

FORTY-THIRD DAY

Tuesday, March 27, 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 the Reverend Sidney Hormell of the Waikeola Congregational Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Second Day.

At this time, the following introductions were made to the members of the Senate:

Senator Chong introduced Ms. Piliialoha Lee Loy, a member of the Commission of the Status of Women, and her friend from Lewiston, Idaho, Mrs. Janie Jones.

Senator Anderson introduced thirty-two members of the Waikiki Community Senior Citizens Club.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 110 and 111) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 110), transmitting a report, entitled, "Hawaii's Water Resources: Directions for the Future", which was prepared by the State Water Commission, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 111), transmitting the 1977-1978 Annual Report prepared by the School Health Branch, Family Health Services Division, Department of Health, was referred to the Committee on Health.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 318 and 319) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 318), transmitting House Concurrent Resolution No. 74 which was adopted by the House of Representatives on March 23, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING A STATE-WIDE OBSERVATION OF EARTH DAY ON FRIDAY, APRIL 27, 1979", was adopted.

A communication from the House (Hse. Com. No. 319), transmitting House Concurrent Resolution No. 128 which was adopted by the House of Representatives on March 23, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING MARCH 23 - APRIL 4, 1979 AS A TIME FOR THE CELEBRATION OF WELLNESS", was adopted.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 64 to 67) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 64), entitled: "SENATE CONCURRENT RESOLUTION COMMENDING THE FRIENDS OF IOLANI PALACE FOR THE OUTSTANDING AND DISTINGUISHED PUBLIC SERVICES RENDERED WITH REGARD TO THE RESTORATION AND OPERATION OF IOLANI PALACE", was jointly offered by Senators Anderson, Yee, Saiki, Toyofuku, George, Carpenter, Carroll, Mizuguchi, Yamasaki, Campbell, Kuroda, Ajifu, Hara, Abercrombie, Takitani, Chong, Soares, Young, O'Connor, Cayetano, Kawasaki and Cobb.

On motion by Senator Anderson, seconded by Senator Yee and carried, S.C.R. No. 64 was adopted.

At 11:42 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.

A concurrent resolution (S.C.R. No. 65), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON DRUNK DRIVING LAWS AND MANDATORY DRIVER'S EDUCATION TO CURB ACCIDENTS", was jointly offered by Senators Carpenter, Takitani, Saiki, Chong, Campbell, Abercrombie, Yee, Yim, Mizuguchi and Kawasaki.

By unanimous consent, S.C.R. No. 65 was referred jointly to the Committee on Health and the Committee on Transportation.

A concurrent resolution (S.C.R. No. 66), entitled: "SENATE CONCURRENT

RESOLUTION RELATING TO A FUNCTIONAL PLAN FOR HOUSING", was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 66 was referred to the Committee on Housing and Hawaiian Homes.

A concurrent resolution (S.C.R. No. 67), entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING MARCH 23 - APRIL 4, 1979 AS A TIME FOR THE CELEBRATION OF WELLNESS", was jointly offered by Senators Carpenter, Chong, Takitani, Ajifu, Saiki, Yim, Carroll, Young, Hara, Yamasaki, Campbell, Ushijima, Cobb, Wong, Mizuguchi, Cayetano, Kawasaki, Toyofuku, Abercrombie, Kuroda, Anderson, Soares, O'Connor and George.

On motion by Senator Carpenter, seconded by Senator Chong and carried, S.C.R. No. 67 was recommitted to the Committee on Health.

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

The Senate reconvened at 11:50 o'clock a.m.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 297 to 301) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 297), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON DRUNK DRIVING LAWS AND MANDATORY DRIVER'S EDUCATION TO CURB ACCIDENTS", was jointly offered by Senators Carpenter, Takitani, Saiki, Campbell, Abercrombie, Yee, Yim, Mizuguchi and Kawasaki.

By unanimous consent, S.R. No. 297 was referred jointly to the Committee on Health and the Committee on Transportation.

A resolution (S.R. No. 298), entitled: "SENATE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION TO REQUEST THE FEDERAL GOVERNMENT TO PROVIDE AN EXCEPTION FOR THE RURAL ISOLATED AREAS IN HAWAII FROM THE DISPENSING REQUIREMENT OF CONTROLLED SUBSTANCES IN SCHEDULE II", was jointly offered by Senators Carpenter, Takitani, Chong, Saiki, Mizuguchi, Kawasaki, Campbell, Abercrombie, Yee and Yim.

