

FIFTY-FIRST DAY

Friday, April 6, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bernard Eikmeir, Pastor of St. Anthony's Church, Kailua, after which the Roll was called showing all Senators present with the exception of Senator Takitani, who was excused.

The President announced that he had read and approved the Journal of the Fiftieth Day.

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

Senator Kuroda introduced thirty-nine students from the fourth and fifth grades at Waialua Elementary School, accompanied by their teachers, Mrs. Kathleen Nakatsu and Miss Janice Shigehara; and parents, Mrs. Nancy Ramirez and Mrs. Erline Furuichi.

Senator Anderson introduced twenty-eight members from the Honolulu Senior Citizens Club.

Senator Chong introduced Dr. Jean Fertil of the American Civil Liberties Union.

DEPARTMENTAL COMMUNICATION

A communication from the Office of the Administrative Director of the Courts, The Judiciary, (Dept. Com. No. 12), transmitting the Judiciary's Annual Report for the year 1977-78, was read by the Clerk and was referred to the Committee on Judiciary.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 413 to 424) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 413), returning Senate Concurrent Resolution No. 79, which was adopted by the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 414), returning Senate Bill No. 31, S.D. 2, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 415), returning Senate

Bill No. 32, S.D. 2, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 416), returning Senate Bill No. 483, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 417), returning Senate Bill No. 654, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 418), returning Senate Bill No. 698, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 419), returning Senate Bill No. 758, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 420), returning Senate Bill No. 1117, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 421), returning Senate Bill No. 1537, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 422), returning Senate Bill No. 1594, S.D. 2, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 423), returning Senate Bill No. 1764, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 1979, was placed on file.

A communication from the House (Hse. Com. No. 424), informing the Senate that the House had disagreed to the amendments proposed by the Senate to the following: H.B. No. 38, H.D. 2; H.B. No. 48, H.D. 2; H.B. No. 544; H.B. No. 1252, H.D. 2; H.B. No. 1322, H.D. 1; and H.B. No. 1686, H.D. 2, was placed on file.

By unanimous consent, action on the following bills was deferred until Monday, April 9, 1979:

H.B. No. 38, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION";

H.B. No. 48, H.D. 2, S.D. 2, entitled:
"A BILL FOR AN ACT RELATING TO THE
STATE PROGRAM FOR THE UNEMPLOYED":

H.B. No. 544, S.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO
INDUSTRIAL CARCINOGENS";

H.B. No. 1252, H.D. 2, S.D. 1,
entitled: "A BILL FOR AN ACT RELATING
TO FARM LOANS";

H.B. No. 1322, H.D. 1, S.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO
THE STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY"; and

H.B. No. 1686, H.D. 2, S.D. 3,
entitled: "A BILL FOR AN ACT RELATING
TO THE HAWAII HOUSING AUTHORITY".

SENATE RESOLUTIONS

The following resolutions (S.R.
Nos. 365 to 369) were read by the Clerk
and were disposed of as follows:

A resolution (S.R. No. 365), entitled:
"SENATE RESOLUTION REQUESTING
THE STATE DEPARTMENT OF HEALTH
TO ESTABLISH A PROGRAM OF ENVIRON-
MENTAL MONITORING FOR POSSIBLE
RADIOACTIVE CONTAMINATION OF
MARINE LIFE IN AND AROUND PEARL
HARBOR", was jointly offered by Senators
Chong and Abercrombie.

By unanimous consent, S.R. No.
365 was referred jointly to the Committee
on Health and the Committee on Ecology,
Environment and Recreation.

A resolution (S.R. No. 366), entitled:
"SENATE RESOLUTION REQUESTING
THE LEGISLATIVE REFERENCE BUREAU
TO STUDY THE FEASIBILITY OF ESTABLISH-
ING A STATE DEPARTMENT OF ENERGY
FROM VARIOUS AND DIVERSE STATE
AGENCIES", was offered by Senator
Chong, by request.

By unanimous consent, S.R. No.
366 was referred to the Committee
on Economic Development, then to
the Committee on Legislative Management.

A resolution (S.R. No. 367), entitled:
"SENATE RESOLUTION EXTOLLING THE
VIRTUES OF THE CULINARY ARTS
IN HAWAII AND URGING FULL COMMUNITY
SUPPORT FOR THE 1979 CULINARY
ARTS AND SUPPLIERS EXPOSITION",
was jointly offered by Senators Kuroda,
Abercrombie, Young, Yamasaki, Ushijima,
George, Cobb, Anderson, Toyofuku,
Cayetano, Campbell, O'Connor, Chong,
Saiki, Wong, Mizuguchi, Yee, Carroll,
Soares and Kawasaki.

