

TWENTY-SIXTH DAY

Thursday, February 28, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Raymond Stumpf of the Kapahulu Bible Church, after which the Roll was called showing all Senators present, with the exception of Senator Yee, who was excused.

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

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

Senator Soares, on behalf of the Senators from the 7th Senatorial District, introduced 62 students from the Hawaii Kai Baptist Pre-School who were accompanied by their teachers: Fran Ho, Elaine Imamura, Sharlene Sato, Margaret Strekow and Jasmine Yamauchi.

Senator O'Connor, on behalf of the Senators from the 7th Senatorial District, introduced a group of 120 students from the Star of the Sea School, accompanied by their teachers: Ms. Shari Townsend, Miss Louise Souza, Miss Pat Kormick, Mr. Charles Gillow and Miss Judy Townsend.

Senator Saiki, also on behalf of the Senators from the 7th Senatorial District, introduced a group of 65 fifth grade students from Kahala Elementary School and their teachers: Carol Campbell, Sharon Inamine, Carol Maehara and Carol Wolley.

Senator Kuroda then introduced, on behalf of the Senators from the 4th Senatorial District, 30 sixth grade students from Pearl City Highlands Elementary School and their teachers: Mr. Wayne Sakai and Mrs. Julie Shimonishi.

Senator Anderson then introduced a group of 50 members of the Kahuku Hauoli Senior Citizens Club.

Senator Carpenter, on behalf of the Senators from the 1st Senatorial District, then introduced former county supervisor and representative Mr. Wing Kong Chong.

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

The Senate reconvened at 11:47 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor

(Gov. Msg. Nos. 91 to 96) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 91), transmitting a report in response to S.R. No. 98 (1979) which requested a study of the feasibility of establishing Hawaiian Homesteads on lands presently not within the jurisdiction of the Department of Hawaiian Home Lands and S.R. No. 163 (1979) which requested the Department of Hawaiian Home Lands to submit suggestions as to methods for generating income, prepared by the Department of Hawaiian Home Lands, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 92), submitting for consideration and consent to the Circuit Court of the First Circuit, the nomination of James H. Wakatsuki, 4th Judge, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 93), submitting for consideration and consent to the Circuit Court of the First Circuit, the nomination of Wendell K. Huddy, 6th Judge, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 94), submitting for consideration and consent to the Circuit Court of the First Circuit, the nomination of Simeon R. Acoba, Jr., 12th Judge, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 95), submitting for consideration and consent to the Circuit Court of the First Circuit, the nomination of Philip T. Chun, 14th Judge, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 96), submitting for consideration and consent the Circuit Court of the First Circuit, the nomination of Ronald B. Greig, 15th Judge, for a ten-year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

DEPARTMENTAL COMMUNICATION

A communication from the Judiciary, Office of the Administrative Director of the Courts (Dept. Com. No. 17), transmitting copies of a study on Community Service Sentencing in Hawaii, December 1979, in response to H.R. No. 140 (1978), was read by the Clerk and was referred to the Committee on Judiciary.

HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 46), transmitting House Concurrent Resolution No. 42, H.D. 1, which was adopted by the House of Representatives on February 27, 1980, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE U.S. SECRETARY OF ENERGY AND HAWAII'S CONGRESSIONAL DELEGATION TO GIVE FAVORABLE CONSIDERATION TO MOLOKAI AND ITS APPLICATION FOR THE SMALL COMMUNITY SOLAR THERMAL POWER EXPERIMENT: SITE PARTICIPATION, PRDA DE-RAO4-80ET21063", was referred to the Committee on Economic Development.

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

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

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 30), entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING MARCH 1, 1980 AS BIKINI ISLAND DAY, IN MEMORY OF THE 1954 HYDROGEN BOMB TESTING ON THAT ISLAND", was jointly offered by Senators Chong, Carpenter, Abercrombie and Campbell, and was read by the Clerk.

By unanimous consent, action on S.C.R. No. 30 was deferred until Friday, February 29, 1980.

SENATE RESOLUTIONS

The following resolutions (S.R. No. 132 to 145) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 132), entitled: "SENATE RESOLUTION RECOGNIZING MARCH 1, 1980 AS BIKINI ISLAND DAY, IN MEMORY OF THE 1954 HYDROGEN BOMB TESTING ON THAT ISLAND", was jointly offered by Senators Chong, Carpenter, Abercrombie and Campbell.