By unanimous consent, S.R. No. 298 was referred to the Committee on Health.

A resolution (S.R. No. 299), entitled: "SENATE RESOLUTION CONGRATULATING QUEEN PATRICIA ANN KAHELE AND HER COURT IN THE 1979 MISS LEEWARD SCHOLARSHIP PAGEANT", was jointly offered by Senators Kuroda, Mizuguchi, Cayetano, Young, Campbell, Cobb, Yim, Wong, Toyofuku, Takitani, Yamasaki, Ushijima, Abercrombie, Hara, Chong, Carpenter, Carroll, Soares, Saiki, Anderson, George, Yee, Ajifu, Kawasaki and O'Connor.

On motion by Senator Campbell, seconded by Senator Mizuguchi and carried, S.R. No. 299 was adopted.

Senator Kuroda then introduced to the members of the Senate the following: Queen Patricia Ann Kahele; First Runner-up, Miss Beth Ann Rose; Second Runner-up, Miss Kim Thomas; Miss Popularity, Miss Suzette Parraga; Mr. Gary M. Fujii, President of the Leeward Oahu Jaycees, who sponsored the event and Mr. Dave Arakawa, Chairman of the Pageant.

Senators Campbell, Cayetano, Mizuguchi and Kawasaki then presented leis to Queen Patricia Ann Kahele, Miss Rose, Miss Thomas and Miss Parraga, respectively. Senator Kuroda presented each of them and Mr. Fujii and Mr. Arakawa, with a certified copy of the resolution.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

At this time, Senator Chong introduced to the members of the Senate Ms. Margaret Young, who is a member of a respected kamaaina family, and a leader in the Makiki-Tantalus State Park Planning Committee.

A resolution (S.R. No. 300), entitled: "SENATE RESOLUTION PROCLAIMING MARCH 23 - APRIL 4, 1979 AS A TIME FOR THE CELEBRATION OF WELLNESS", was jointly offered by Senators Carpenter, Chong, Takitani, Ajifu, Saiki, Yim, Carroll, Young, Hara, Yamasaki, Campbell, Ushijima, Cobb, Wong, Mizuguchi, Cayetano, Kawasaki, Toyofuku, Abercrombie, Kuroda, Anderson, Soares, O'Connor and George.

On motion by Senator Carpenter, seconded by Senator Chong and carried, S.R. No. 300 was adopted.

A resolution (S.R. No. 301), entitled: "SENATE RESOLUTION EXPRESSING CONGRATULATIONS TO MR. NELSON TATTERSALL TUI TELE ON RECEIVING

THE 1979 HAWAIIAN LODGE NUMBER 21, FREE AND ACCEPTED MASONS, HIRAM AWARD", was jointly offered by Senators Yee, Young, Saiki, Carroll, George, Yamasaki, Chong, Kuroda and Takitani.

On motion by Senator Yee, seconded by Senator Young and carried, S.R. No. 301 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 776), informing the Senate that Senate Concurrent Resolution Nos. 62 and 63, Senate Resolution Nos. 295 and 296 and Standing Committee Report No. 775 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 Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 777), recommending that House Concurrent Resolution No. 9, as amended in S.D. 1, be adopted.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.C.R. No. 9, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TEN MILLION BARREL CAPACITY STRATEGIC PETROLEUM RESERVE FOR HAWAII", was adopted.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 778), recommending that House Bill No. 147, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 147, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST RESERVATIONS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 29, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 147, H.D. 1, S.D. 1.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No.

a report (Stand. Com. Rep. No. 779), recommending that House Bill No. 187, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 187, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 29, 1979.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 187, H.D. 1, S.D. 1.

Senator Hara, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 780), recommending that Senate Concurrent Resolution No. 27 be adopted.

On motion by Senator Hara, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO TAKE IMMEDIATE ACTION TOWARD THE ACQUISITION AND RETURN OF TERN ISLAND AND ITS FACILITIES TO THE STATE OF HAWAII", was adopted.

Senator Hara, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 781), recommending that Senate Resolution No. 133 be adopted.