On motion by Senator Abercrombie,
seconded by Senator Kuroda and carried,

S.R. No. 367 was adopted.

Senator Kuroda introduced to the members
of the Senate the following: Mr. Alan
Wong, a student at Kapiolani Community
College; Miss Venus Delizo, a student
from the Honolulu Community College;
Mr. Jack Kaneshiro, the executive chef
with the Jolly Roger Restaurant chain;
Mr. Rolf Walters, the executive chef
at the Hale Koa Hotel; Sergeant First Class
Carroll Melancon, representing the
United States Army Food Services; and
Mr. Gene Kaneshiro, of Columbia Inn,
who is the Chairman of the Exposition
this year.

Senator Kuroda announced that the
8th Annual Culinary Arts and Supplies
Exposition will be held on April 8th
at the Coral Ballroom at the Hilton Hawaiian
Village and urged all to attend.

Senators Saiki, Young, George and
Abercrombie presented leis to Mr. Wong,
Mr. Kaneshiro, Mr. Walters, Sgt. Melancon,
Mr. Kaneshiro and Miss Delizo, respectively.
Senator Kuroda presented each of them
with a certified copy of the resolution.

At 11:20 o'clock a.m., the Senate stood
in recess subject to the call of the Chair.

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

A resolution (S.R. No. 368), entitled:
"SENATE RESOLUTION EXPRESSING SUPPORT
AND EXTENDING CONGRATULATIONS
ON THE SIXTH ANNUAL INTERNATIONAL
FAIR SPONSORED BY THE EAST-WEST
CENTER PARTICIPANTS ASSOCIATION",
was jointly offered by Senators Chong,
Cobb, Campbell, Carpenter, Wong, Soares,
Kuroda, Young, Yamasaki, Carroll, Ushijima,
Cayetano, O'Connor, Kawasaki, Abercrombie,
Toyofuku and Mizuguchi.

On motion by Senator Chong, seconded
by Senator Cobb and carried, S.R.
No. 368 was adopted.

A resolution (S.R. No. 369), entitled:
"SENATE RESOLUTION REQUESTING THE
DEPARTMENT OF HEALTH TO CONDUCT
A STUDY OF THE SCHOOL FOOD SERVICES
PROGRAM", was offered by Senator Campbell.

By unanimous consent, S.R. No. 369
was referred jointly to the Committee
on Education and the Committee on Health.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee
on Legislative Management, presented
a report (Stand. Com. Rep. No. 980),
informing the Senate that Senate Concurrent
Resolution Nos. 82 to 86, Senate Resolution
Nos. 351 to 364 and Standing Committee
Report Nos. 977 to 979 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 Carpenter, for the Committee on Health, presented a report (Stand. Com. Rep. No. 981), recommending that Senate Resolution No. 148 be referred to the Committee on Ways and Means.

On motion by Senator Carpenter, seconded by Senator Campbell and carried, the report of the Committee was adopted and S.R. No. 148, entitled: "SENATE RESOLUTION RELATING TO THE DEVELOPMENTALLY DISABLED", was referred to the Committee on Ways and Means.

ORDER OF THE DAY

MATTERS DEFERRED FROM APRIL 5, 1979

Standing Committee Report No. 977
(H.B. No. 498, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 977 and H.B. No. 498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS OF BOARDS OF DIRECTORS", was deferred until Monday, April 9, 1979.

Senate Bill No. 9, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 9, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 11, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 11, and requested a conference on the subject matter thereof.

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

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 15, S.D. 1, seconded by Senator Cobb.

Senator O'Connor then explained that the amendments primarily constitute a new section which provides for certain amendments in the election law reflecting the placement of the Reapportionment Committee provisions.

The motion was put by the Chair and carried, and the Senate agreed

to the amendments proposed by the House to S.B. No. 15, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 15, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE IV)."

At 11:25 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:27 o'clock a.m.

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

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 42, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 45, H.D. 1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 45, seconded by Senator Cobb.

Senator O'Connor then explained that the amendments made by the House are primarily technical in nature.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 45, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 45, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICIAL LANGUAGES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV)."

Senate Bill No. 46, S.D. 2, H.D. 2:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.B. No. 46, S.D. 2, seconded by Senator O'Connor.

Senator Toyofuku then explained that the intent of the amendment is to provide that conviction rather than the commission of an act is necessary for disqualification.

The motion was put by the Chair, and Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 46, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie).
Excused, 1 (Takitani).

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. 46, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC OFFICE AND EMPLOYMENT (CONSTITUTIONAL AMENDMENTS OF ARTICLE XVI, SECTION 3)."

