

TWENTY-SIXTH DAY

Thursday, March 1, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Doctor Carl Hansen, District Superintendent, Hawaii Conference of the United Church of Christ, after which the Roll was called showing all Senators present, with the exception of Senator Yee, who was excused.

The President announced that he had read and approved the Journal of the Twenty-Fifth Day.

At 11:36 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:37 o'clock a.m.

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

Senator Kawasaki, on behalf of the members of the Fifth Senatorial District, introduced a group from the Filipino Federation of America and the Filipino Federation Youth Association.

Senator Carroll introduced 23 seniors from St. Louis High School, accompanied by their teacher Mr. Rod Santos.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. No. 26 and 27) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 26), transmitting House Concurrent Resolution No. 90 which was adopted in the House of Representatives on February 28, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING ANDREW J. CHANG UPON HIS APPOINTMENT TO THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION", was adopted.

A communication from the House (Hse. Com. No. 27), transmitting House Concurrent Resolution No. 91 which was adopted in the House of Representatives on February 28, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING HEARTIEST

CONGRATULATIONS AND COMMENDING LAWRENCE 'LARRY' H. GINOZA UPON HIS SELECTION AS THE HULA BOWL'S 1978 SPORTSMAN OF THE YEAR", was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 186 to 188) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 186), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO CONDUCT A STUDY ON THE INDIGENT BURIAL PROGRAM", was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 186 was referred to the Committee on Human Resources.

A resolution (S.R. No. 187), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE IMPACT OF FEDERAL AID ON HAWAII'S STATE AND LOCAL GOVERNMENTS", was offered by Senator Ajifu.

By unanimous consent, S.R. No. 187 was referred to the Committee on Intergovernmental Relations, then to the Committee on Legislative Management.

A resolution (S.R. No. 188), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY ON THE FEASIBILITY OF USING REVERSIBLE LANES ON THE LIKELIKE HIGHWAY", was offered by Senator Ajifu.

By unanimous consent, S.R. No. 188 was referred to the Committee on Transportation.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 82), informing the Senate that Senate Concurrent Resolution Nos. 33 to 36, Senate Resolution Nos. 173 to 185 and Standing Committee Report Nos. 43 to 81 have been printed and are ready for distribution.

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

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 83) recommending that Senate Bill No. 46, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the majority of the Committee was adopted and S.B. No. 46, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICE AND EMPLOYMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE XVI, SECTION 3)", passed Second Reading and was referred to the Committee on Judiciary.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 84) recommending that Senate Bill No. 399, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT CARE HOMES, FAMILY BOARDING HOMES, AND OTHER SIMILAR INSTITUTIONS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 85) recommending that Senate Bill No. 431, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 431, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 86) recommending that Senate Bill No. 436, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 436, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION PLANS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 87) recommending that Senate Bill No. 539, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and

S.B. No. 539, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTINUATION OF LANAKILA REHABILITATION CENTER'S WAHIAWA DAY ACTIVITY PROGRAM FOR SEVERELY DISABLED ADULTS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 88) recommending that Senate Bill No. 601, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COMMISSION ON MANPOWER AND FULL EMPLOYMENT", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 89) recommending that Senate Bill No. 615, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REEMPLOYMENT OF RETIRED PATIENT EMPLOYEES OF THE DEPARTMENT OF HEALTH", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 90) recommending that Senate Bill No. 666, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF OVERPAYMENTS OF PUBLIC ASSISTANCE", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 91) recommending that Senate Bill No. 750, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways

and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 750, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TRANSPORTATION OF THE ELDERLY, DISABLED, HANDICAPPED, AND OTHER DISADVANTAGED PERSONS, INCLUDING PRESCHOOL CHILDREN ON KAUAI, MAUI, AND HAWAII", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 92) recommending that Senate Bill No. 791, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 791, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE THE WORK ACTIVITY PROGRAM FOR SEVERELY DISABLED ADULTS AT LANAKILA REHABILITATION CENTER", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 93) recommending that Senate Bill No. 914, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, Stand. Com. Rep. No. 93 and S.B. No. 914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL CARCINOGENS", were recommitted to the Committee on Human Resources.

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 94) recommending that Senate Bill No. 1282 pass Second Reading and be referred to the Committee on Judiciary.

By unanimous consent, action on Stand. Com. Rep. No. 94 and S.B. No. 1282 was deferred to the end of the calendar.

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 95) recommending that Senate Bill No. 1508, pass Second Reading and be referred to the Committee on Ways and Means.

By unanimous consent, action on Stand. Com. Rep. No. 95 and S.B. No. 1508 was deferred to the end of the calendar.