By unanimous consent, action on S.R. No. 132 was deferred until Friday, February 29, 1980.

A resolution (S.R. No. 133), entitled: "SENATE RESOLUTION CONCERNING THE IMPLEMENTATION OF PRESIDENT CARTER'S NATIONAL ENERGY ACT", was jointly offered by Senators Chong, Campbell, Yamasaki, Ushijimi and Carpenter.

By unanimous consent, S.R. No. 133 was referred jointly to the Committee on Economic Development and the Committee on Public Utilities.

A resolution (S.R. No. 134), entitled: "SENATE RESOLUTION URGING LIMITED HEARINGS ON ALL AUTOMATIC FUEL ADJUSTMENT CHARGES BY THE STATE'S PUBLIC UTILITIES COMMISSION", was jointly offered by Senators Chong, Campbell, Yamasaki and Carpenter.

By unanimous consent, S.R. No. 134 was referred to the Committee on Public Utilities.

A resolution (S.R. No. 135), entitled: "SENATE RESOLUTION URGING THE CONSIDERATION OF AN ELECTRICAL INTERISLAND CABLE SYSTEM", was jointly offered by Senators Chong, Campbell, Ushijima and Carpenter.

By unanimous consent, S.R. No. 135 was referred jointly to the Committee on Economic Development and the Committee on Public Utilities.

A resolution (S.R. No. 136), entitled: "SENATE RESOLUTION HONORING REUBEN TAM FOR HIS ACCOMPLISHMENTS IN THE VISUAL AND LITERARY ARTISTIC MEDIA", was jointly offered by Senators Chong, Yee, Campbell, Carroll, Hara, Yamasaki, Ushijima and Carpenter.

On motion by Senator Chong, seconded by Senator Anderson and carried, S.R. No. 136 was adopted.

A resolution (S.R. No. 137), entitled: "SENATE RESOLUTION RELATING TO AGRICULTURE DAY", was offered by Senator Ajifu.

On motion by Senator Ajifu, seconded by Senator Soares and carried, S.R. No. 137 was adopted.

A resolution (S.R. No. 138), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON CONTINUING EDUCATION IN COSMETOLOGY", was jointly offered by Senators Abercrombie, Kawasaki, Kuroda, Cayetano, Campbell, Hara, Toyofuku, Machida, Yim, Cobb, Carpenter and Mizuguchi.

By unanimous consent, S.R. No. 138 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 139), entitled: "SENATE RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE FEASIBILITY STUDY CONCERNING THE HILO LAND RECLAMATION PROJECT", was jointly offered by Senators Machida, Hara and Yamasaki.

By unanimous consent, S.R. No. 139 was referred to the Committee on Agriculture.

A resolution (S.R. No. 140), entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE LEASING OF FARM LOTS IN THE PANAWEA FARM LOTS, HAWAII", was jointly offered by Senators Machida, Hara and Yamasaki.

By unanimous consent, S.R. No. 140 was referred to the Committee on Agriculture.

A resolution (S.R. No. 141), entitled: "SENATE RESOLUTION URGING CREATION OF A MANAGEMENT CONSULTANT TEAM TO ADVISE AND ASSIST NEW AND FLEDGLING AGRICULTURAL COOPERATIVE ASSOCIATIONS", was jointly offered by Senators Machida, Yamasaki and Hara.

By unanimous consent, S.R. No. 141 was referred to the Committee on Agriculture.

A resolution (S.R. No. 142), entitled: "SENATE RESOLUTION REQUESTING A HEARING BY THE HAWAII STATE SENATE CONCERNING THE LEASING OF LANDS FOR AGRICULTURAL PURPOSES", was jointly offered by Senators Machida, Hara and Yamasaki.

By unanimous consent, S.R. No. 142 was referred to the Committee on Agriculture, then to the Committee on Legislative Management.

A resolution (S.R. No. 143), entitled: "SENATE RESOLUTION RESPECTFULLY URGING HAWAII'S DELEGATION TO THE CONGRESS OF THE UNITED STATES TO SPONSOR AND ACTIVELY SUPPORT THE PASSAGE OF LEGISLATION RELATING TO EDIBLE FRESH GINGER-SPICE ROOTS, ZINGIBER OFFICIANALE", was jointly offered by Senators Machida, Hara and Yamasaki.