Senate Bill No. 50, S.D. 1, H.D. 1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 50, S.D. 1, seconded by Senator Cobb.

Senator O'Connor then explained that the amendments made by the House primarily were to properly "Ramseyer" the bill.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 50, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 50, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT JUDGES (CONSTITUTIONAL AMENDMENTS OF ARTICLES VI AND XVIII)."

Senate Bill No. 77, S.D. 3, H.D. 1:

On motion by Senator Hara, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 77, S.D. 3, and requested a conference on the subject matter thereof.

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

On motion by Senator Cobb, seconded by Senator Chong and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 86, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 87, S.D. 1, H.D. 1:

Senator Kawasaki moved that the Senate agree to the amendments proposed by the House to S.B. No. 87, S.D. 1, seconded by Senator Yamasaki.

Senator Kawasaki then explained that the amendments were purely language, technical changes and had no great consequence.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 87, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 87, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT."

Senate Bill No. 181, S.D. 2, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 181, S.D. 2, and requested a conference on the subject matter thereof.

Senate Bill No. 182, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 182, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 393, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 393, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 581, S.D. 1, H.D. 1:

On motion by Senator Ushijima, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 581, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 599, S.D. 1, H.D. 1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 599, S.D. 1, seconded by Senator Cobb.

Senator O'Connor explained that the House amended the bill to insure that the National Labor Relations Act would not be impeded by this bill.

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

The Senate reconvened at 11:36 o'clock a.m.

Senator O'Connor then withdrew his motion to agree to the amendments, and Senator Cobb withdrew his second.

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 599, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 615, S.D. 1, H.D. 1:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.B. No. 615, S.D. 1, seconded by Senator Cayetano.

Senator Toyofuku then explained that this is merely a change of language with no great consequence.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 615, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 615, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REEMPLOYMENT OF RETIRED PATIENT EMPLOYEES OF THE DEPARTMENT OF HEALTH."

Senate Bill No. 664, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 664, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 666, S.D. 2, H.D. 1:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.B. No. 666, S.D. 2, seconded by Senator Cayetano.

Senator Toyofuku explained that the change is a language change. The Senate language provided that 'to the maximum extent practicable'; the House amended it to provide that 'to the extent allowable by federal requirements.'

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 666, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 666, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF OVERPAYMENTS OF PUBLIC ASSISTANCE."

Senate Bill No. 670, H.D. 1:

Senator Kawasaki moved that the Senate agree to the amendments proposed by the House to S.B. No. 670, seconded by Senator Ushijima.

Senator Kawasaki explained that the amendments were merely grammatical changes and of no consequence.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 670, and in accordance with Article III, Section 15, of the Constitution

of the State of Hawaii, the 48-hour notice was given on S.B. No. 670, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCEDURES FOR ADOPTION, AMENDMENT OR REPEAL OF RULES."

Senate Bill No. 691, H.D. 1:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 691, seconded by Senator Chong.

Senator Cobb then stated that the changes involved are primarily typographical and "Ramseyer" and do not involve any substantive changes.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 691, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 691, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING BOARD."

Senate Bill No. 692, H.D. 1:

On motion by Senator Cobb, seconded by Senator Chong and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 692, and requested a conference on the subject matter thereof.

Senate Bill No. 694, H.D. 1:

On motion by Senator Cobb, seconded by Senator Chong and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 694, and requested a conference on the subject matter thereof.

Senate Bill No. 695, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Chong and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 695, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 697, H.D. 1:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 697, seconded by Senator Chong.

Senator Cobb then explained that the changes in this measure were primarily typographical and "Ramseyer" and do not involve substance.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 697, and in accordance with Article III, Section 15, of the Constitution

of the State of Hawaii, the 48-hour notice was given on S.B. No. 697, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOXING COMMISSION."

Senate Bill No. 870, S.D. 2, H.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Chong and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 870, S.D. 2, and requested a conference on the subject matter thereof.

Senate Bill No. 919, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 919, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1043, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1043, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1049, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1049, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1091, S.D. 1, H.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1091, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1230, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1230, and requested a conference on the subject matter thereof.

Senate Bill No. 1238, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1238, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1282, H.D. 1:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.B. No. 1282, seconded by Senator O'Connor.

Senator Toyofuku explained that the amendments made are minor stylistic changes.

Senator Abercrombie then stated:

"Mr. President, I would like to know what we are accomplishing with this in terms, 'relating to false statements and representations in regard to unemployment compensation.' We're getting in a felony category here.