On motion by Senator Hara, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and S.R. No. 133, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO TAKE IMMEDIATE ACTION TOWARD THE ACQUISITION AND RETURN OF TERN ISLAND AND ITS FACILITIES TO THE STATE OF HAWAII", was adopted.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 782), recommending that House Bill No. 660, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the majority of the Committee was adopted and, Roll Call vote having been requested, H.B. No. 660, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX ON GAINS

FROM THE SALE OR EXCHANGE OF REAL PROPERTY", passed Second Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (O'Connor);

and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

MATTERS DEFERRED FROM FRIDAY, MARCH 23, 1979

Senate Concurrent Resolution No. 63:

Senator O'Connor moved that S.C.R. No. 63 be adopted, seconded by Senator Anderson.

Senator O'Connor then spoke in favor of the resolution as follows:

"Mr. President, I rise to speak in favor of this resolution.

"We have been given a report by the Commission on Legislative Salary which suggests certain amendments to the salary of all legislators. Included in that salary plan is a plan of optional incentives which would, in the future, allow a legislature to reduce the amount of monies which were appropriated and expended for the operation of the legislature and its ancillary bodies and pick the balance that's left home as pay.

"I find that this optional incentive program, Mr. President, is an anathema to the running an operation of the legislature and really an insult to this legislature and future legislatures which would be asked to cut back on the services rendered to the taxpayer at the taxpayer's expense in an effort to obtain more salary.

"For these and many other reasons, we have offered Senate Concurrent Resolution No. 63 which in essence disapproves of the plan submitted by the 1978 Commission on Legislative Salary and seeks to have that plan retired to that disapproval.

"Thank you, Mr. President."

Senator Campbell then spoke for the resolution as follows:

"Mr. President and members of the Senate, I rise to speak in favor of the resolution.

"As the previous speaker indicated, the intent of the resolution is to put this legislature on record as

opposed to the Salary Commission's salary recommendations for this legislature.

"The events surrounding this whole matter--the lackluster public hearings of the Salary Commission, the salary recommendations which seemed to be based on limited information from the public; and, of course as Senator O'Connor pointed out, the recommendations of that incentive plan--all of that, in my judgment, bring to dramatic focus the need to address the problem of providing this legislature the tools and the conditions to more effectively do the job assigned to it.

"The resolution may have alluded to this question when it stated that, 'The legislature finds that this salary plan does not address the problem.'

"Some of the primary responsibilities of the legislature are: to make the laws, fund programs and projects, and to provide salaries to the other branches of government--the executive and the judiciary.

"In order to carry out this monumental task, it goes without saying that it takes adequate staff and adequate time. In my judgment, the legislature has neither. Our staff is part-time with very limited benefits which makes recruiting of experienced staff a critical problem. We try to crowd a full-time legislative session into a 60-day period.

"This means that at the closing days of the legislature, we're working around the clock in attempts to scrutinize and examine proposed legislation before defeating it or making it law. Many times we're too tired and weary to think straight, let alone vote straight.

"It should be of some concern that of the three branches of government, the legislative branch is the only one which is part-time and operates with a part-time staff. The other governmental branches, executive and judiciary, have full-time managerial, research, legal, clerical and miscellaneous staff. The legislature, with its limited resources, is finding itself less capable to cope with the other governmental branches.

"So, Mr. President and members of the Senate, I hope the recommendations of the Salary Commission serve as a blessing in disguise. I hope it is much clearer now than before that the job the citizens of Hawaii sent us here to do is a full-time job which cannot be accomplished with a part-time staff and a 60-day session.

"I introduced a bill to make this legislature full-time. This is my third

try. I intend to introduce that bill again at the next legislative session.

"It is my hope that more serious consideration will not only be given to the problems which this bill addresses, but to the companion problems brought to sharp focus by the recommendations of the Salary Commission.

"Thank you very much."

Senator Abercrombie then spoke for the resolution as follows:

"Mr. President, I am speaking for the resolution and the only reason I do is that I've been asked several times about several of the points I raised the other day and I think I can clear them up very briefly.

"I would like to have more money. I have no personal aversion to having more money in my pocket, especially because I deserve it. But, inasmuch as I don't deserve it under these circumstances, I can't take it. It's as simple as that.

"I feel much as Senator Campbell has indicated, that with the situation as it exists, we need more staffing here on a full-time basis in the legislature, even if the legislature itself is not full time, in the sense that the only income or the only work that legislators do or would do would be full time.