Senator Toyofuku, for the Committee on Human Resources, presented a report

(Stand. Com. Rep. No. 96) recommending that Senate Bill No. 1719 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 1719, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY AFFAIRS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 97) recommending that Senate Bill No. 1720 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 1720, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE OFFICE ON AGING", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 98) recommending that Senate Bill No. 1737 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 1737, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Second Reading and was referred to the Committee on Ways and Means.

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 99) recommending that Senate Bill No. 5 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 5, entitled: "A BILL FOR AN ACT RELATING TO TWELVE MEMBER JURY (CONSTITUTIONAL AMENDMENT)", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 5.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 100) recommending that Senate Bill No. 10, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 10, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIGNATION FROM PUBLIC OFFICE (CONSTITUTIONAL AMENDMENTS OF ARTICLE II, SECTION 7)", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 10, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 101) recommending that Senate Bill No. 14, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 14, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN LEGISLATIVE COMMITTEE MEETINGS (CONSTITUTIONAL AMENDMENTS OF ARTICLE III)", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 14, S.D. 1.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 102) recommending that Senate Bill No. 1017 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1017, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE JUSTICE FOR VICTIMS PROGRAM IN HAWAII COUNTY", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 103) recommending that

Senate Bill No. 1207 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1207, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DRUG REHABILITATION PROGRAM AT OAHU PRISON", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 104) recommending that Senate Bill No. 1288 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1288, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 105) recommending that Senate Bill No. 1335, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1335, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NARCOTICS AND DANGEROUS DRUGS CONTROL", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 106) recommending that Senate Bill No. 1728, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", passed Second Reading and was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 107) recommending that Senate Bill No. 1730, as amended in S.D. 1, pass Second Reading and be

referred to the Committee on Ways and Means.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.B. No. 1730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS, ATTORNEY'S FEES AND JURY TRIALS UNDER THE STATE TORT LIABILITY ACT", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 108) recommending that Senate Bill No. 255, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 255, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXPANSION OF PRE-VOCATIONAL, DAY ACTIVITY TRAINING PROGRAMS FOR DEVELOPMENTALLY DISABLED ADULTS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 109) recommending that Senate Bill Nos. 242, 382, 387, 467, 821, and 1007 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and,

S.B. No. 242, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF MOLOKAI REHABILITATION FACILITY AT KAUNAKAKAI, MOLOKAI";

S.B. No. 382, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHORE SERVICES FOR THE ELDERLY AND HANDICAPPED AT MAUI REHABILITATION CENTER";

S.B. No. 387, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SOCIAL REHABILITATION PROGRAMS AND PROJECTS FOR THE HANDICAPPED AND DISABLED AT THE MOLOKAI REHABILITATION FACILITY AT KAUNAKAKAI, MOLOKAI";

S.B. No. 467, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR GRANTS-IN-AID TO THE WELFARE RECIPIENT ADVISORY COUNCIL FOR THEIR NEIGHBOR ISLAND PROGRAMS";

S.B. No. 821, entitled: "A BILL FOR

AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO HAWAII KAI COMMUNITIES COUNCIL FOR THE ESTABLISHMENT OF A HUMAN SERVICES CENTER IN HAWAII KAI, OAHU"; and

S.B. No. 1007, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO HILO INTERIM HOME, HAWAII",

passed Second Reading and were referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 110) recommending that Senate Bill No. 454, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 454, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KAUAI EASTER SEAL SOCIETY TO CONTINUE THEIR CHILD CARE AND DEVELOPMENT PROGRAM", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 111) recommending that Senate Bill No. 665, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS OF THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", passed Second Reading and was referred to the Committee on Judiciary.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 112) recommending that Senate Bill No. 1723 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO THE PROGRESSIVE NEIGHBORHOODS PROGRAM", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given

on S.B. No. 1723.

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 113) recommending that Senate Bill No. 1736 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the majority of the Committee was adopted and S.B. No. 1736, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF A SENATE BILL

The President made the following re-referral of a bill that was introduced on February 13, 1979:

Senate Bill Referred to:

No. 1046 Committee on Judiciary, then to the Committee on Ways and Means

RE-REFERRAL OF A HOUSE CONCURRENT RESOLUTION

The President made the following re-referral of a concurrent resolution that was received on February 28, 1979:

House
Concurrent
Resolution Referred to:

No. 9 Committee on Economic Development

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

THIRD READING

Senate Bill No. 6:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 6, entitled: "A BILL FOR AN ACT RELATING TO JURY TRIAL IN CIVIL MATTERS (CONSTITUTIONAL AMENDMENTS OF ARTICLE 1, SECTION 13)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 11:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 11, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS (CONSTITUTIONAL AMENDMENTS OF ARTICLE II, SECTION 8)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 12:

By unanimous consent, action on S.B. No. 12, entitled: "A BILL FOR AN ACT RELATING TO THE TERM OF OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR (CONSTITUTIONAL AMENDMENTS OF ARTICLE V)", was deferred until Friday, March 2, 1979.