"Perhaps there are a few here who have gone through the experience of unemployment compensation. I happen to have been one who has gone through that process. I have not always been sure myself frankly on the information-- you may have the dates wrong, you may not have records kept very well by someone else, you may find someone indicating that you worked at a place or did not work at the place at a certain time and they may not find their records wrong, and it may take you having to get an attorney to find out or be able to prove whether you're right or wrong in this kind of situation. In the meantime, you can be charged with a Class C felony, even if it's not carried through to culmination.

"Merely to be and then charged with a felony will have that on your record in terms of any future situation that you might find yourself in, and any prosecuting attorney or anyone who wants to use that on you can say that you have been charged with a felony.

"The mere charging of a felony in someone's life is enough in many instances to ruin their reputation for the rest of their lives. The fact that the felony charge may have been without basis, the fact that you may have been found innocent of a felony charge, the fact that the felony charge may have been placed with capriciousness, the fact that there may have been political motives involved, the fact that it may be found later to have been a mistake, nonetheless leaves you with the charge of a felony that can be utilized by employers, utilized by credit institutions, utilized by people who may have to wish you ill.

"To get in this kind of a situation, it seems to me, where it has to do with false statements and representations, knowing it to be false and failing to make disclosure of material, it seems to

me is moving into an area in which you were clearly leaving the idea of fraud, which I think is punishable, is prosecutable. And moving into an area in which the ordinary citizen who is not attempting to commit a fraud, who is not a criminal, who makes a mistake or even a series of mistakes finds himself in a felony situation. I can assure you that when you stand in an unemployment line for the first time, you're scared, you're humiliated, you feel upset that you're there, you wish you weren't.

"The ones who are committing fraud don't care in the first place. They'll do anything that they can to falsify and take any kind of calculated precautions that they can to protect themselves, but for the person who is honest and straightforward about it, they may find themselves very easily making statements or doing things that are not true, and not realizing that they're doing it or doing it inadvertently, or doing it because of the psychological turmoil they're going through at that time.

"I just can't see making a felonious situation under these circumstances, unless it was made clear to me where the line was drawn between outright fraud and merely being able to charge anybody who is found to make (quote) 'a false statement'. This could be, as I interpret this situation where the felony addition is concerned, something as little as mistaking the date upon which you left employment; suppose it was 1964 and you put down 1963--that's a false statement. And if the value of the benefit obtained or increase is \$200 or more, you can be charged with a Class C felony.

"I doubt there are many people on this floor who would tell you exactly right now what date they left a position, say 10 or 15 years ago. They may not have kept those records. They may have worked...inadvertently...in times when you're a student, you work two or three months at a time in some place. And to charge a felony and reiterate, in conclusion, to face a felony charge, even if it turns out later that it is in fact an error, a mistake or omission, you nonetheless have made a false statement, you nonetheless are going to face a felony charge, you nonetheless are going to have to explain at some point most likely in your life, why that was there. And it can do serious and terrible lifelong damage if that kind of thing occurs.

"I understand why we want to hit on fraud and I'm hopeful that language exists already in the law...not sufficiently

well versed in it to know, but I'm hopeful that language already exists in law to handle out-and-out fraud cases. If it doesn't, then we should do so. This is not the way to do it. Let's not punish innocent people who unknowingly make mistakes with a charge of a felony.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

Senator Abercrombie continued,

"Mr. President, I want to make clear, I don't think I stated whether I was for or against the motion when I stood up. I'm against the motion to agree because I would like to see this go to conference. As a member of the committee, I don't think the Chairman wants to go to conference on the grounds that if it went to conference, he would find himself in agreement with that. What I'm hoping to do, of course, by making this commentary is that the Chairman will have a flash of insight and agree with me that the bill should be disagreed with, so it can go to conference and get rid of this pernicious felony portion."

The motion was put by the Chair and carried, and Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 1282, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Abercrombie, Chong and Kawasaki). Excused, 1 (Takitani).

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. 1282, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR FALSE STATEMENTS AND REPRESENTATIONS IN REGARD TO UNEMPLOYMENT COMPENSATION."

Senate Bill No. 1284, S.D. 1, H.D. 1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 1284, S.D. 1, seconded by Senator Cobb.

Senator O'Connor explained that the amendments were purely typographical ones and that there were no substantive changes made to this measure.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1284, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1284, S.D. 1, H.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE UNIFORM
PROBATE CODE AND TRUSTS."

Senate Bill No. 1303, S.D. 1, H.D.
1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 1303, S.D. 1, seconded by Senator Cobb.

Senator O'Connor explained that there were no substantive changes made by the House.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1303, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1303, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF CHILDREN."

Senate Bill No. 1315, H.D. 1:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 1315, seconded by Senator Chong.

Senator Cobb then explained that there were no substantive changes made but only a change in the "Ramseyer" provision in the bill itself.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1315, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1315, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE."

