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION";

Conf. Com. Rep. No. 62 and House Bill No. 1393, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL"; and

Conf. Com. Rep. No. 63 and House Bill No. 99, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

ADJOURNMENT

At 12:00 o'clock midnight the Senate adjourned until 3:00 o'clock p.m., Friday, April 19, 1985.