"I haven't the slightest objection to a legislative system in which people are not full-time legislators. I merely seek to say that those who find themselves either fortunate enough by virtue of financial circumstance or desirous by virtue of inclination to work on a majority or full or more than sixty-day basis per se, other than interim work, ought to be able to do so without becoming rich, without becoming lax, in the sense of having to feel that they need take any responsibility. That's all that is involved in this.

"The proposals of the Salary Commission do not address this question in the least. On the contrary, they have come up with a formula, which I don't have the slightest understanding yet, having re-read the whole presentation, other than this.

"I did not mention this the other day, and I'll conclude with this-- that it became apparent to me principally as a result of the question by a friend in the media, that the proposal for the salary is to take care of people who take leave from their jobs.

"You may recall, Senators, that the proposal indicates that people will be paid, I believe, \$3,500 for the three months and then a much smaller amount afterwards. I couldn't figure out why make the change from the regular every two weeks and just prorate it out for the year.

"Well, the answer is obvious to me, now that the question was put to me. It's to encourage companies or organizations to give their employees leave during that time and pay them the high salary to make up for that time; that is to say, those organizations that do not want to pay them for that time in any event.

"It becomes more obvious to me then that this is indeed a scheme to try and get people into this legislature, only people into this legislature who have either the organizational backing or the individual financial means or both, to be able to accomplish that task. And that means that it probably is going to cut off about 75% of the population from being in the legislature and I think that's extremely unfortunate."

Senator Mizuguchi then spoke for the adoption of the resolution as follows:

"Mr. President, I'd just like to rise to speak for the resolution to reject the salary plan submitted by the 1978 Commission on Legislative Salary and I believe these remarks sort of are the feelings of the majority of the Senators in this Body.

"I believe that the salary plan is ill-conceived, although made by honorable people with probably the best of intentions and motives.

"The most troublesome aspect of the plan is that it really lacks a philosophy; it is not nurtured in political values; it does not reflect the kind of legislators the public should want or expect; it doesn't build on the concept embodied in the 1968 Constitution which established the present salary plan.

"In 1968, the Constitution at least had some notion as to the kind of legislature they wanted, and they reflected their ideas in establishing salaries for legislators. They felt that a legislator should be a 'year-round legislator,' and that 'the qualified legislator' which the Constitution said 'the public deserves, must be attracted to serve as a legislator.' They wanted a legislator who is 'available for service whenever required throughout the year.' They hoped that the increased salary 'would attract and produce the kind of legislator who would spend more time in educating and informing the

community and his constituents...¹ Thus, the salary they set was to be sufficient in 1968 to enable a legislator, with some sacrifice, to devote full time to legislative duties.

"One finds nothing in the new salary plan which extends the 1968 Convention's view of legislators. Perhaps, the fault rests with the 1968 Convention for failing to deal with the issue.

"But there is little to be gained from fault-finding. We should merely file this plan away and wait for some more enlightened time.

"I urge the members of the Senate to vote for the resolution and to reject the salary plan.

"Thank you, Mr. President."

Senator Cobb then remarked as follows:

"Mr. President, just two rather brief observations in favor of this resolution.

"One, based on the past salary plan that I have seen presented to the legislature which we have never acted upon in my brief seven years in this Body and in the House, the plan submitted didn't even keep up with the cost of living.

"But secondly, and more importantly, is the fact that the incentive that was proposed was in effect, a way for us as legislators to feather our own nest on an optional basis. And that is to cut down the expenses of those who are at or below the minimum wage in many of the service and support agencies of this legislature during our part-time existence.

"In effect, we would be asked to feather our own nest to the tune of \$4,000 a year by cutting back on those salaries or wages or even going below the minimum wage.

"I find that in itself to be unconscionable as well as the fact that it's our job as a matter of course to cut expenditures where possible, to save money rather than to improvise for that kind of savings on an incentive basis at the expense of those at or below the minimum wage."

Senator Yee then stated as follows:

"Mr. President, I rise to speak in favor of the resolution, but I'd like to address my comments to the two previous speakers who referred to part-time and full-time legislators.

"I speak in support of the committee's finding that Hawaii would be best served by having part-time legislators representing the different groups in our community. If we raise the salaries high enough so that we would have only full-time legislators, then we would have what you call, a so-called professional politician.