Senate Bill No. 1373, S.D. 1, H.D. 1:

On motion by Senator Campbell, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1373, S.D. 1, and requested a conference on the subject matter thereof.

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

The Senate reconvened at 12:01 o'clock p.m.

At this time, Senator Carroll introduced to the members of the Senate Mr. Walter Nishioka, a top karate instructor in Hawaii, and his wife, Mrs. Nishioka.

Senate Bill No. 1540, S.D. 1, H.D. 1:

Senator Carpenter moved that the Senate agree to the amendments proposed by the House to S.B. No. 1540, S.D. 1, seconded by Senator Cayetano.

Senator Carpenter explained that there were very minor changes in language only.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1540, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1540, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUIPMENT."

Senate Bill No. 1591, H.D. 2:

Senator Hara moved that the Senate agree to the amendments proposed by the House to S.B. No. 1591, seconded by Senator O'Connor.

Senator Hara explained the amendments as follows:

"Mr. President, the House amended the Senate version in one area where the limitation of action period was limited to 90 days in the Senate bill, the House amended it to 120 days. The other action, where the applicant would submit their environmental impact statement, the present law stated 60 days, and the Senate did have this 60-day period, but the House amended the bill so that they may consider the statement for another additional 30 days. I see no objection to it and I urge this Body to support the motion."

Senator Soares then inquired if the Chairman of the Committee on Ecology, Environment and Recreation would yield to a question, to which Senator Hara replied in the affirmative.

Senator Soares then asked, "I'd like to know whether or not this 30-day extension would cause a problem in the development of an environmental impact statement?"

Senator Hara answered, "As I understand it, the additional 30-day waiting period will be allowed in the event that a given subject matter requires that additional time, but it is not mandatory."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1591, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1591, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL

QUALITY COMMISSION AND ENVIRONMENTAL
IMPACT STATEMENTS."

Senate Bill No. 1611, S.D. 2, H.D.
1:

Senator Carpenter moved that the Senate agree to the amendments proposed by the House to S.B. No. 1611, S.D. 2, seconded by Senator Cayetano.

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Carpenter then explained that the House added a "sunset" or "drop-dead" clause effective 1984 because the bill affects the test for rubella susceptibility and it essentially speaks to a gap group which should have been meted by that date, 1984.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1611, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1611, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATIONS."

Senate Bill No. 1634, S.D. 2, H.D.
1:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1634, S.D. 2, and requested a conference on the subject matter thereof.

Senate Bill No. 1650, S.D. 1, H.D. 1:

Senator O'Connor moved that the Senate agree to the amendments proposed by the House to S.B. No. 1650, S.D. 1, seconded by Senator Cobb.

Senator O'Connor then explained that the amendments made by the House simply enlarge the language which the Senate had already placed in the bill. The intent and effect are exactly the same at the Senate version.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1650, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1650, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSOLIDATION AND MERGER OF

CORPORATIONS."

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senate Bill No. 1657, S.D. 2, H.D. 1:

On motion by Senator Hara, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1657, S.D. 2, and requested a conference on the subject matter thereof.

Senate Bill No. 1680, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1680, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1682, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1682, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 168, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 168, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1703, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1703, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1727, S.D. 1, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1727, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1737, S.D. 2, H.D. 1:

Senator Toyofuku moved that the Senate agree to the amendments proposed by the House to S.B. No. 1737, S.D. 2, seconded by Senator Cayetano.

Senator Toyofuku explained that the

amendments proposed by the House would provide that entitlement to the benefits will depend primarily on the ability to resume work rather than mere medical stabilization.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1737, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1737, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Senate Bill No. 1752, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Chong and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1752, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1753, H.D. 1:

Senator Chong moved that the Senate agree to the amendments proposed by the House to S.B. No. 1753, seconded by Senator Mizuguchi.

Senator Chong explained the amendments as being purely typographical ones and effected no substantive changes.

Senator Abercrombie then inquired if the Chairman of the Committee on Public Utilities would yield to a question, to which Senator Chong replied that he would.

Senator Abercrombie then queried, "Is it my understanding then that the objection that was raised previously that the fines will be substantially reduced is still intact?"

Senator Chong answered, "Yes, the purpose of the bill is simply to reduce the inordinately high fine structure we had in the past, to make it more equitable to the motor carrier industry."

Senator Abercrombie then stated,

"Well, thank you. Mr. President, I cannot agree. We have just had an incident in which a truck...if we are to give any credence at all to reports in the press and not judging at this moment whether those reports are all in fact true, nonetheless if they are true, it would appear that where the motor carriers are concerned, that reducing the fines at this particular moment lies in the face of a tragic experience that is just before all of us.