Senate Bill No. 15, S.D. 1:

By unanimous consent, action on S.B. No. 15, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE IV)", was deferred until Friday, March 2, 1979.

Senate Bill No. 34:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 34, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY (CONSTITUTIONAL AMENDMENTS OF ARTICLE IX, SECTION 10)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 42, S.D. 1:

By unanimous consent, action on S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS (CONSTITUTIONAL AMENDMENT OF ARTICLE XIV)", was deferred until Friday, March 2, 1979.

Senate Bill No. 45:

By unanimous consent, action on S.B. No. 45, entitled: "A BILL FOR AN ACT RELATING TO OFFICIAL LANGUAGES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV)", was deferred until Friday, March 2, 1979.

Senate Bill No. 48:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 48, entitled: "A BILL FOR AN ACT

RELATING TO PLAIN LANGUAGE (CONSTITUTIONAL AMENDMENTS OF ARTICLE XVI, SECTION 13)", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

Standing Committee Report No. 94 (S.B. No. 1282):

Senator Toyofuku moved that Stand. Com. Rep. No. 94 be adopted and S.B. No. 1282 pass Second Reading and be referred to the Committee on Judiciary, seconded by Senator Yamasaki.

At this time, Senator Abercrombie rose to speak against S.B. No. 1282 as follows:

"Mr. President, I rise to speak against S.B. No. 1282, that is to say, speaking against its passing its Second Reading and being referred to the Committee on Judiciary, knowing full well that there is in fact a second committee which will look at the bill, on what I believe to be the sound grounds that if someone has a particular contention to make about a bill that is well worth the effort of the committee which will receive the bill, should it pass, to at least note the possibility of objection and perhaps give it more attention than it might otherwise have.

"In this particular instance, Mr. President, you will note in the committee report that we are moving into the area of a misdemeanor for benefits less than \$200 in the class C felony benefits more than \$200 in the making of false statements or representations on unemployment compensation insurance. This area is so subject to interpretation and misinterpretation as what are indeed the facts that have the threat of a class C felony, it seems to me, is to move into the area of cruel and unusual punishment and to move into the area of suppression, far beyond what is warranted and so, therefore, I would urge that the Body not pass this bill on to the Committee on Judiciary."

The motion was put by the Chair and Stand. Com. Rep. No. 94 was adopted and, Roll Call vote having been requested, S.B. No. 1282, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR FALSE STATEMENTS AND REPRESENTATIONS IN REGARD TO UNEMPLOYMENT COMPENSATION", passed Second Reading and was referred to the Committee on Judiciary on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Abercrombie, Cayetano, Chong and Kawasaki). Excused, 1 (Yee).

Standing Committee Report No. 95 (S.B. No. 1508):

Senator Toyofuku moved that Stand. Com. Rep. No. 95 be adopted and S.B. No. 1508 pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Yamasaki.

Senator Abercrombie then rose to speak in favor of S.B. No. 1508 as follows:

"Mr. President, I would like to speak in favor of S.B. No. 1508, noting as I have that I do not concur with the intentions of the bill.

"In this particular instance, I believe that it is important for the Ways and Means Committee to receive the bill noting that we are involved here with a change in the State Retirement System.

"In this particular instance, it happens to involve the police force in particular, as the committee report says, in essence, the enactment of the bill will allow a police officer to retire after 20 years of service.

"This whole area of retirement, not necessarily with the police alone, is so fraught with economic and social consequences for the state, especially including those who may think they are benefiting from such measures, that I think it's worth the particular attention of the Ways and Means Committee to consider whether these kinds of things are wise before a complete reexamination of the State Retirement System which I believe the Ways and Means Committee chairman is contemplating at this time. So, on that basis, I would urge that the bill be passed on to Ways and Means Committee."

Senator Kawasaki then added as follows:

"Mr. President, before vote is taken, I completely concur with the previous speaker on this bill and he can be assured that the Ways and Means Committee will give it the closest scrutiny. In any case, I would like to register a 'No' vote on this."

The motion was put by the Chair and Stand. Com. Rep. No. 95 was adopted and, Roll Call vote having been requested, S.B. No. 1508, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RETIREMENT SYSTEM", passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki). Excused, 1 (Yee).

At 12:23 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 o'clock p.m.