"All he would be worried about is to attend every community meeting and be a popular person and promise them everything and come to the legislature without regard to some fiscal responsibilities and say, 'look, this is what I've done for the community, so re-elect me back into office.'

"I think there's a danger in that kind of a politician. I think we need independence in the legislature. We need people who have outside employment, who can take off and serve the community.

"Now, we talk about sixty working days, but many of us work throughout the year to attend various committee meetings. We come in to answer our mail and our telephone calls. Our constituents write to us throughout the year and we spend time in answering them.

"Furthermore, we talk about lack of compensation. We have one of the most generous retirement plans throughout the whole United States. Nobody brings this up. We get 3½% for our pension after ten years service. If you're out of political office, you can start collecting retirement. This is extremely generous. This is all part of the compensation that the legislature in Hawaii goes through.

"I feel that to take it to go one way, it would be bad, but for those of us who can and are willing to serve full time, I appreciate their concern; I appreciate their dedication. But, by the same token, we should not eliminate others from serving.

"Maybe I'm old fashioned, but I still feel that when you run for political office, there is a deep desire within you to want to help the public. You want to service the public. And when you do this, there are certain sacrifices that go along with it--sacrifices in finances, there are some of you concerned about finances; sacrifices in families; sacrifices in being able to take off whenever you'd like to take off.

"But I feel, Mr. President, that when we run for office, there is an amount of giving on our side, and I think that we should not judge our performance by compensation and ask for a full-time position. Thank you."

Senator Abercrombie then remarked:

"Mr. President, just so that there's no possible misunderstanding of any implications of some of the remarks on the floor today, I think whether one is full time or part-time as a legislator, one is full time as a politician.

"Promising everything is not the sole province of the full-time legislator. It is generally the sole province of the full-time politician. I think we ought to have that quite clear.

"Everybody on this floor is a full-time politician. Anybody who isn't, isn't going to be here very long--is probably here only for a lark or in here by a mistake of some kind.

"The second point is that I think that some of the people on this floor who follow other professions are some of the finest legislators in here. It's a question of energy. It's a question of the use of discretionary time. It's a question of desire to utilize talent acquired or perfected and I have, as I said, no argument whatsoever with a person who has both the desire and the inclination and the opportunity to follow and endeavor other than legislation per se.

"The point is, in terms of public service, that if it is possible and one desires to serve the public in a full or majority or more than part-time basis as such and is willing to and happy to accept the compensation that goes with that, that allows one to at least keep one's family together under those circumstances, that one shouldn't be penalized for having that attitude; anymore than one should be penalized, it seems to me, for following a profession other than legislating per se, that may be remunerative or not, depending on the background and the inclination and the talents of the person involved."

The motion was put by the Chair and carried, and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DISAPPROVAL OF THE LEGISLATIVE SALARY PLAN SUBMITTED BY THE 1978 COMMISSION ON LEGISLATIVE SALARY", was adopted.

At this time, Senator Yamasaki introduced to the members of the Senate, Mr. Eric Soto, Director of Economic Development, County of Maui and Myles Inokuma, also of that office, and five farmers who accompanied them, Mr. Chester Koga, Mr. Mitsugi Yamamura, Mr. Henry Nihei, Mr. Yoshiharu Nakamura

and Mr. Mataka Yamamoto.

House Bill No. 404:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, H.B. No. 404, entitled: "A BILL FOR AN ACT RELATING TO PROMPT COMPLAINT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

House Bill No. 1394, H.D. 1, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, H.B. No. 1394, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON JUDGMENT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 171, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chong and carried, H.B. No. 171, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1496, H.D. 1, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, H.B. No. 1496, H.D.1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIMITATION OF ACTION FOR DAMAGES BASED ON CONSTRUCTION TO IMPROVE REAL PROPERTY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 713 (H.B. No. 93, S.D. 2):

Senator O'Connor moved that Stand. Com. Rep. No. 713 be adopted and H.B. No. 93, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Carroll spoke in favor of the motion as follows:

"Mr. President, there have been amendments made to this bill which have taken care of the problems which I expressed earlier, and I would urge that all vote 'aye' on this measure."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 713 was adopted and H.B. No. 93, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ushijima).

House Bill No. 356, H.D. 1:

Senator Toyofuku moved that H.B. No. 356, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

Senator Carroll then inquired of the Chair if he could be excused from voting on the measure as he is a member of the Hawaii National Guard, although he does not do any flying as he did before.