"I cannot see where it is equitable for the motor carrier at all to reduce the fine, on the contrary. It seems to me that the equitability that is involved is to punish those motor carriers who do not live up to their responsibilities. In this particular instance you have a situation in which you are rewarding people, rewarding carriers who do not live up to their obligations.

"I think that you encourage people to do things on the cheap, to try and get away with things, if you reduce the fine. The more we do that, the more likely we are to find corners cut and everything from brakes to loading, to licensing, to tires, to the qualifications of the drivers in every aspect.

"It seems to me that it should be patently obvious that with this recent tragedy, that where motor carriers are concerned, if anything, the increasing of fines ought to be put into effect so that those motor carriers who do live up to the rules can expect that those who do not, will neither gain an economic advantage on them, neither will they be rewarded for their deliberate evasion so that they can cut cost and in the process endanger all of us. They endanger other motor carriers..."

Senator O'Connor then rose on a point of order and stated, "Mr. President, the point I rise upon is that the amendment to this bill has to do with penalties. We don't file a financial report with a commission. It has nothing to do with accidents or anything like that, and so I feel that the learned speaker is sort of straying away from the purport of the bill."

The President ruled that Senator O'Connor's point was well taken.

Senator Abercrombie then retorted, "No, the point is not well taken, Mr. President, and I'll explain to you why.

"I thought I had just indicated that when you file a financial report, one of the ways you file a financial report has to do with how you conduct your business and what your books are going to show in terms of expenses.

"Now on this financial report, I'm saying that this is an indication that this financial report, when we pass this bill, this is an indication to all the motor carriers that it is not that important that it reflect honestly what the motor carrier is in fact doing.

"If you reduce the penalties, what you are saying is that the financial report may be done sloppily. It may be done in a manner which does not reflect proper bookkeeping. It may be done in a manner

which does not reflect the actualities of the business involved.

"Now the reason for this stringent fining situation in respect to the financial report, is to reduce that kind of thing; and the reason I mention this accident recently is that's a perfect example of how you could put through a financial report which did not reflect the actual conditions under which that company's business was being conducted.

"If you reduce the fines that are involved in respect of the finding of the financial report, you are inviting people to mock the law. Is my point now well taken or not?"

The President stated, "No, it isn't. The Chair says that the point made by Senator O'Connor is correct. We are not talking per se about accidents. We are talking about financial statements."

Senator Abercrombie continued, "But the financial... then I'll have to appeal the ruling."

Senator O'Connor then withdrew his objection.

Senator Abercrombie continued, "Rightly so... I appreciate that. Now I'll reiterate. I know what a financial report is all about... it's the same kind... we just held a hearing last night on a financial report coming over from the Kohala Task Force. I can see a financial report..."

Senator Cayetano then rose on a point of information and inquired if Senator Abercrombie was appealing the ruling or not.

The President answered that Senator Abercrombie was reiterating his position on the withdrawal of the point of order made by Senator O'Connor.

Senator Yee then rose on a point of order and stated as follows:

"Mr. President, in due deference to the speaker, I know he's going to the heart and the merit of the bill. Is it proper that his concern in debate be held forty-eight hours from now and the matter before us is whether we just agree or disagree to the amendments made by the House."

The President answered, "That is correct and I have given the latitude to the speakers to speak on the motion to agree or disagree and I would appreciate if we have any discussion that we restrict ourselves to the changes and amendments made by the House, as far as substantive changes that should be

dealt with in the conference committee, should we disagree."

Senator Abercrombie then remarked, "Mr. President, on page 1 and 12 of the Rules of Order of this assembly, it states that debates must be confined to the question. Every question that can be made in a deliberative assembly is susceptible of being debated according to its nature--that is every member has the right of expressing his opinion upon it. Hence, as a general rule and a principle unrelated to this matter, that in debate those who speak are to confine themselves to the question which the previous speaker says that I am, and not to speak impertinently or beside the subject, which he says I am not doing. So long as a member has the floor and keeps within the rule, he may speak as for long a time as he pleases and I think that this is adequately covered after that. It speaks about becoming uninterested after that and then the displeasure of the company or the assembly can be known.

"If we're going to treat this situation in this assembly as a super-market where we simply check bills out or do not put people on adequate warning, yes, we can do that.

"I've also seen what happens when we move after the forty-eight hours or the twenty-four hours and you get down to where you want to start passing bills and people begin to resent debate at the time of that debate.

"Now I think it's important that if you're going to have the forty-eight hours and keep within the spirit of what that forty-eight hours is all about, that people be put on notice about some of these things and give them some of the reasons as to why they should be taken up, because at the time of the debate when the forty-eight hours is over, it may be difficult for people at that time on the floor at that moment to encompass all the arguments. Whereas, if they have some of them in the forty-eight hours, they will be able to mull them over and perhaps research them a little bit to see whether or not they find themselves in agreement."