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

S.B. No. 29, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE BOARD OF REGENTS, UNIVERSITY OF HAWAII (CONSTITUTIONAL AMENDMENT OF ARTICLE X, SECTION 6)";

S.B. No. 143, entitled: "A BILL FOR AN ACT RELATING TO THE DISCRETIONARY FUND ACCOUNTABILITY BY THE UNIVERSITY OF HAWAII";

S.B. No. 336, entitled: "A BILL FOR AN ACT RELATING TO THE EAST-WEST CENTER";

S.B. No. 344, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF FUNDS WITHIN THE UNIVERSITY OF HAWAII";

S.B. No. 997, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND";

S.B. No. 1299, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII";

S.B. No. 1463, entitled: "A BILL FOR AN ACT RELATING TO THE WOMEN'S ATHLETIC PROGRAM OF THE UNIVERSITY OF HAWAII";

S.B. No. 1469, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONTINUING EDUCATION FOR WOMEN";

S.B. No. 1534, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII'S DENTAL HYGIENE PROGRAM";

S.B. No. 1688, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION OF IMPROVEMENTS AT MAUI COMMUNITY COLLEGE";

S.B. No. 1810, entitled: "A BILL FOR AN ACT RELATING TO HAWAII ASIAN PACIFIC INSTITUTE";

S.B. No. 717, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF ADULT EDUCATION TO THE SYSTEM OF COMMUNITY COLLEGES";

S.B. No. 718, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF ADULT EDUCATION TO THE COLLEGE

OF CONTINUING EDUCATION AND COMMUNITY SERVICE";

S.B. No. 837, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTIONS 3 AND 6, TO REQUIRE SENATE APPROVAL OF APPOINTMENT OF PRESIDENT OF THE UNIVERSITY OF HAWAII AND SUPERINTENDENT OF EDUCATION"; and

S.B. No. 1780, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HIGHER EDUCATION COUNCIL",

and the President granted the waiver.

Senator O'Connor, Chairman of the Committee on Judiciary, requested a waiver of the 48-hour notice of a Decision-Making Hearing on the following measures:

S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING";

S.B. No. 1197, entitled: "A BILL FOR AN ACT RELATING TO SHOPLIFTING";

S.B. No. 1811, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED INVESTMENT";

S.B. No. 1191, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS";

S.B. No. 1195, entitled: "A BILL FOR AN ACT RELATING TO THEFT";

S.B. No. 596, entitled: "A BILL FOR AN ACT RELATING TO THEFT";

S.B. No. 589, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TAMPERING";

S.B. No. 504, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIMES";

S.B. No. 553, entitled: "A BILL FOR AN ACT RELATING TO OBSTRUCTION OF PUBLIC SAFETY COMMUNICATIONS";

S.B. No. 549, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AFFECTING OCCUPATIONS"; and

S.B. No. 920, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS",

and the President granted the waiver.

Senator Cobb, Chairman of the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour notice of a Public Hearing on the following measures:

S.B. No. 330, entitled: "A BILL FOR

AN ACT RELATING TO RESIDENTIAL LEASEHOLD COOPERATIVES";

S.B. No. 495, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF A NURSING CONTINUING EDUCATION FUND";

S.B. No. 690, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF THE CONDOMINIUM COMMISSION"; and

S.B. No. 1032, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONDOMINIUMS",

and the President granted the waiver.

At this time, Senator Anderson rose to state as follows:

"Mr. President, I'd just like to state for the record, again and again and again, that it's impossible to divide up 24 senators by three or four, five major committees-- and the committee attendance this year has been the lowest I've ever seen it-- and it's not because the Senators, I'm sure, don't want to attend some of these meetings, but you just cannot.

"If you look at the roster, each one of us including the majority, I believe, belong to six and seven committees and there's no way that you can cut yourself up six and seven ways to attend all these committees. I'm sure somewhere the public is going to become aware of our absence and begin to wonder if we're interested in some of the issues that are being put forth or what they consider very major.

"The waivers the Chair is granting are pretty often and I would be fearful if somebody from, say the neighbor islands or Windward

or Leeward who is anticipating coming down for a decision-making hearing only to have it waived without any notice-- I'm just concerned for the Senate image at this time, Mr. President, as we get near the deadline and we're all trying to conform to deadlines that we don't have a black eye with the public."

The President then replied as follows:

"I think, Senator Anderson, your point is well taken to this degree, but, I believe, the first time in the history, as I've noticed in this illustrious Body, so many bills have been introduced and the opportunity of committee chairmen scheduling almost all bills in their committees is almost unheard of; that it does give an opportunity that all ideas that have been introduced by every member of this Body, including the minority, are being given consideration.

"I think, in view of that consideration, the hours that have been asked of the committee chairmen to put in have been very long and arduous; and I think the production at the end of 60 days will determine whether or not we have served properly the public interest.

"All I want to say is that I do want to caution all the committee chairmen at this time--if possible, that all arrangements should be made through the majority leader so as to minimize the number of conflicts involved in the various meetings."

ADJOURNMENT

At 12:31 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 2, 1979.