The President then ruled that Senator Carroll was not in conflict and was permitted to vote on this measure.

The motion was put by the Chair and carried and H.B. No. 356, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONFORFEITURE OF EMPLOYMENT RIGHTS FOR ABSENCE REQUIRED BY NATIONAL GUARD DUTY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

House Bill No. 165:

On motion by Senator Cobb, seconded by Senator Chong and carried, H.B. No. 165, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MISCELLANEOUS COMMUNICATION

A communication from Mr. R. W.

Fleming, President, Corporation for Public Broadcasting, Washington, D.C., (Misc. Com. No. 19), acknowledging receipt of Senate Resolution No. 214 (1979), was read by the Clerk and was placed on file.

At 12:35 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess until 5:00 o'clock p.m., this afternoon.

AFTERNOON SESSION

The Senate reconvened at 5:10 o'clock p.m., with all Senators present, with the exception of Senators Abercrombie, Hara, Saiki, Toyofuku, Yim and Young, who were excused.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 320 to 333) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 320), returning Senate Bill No. 1096, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1096, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 321), returning Senate Bill No. 1097, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1097, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 322), returning Senate Bill No. 1098, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1098, S.D. 2, H.D. 1, entitled: "A BILL FOR AN

ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 323), returning Senate Bill No. 1099, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1099, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 324), returning Senate Bill No. 1100, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1100, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 325), returning Senate Bill No. 1101, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1101, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 326), returning Senate Bill No. 1102, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1102, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday,

April 4, 1979.

A communication from the House (Hse. Com. No. 327), returning Senate Bill No. 1103, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1103, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 328), returning Senate Bill No. 1104, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1104, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 329), returning Senate Bill No. 1105, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1105, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 330), returning Senate Bill No. 1106, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1106, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 331), returning Senate Bill No. 1108, S.D. 2, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1108, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 332), returning Senate Bill No. 1742, S.D. 1, which passed Third Reading in the House of Representatives on March 27, 1979, in an amended form, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Yee and carried, consideration of S.B. No. 1742, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR ADJUSTMENT AUTHORIZED BY CHAPTER 89C, HAWAII REVISED STATUTES", was deferred until Wednesday, April 4, 1979.

A communication from the House (Hse. Com. No. 333), transmitting House Concurrent Resolution No. 153, which was adopted by the House of Representatives on March 27, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION EULOGIZING THE LATE JEAN CHARLOT, GREAT ARTIST OF INTERNATIONAL FAME", was adopted.

At 5:12 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:13 o'clock p.m.

SENATE RESOLUTION

A resolution (S.R. No. 302), entitled: "SENATE RESOLUTION EXPRESSING DEEPEST SYMPATHY AND SINCERE CONDOLENCES TO THE FAMILY OF VIOLET KAWABATA", was jointly offered by Senators Chong, Mizuguchi, Yim, Campbell, Soares, Toyofuku, Yamasaki, Takitani, Ajifu, Cobb, Hara, Kawasaki, Young, Abercrombie, Kuroda, Saiki, Carroll, Yee, Cayetano, O'Connor, Carpenter, Ushijima and George and was read by the Clerk.

On motion by Senator Chong, seconded by Senator Mizuguchi and carried, S.R. No. 302 was adopted.

STANDING COMMITTEE REPORTS

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 783), recommending that House Bill No. 38, H.D. 2, S.D. 1, as amended in S.D. 2, be referred to the Committee on Ways and Means.

On motion by Senator Campbell, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 38, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", was referred to the Committee on Ways and Means.

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 784), recommending that House Bill No. 890, H.D. 1, S.D. 1, as amended in S.D. 2, 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, Roll Call vote having been requested, H.B. No. 890, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN OFFICE ON HAWAIIAN AFFAIRS", was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 18. Noes, 1 (Kawasaki).
Excused, 6 (Abercrombie, Hara, Saiki, Toyofuku, Yim and Young).

Senator O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 785), recommending that House Bill No. 1686, H.D. 2, S.D. 1, as amended in S.D. 2, 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 H.B. No. 1686, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", was referred to the Committee on Ways and Means.

At 5:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:19 o'clock p.m.

ADJOURNMENT

At 5:20 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., Wednesday, March 28, 1979.