The President then stated, "Senator Abercrombie, that is why on the motion to agree, all members of the Senate have forty-eight hours to examine the bill and prepare for debate for Final Reading when the bill is placed on deck for final passage. I want to reiterate that it is not the position of the Chair to disallow any member to speak on a matter. However, I think for procedural matters, I think the Chair will have to use its discretion in finding the arguments to the changes in the motion to agree or disagree."

Senator Abercrombie then remarked, "Yes, Mr. President, I have no disagreement with that. This is a matter of substance and not a procedure."

The motion was put by the Chair and carried, and, Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 1753, on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Abercrombie and Kawasaki). Excused, 1 (Takitani).

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. 1753, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Senate Bill No. 1771, S.D. 2, H.D. 1:

Senator Carpenter moved that the Senate agree to the amendments proposed by the House to S.B. No. 1771, S.D. 2, seconded by Senator Cayetano.

Senator Carpenter then explained that the amendments are small and technical, with the exception of one change which decreased the number of members on the State Planning Council on Developmental Disabilities from 17 to 15.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1771, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1771, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES."

Senate Bill No. 1389, S.D. 1, H.D. 1:

Senator Yim moved that the Senate agree to the amendments proposed by the House to S.B. No. 1389, S.D. 1, seconded by Senator Cayetano.

Senator Yim explained that the House made some very minor technical amendments to the bill.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1389, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1389, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND DEVELOPMENT

OF KAUAI."

Senate Bill No. 1409, S.D. 1, H.D. 2:

Senator Hara moved that the Senate agree to the amendments proposed by the House to S.B. No. 1409, S.D. 1, seconded by Senator Mizuguchi.

Senator Hara explained that the House deleted the appropriation section of this bill and it agreed in total as to the substance of the bill itself.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1409, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1409, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE."

Senate Bill No. 1415, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1415, and requested a conference on the subject matter thereof.

Senate Bill No. 1430, S.D. 1, H.D. 1:

Senator Yim moved that the Senate agree to the amendments proposed by the House to S.B. No. 1430, S.D. 1, seconded by Senator Carpenter.

Senator Yim then explained that the House added a "drop-dead" clause to this measure.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1430, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1430, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING."

Senate Bill No. 1438, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 1438, S.D. 1, seconded by Senator Chong.

Senator Cobb then explained that there were some technical changes with the dollar amounts in terms of the language, but none in the substance of the bill.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1438, S.D. 1, and in accordance

with Article III, Section 15, of our Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1438, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES."

Senate Bill No. 1439, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 1439, S.D. 1, seconded by Senator Chong.

Senator Cobb then explained the amendments as follows:

"Mr. President, what the House did in this particular case was combine Senate Bill Nos. 1439 and 1440. The former 'relating to the late charges' and the latter 'relating to the prior notice requirement before late charges are assessed'; and since it's all combined in the same section and did not change the intent of either of the bills, I find these changes agreeable."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1439, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1439, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES."

Senate Bill No. 1451, S.D. 1, H.D. 1:

Senator Young moved that the Senate agree to the amendments proposed by the House to S.B. No. 1451, S.D. 1, seconded by Senator Cayetano.

Senator Young explained that the House corrected a typographical error in the bill.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1451, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1451, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING."

Senate Bill No. 1483, S.D. 1, H.D. 2:

Senator Young moved that the Senate agree to the amendments proposed by the House to S.B. No. 1483, S.D. 1, seconded by Senator Toyofuku.

Senator Young explained that the original bill stated that 25% of the authority's work force be comprised of residents residing in the project, and the House amended it to read not more than 26%.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1483, S.D. 1, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1483, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FROM CIVIL SERVICE FOR THE HAWAII HOUSING AUTHORITY TENANT HIRE PROGRAM."

Senate Bill No. 1492, S.D. 2, H.D. 1:

Senator Cobb moved that the Senate agree to the amendments proposed by the House to S.B. No. 1492, S.D. 2, seconded by Senator O'Connor.

Senator Cobb then explained that the changes made by the House were primarily grammatical and in effect conforms largely to the intent that the Senate passed the bill in its original form.

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1492, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1492, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW."

Senate Bill No. 1516, S.D. 1, H.D. 1:

Senator Cobb moved that the Senate disagree to the amendments proposed by the House to S.B. No. 1516, S.D. 1, seconded by Senator Chong.

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

Senator Cayetano then spoke against the motion to disagree.

"Mr. President, the subject of time-sharing has been before this legislature for quite a few years. I've been here for five years now and every year it's cropped its head.

"I think the House is taking a very good position on this subject and I support it. I support it primarily because I believe time-sharing will be detrimental to our tourist industry and especially to the employment in the tourist industry.

My recollection of a similar bill which was passed by the Legislature some years ago, was that it was vetoed by the Governor. I think the reasons stated in the Governor's veto message are still valid and I oppose this motion to disagree."

Senator Abercrombie then spoke against the motion as follows:

"Mr. President, I'm sorry to have to disagree with the point of disagreeing."

"Mr. President, as the previous speaker has stated, the time sharing concept in the State of Hawaii will be ruinous to those of us who are now deprived from the housing market and/or the condominium market and/or even the condominium conversion market. As a matter of fact, I think if the condominium conversion situation continues apace with the time sharing additions, it will be even more difficult for those of us who rent to try and get any kind of a permanent abode at any kind of price that we can afford."

"Secondly, regardless of what some members of the tourist industry, whether in the labor and/or the management end think in terms of my advocacy or other persons' advocacies here in the Legislature of a hotel room tax, the premises that have been involved in that advocacy have always been for the benefit of the people here and of the industry, as a disagreement over what...whether that course is a correct one to follow."

"So, I don't think it's inconsistent when those of us who have advocated that, at the same time indicate that time-sharing will make serious inroads into the financial stability of the industry both from the point of view of workers who will receive wages, and from the treasury, the revenues that we can expect from the industry itself in terms of our general funds."

"I think it's the most serious degradation of the possibility for us who live here, both economically and socially that has ever faced us in terms of real estate."

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

"Mr. President, I have the dubious honor of being one of the major drafters of the bill. It was earlier vetoed by the Governor."

"As I read this bill, it seeks to do away with certain things which only pertain to estates and real property. All of the definitions of time-sharing

in this bill have to do with estates and real property. One of the major difficulties that the drafters of this type of bill have had in the past, has been definitions of time-sharing."

"We have time-sharing going on in Hawaii today. Most of the time sharing plans that exist are not necessarily interest in real property. They are memberships in clubs, securities, a whole raft of different legal devices, none of which are regulated or pertain to it. I would certainly agree with the Chairman of Consumer Protection and Commerce Committee that this matter should be disagreed with as this bill as drafted is inadequate."

Senator Cobb in support of the motion stated as follows:

"Mr. President, in elaboration of the definitional problem we encountered in time-sharing...roughly 85% to 90% of the units involved already in Hawaii today are on a basis of other than real property. The House version does nothing at all to address those, nor does it prohibit, even though it's an allegation of a prohibition that's been made here, does it prohibit the selling of a time share unit on a security basis, even in a residential neighborhood."

"Mr. President, I think if we're going to establish any kind of controls at all, any kind of safeguards, and meet the constitutional provisions which, by the way, some members of the House have acknowledged to be of dubious value, then we have to do so in conference committee. This will give us the opportunity to do so."

Senator Abercrombie then rose on a point of information as follows:

"Mr. President, on a point of information, do I take the previous speaker's remark and the speaker previous to him to say that the bill, as presented from the House, is inadequate in terms of stopping time-sharing because of the elements that they mention, that if we went to conference, the idea would be to add those elements into a bill of banning time-sharing?"

Senator Cobb then responded, "Mr. President, I believe the position that was discussed over a series of four late evening hearings was a strict regulation, not a ban...but a ban would certainly be a subject to be negotiated in a joint House-Senate conference committee. It is not my firm position yet unless I can be convinced of it, but that is definitely a subject of negotiation within a conference committee."

Senator Cayetano then stated, "Mr. President, after hearing the Chairman's

remarks and hearing that he is still open on the question of a ban, I withdraw my objection."

Senator Abercrombie then remarked, "Mr. President, I would like to do likewise."

The motion was put by the Chair and carried, and the Senate disagreed to the amendments proposed by the House to S.B. No. 1516, S.D. 1, and requested a conference on the subject matter thereof.

Senate Bill No. 1539, S.D. 1, H.D. 1:

On motion by Senator Carpenter, seconded by Senator O'Connor and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1539, S.D. 1, and requested a conference on the subject matter thereof.

MISCELLANEOUS COMMUNICATION

A communication from the Honorable Elmer F. Cravalho, Mayor, County of Maui, (Misc. Com. No. 30), acknowledging receipt of Senate Resolution No. 168 (1979), was read by the Clerk and was placed on file.

The President then announced that the naming of conferees on the part of the Senate for the conferences requested on the various Senate Bills will be held on Monday, April 9, 1979.

ADJOURNMENT

At 12:45 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Yee and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 9, 1979.