By unanimous consent, S.R. No. 143 was referred to the Committee on Agriculture.

A resolution (S.R. No. 144), entitled: "SENATE RESOLUTION REQUESTING ADOPTION OF A STATEWIDE POLICY TO ASSURE THE PRESERVATION OF STATE LANDS UNIQUELY SUITED FOR THE CULTIVATION OF TARO AND OTHER WETLAND CROPS", was jointly offered by Senators Machida, Hara and Yamasaki.

By unanimous consent, S.R. No. 144 was referred to the Committee on Agriculture.

A resolution (S.R. No. 145), entitled: "SENATE RESOLUTION EXPRESSING CONCERN ABOUT THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) AND THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) AND REQUESTING APPROPRIATE ACTIONS AS MAY SERVE TO ALLEVIATE UNWARRANTED HARDSHIPS AND INCONVENIENCES TO HAWAII'S FARMERS", was jointly offered by Senators Machida, Hara and Yamasaki.

By unanimous consent, S.R. No. 145 was referred to the Committee on Agriculture, then to the Committee on Legislative Management.

CONFERENCE COMMITTEE REPORTS

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1494, H.D. 1, presented a report (Conf. Com. No. 1-80) recommending that H.B. No. 1494, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of H.B. No. 1494, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1703, S.D. 1, presented a report (Conf. Com. No. 2-80) recommending that S.B. No. 1703, S.D. 1, H.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 1703, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO SPECIFY VOTING PROCEDURE FOR CONSTITUTIONAL AMENDMENTS".

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 95-80) informing the Senate that Senate Resolution Nos. 128 to 131 and Standing Committee Report Nos. 68-80 to 94-80 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. 96-80), recommending that Senate Bill No. 43 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 43, entitled: "A BILL FOR AN ACT RELATING TO STATE BOUNDARIES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV, SECTION 1)", was referred to the Committee on Judiciary.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 97-80) recommending that Senate Bill No. 2170-80 be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 2170-80, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 98-80) recommending that Senate Bill No. 2211-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Carpenter and carried, the report of the Committee was adopted and S.B. No. 2211-80, entitled: "A BILL FOR AN ACT RELATING TO RECORDING FEES IN THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT IN THE STATE BUREAU OF CONVEYANCES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 99-80) recommending that Senate Bill No. 2212-80 be referred to the Committee on Judiciary.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 2212-80, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS", was referred to the Committee on Judiciary.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 100-80) recommending that Senate Bill No. 2450-80, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 2450-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS GENERAL EXCISE TAX EXEMPTIONS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 101-80) recommending that Senate Bill No. 2785-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 2785-80, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 102-80) recommending that Senate Bill No. 2973-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.B. No. 2973-80, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND DEVELOPMENT OF KAUAI", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 103-80) recommending that Senate Bill No. 2046-80, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 2046-80, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID FOR PROGRAM SUPPORT FOR THE ELDERLY AT A HAWAII GERONTOLOGY CENTER", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 104-80) recommending that Senate Bill No. 2056-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 2056-80, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR GRANTS-IN-AID TO THE WELFARE RECIPIENT ADVISORY COUNCIL FOR THEIR NEIGHBOR ISLAND PROGRAMS", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 105-80) recommending that Senate Bill No. 2070-80 pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the majority of the Committee was adopted and S.B. No. 2070-80, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 106-80) recommending that Senate Bill No. 2199-80, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 2199-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE PROGRAM VIOLATIONS AND PENALTIES", passed Second Reading and was referred to the Committee on Judiciary.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 107-80) recommending that Senate Bill No. 2390-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 2390-80, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INFANT AND CHILD DEVELOPMENT SERVICES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 108-80) recommending that Senate Bill No. 2393-80 pass Second Reading and be referred to the Committee on Ways and Means.

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

S.B. No. 2393-80, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE VARIETY CLUB SCHOOL", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Toyofuku, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 109-80) recommending that Senate Bill No. 2397-80 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.B. No. 2397-80, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESPITE SERVICES FOR THE DEVELOPMENTALLY DISABLED", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 110-80) recommending that Senate Bill No. 1171, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Consumer Protection and Commerce.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the Committee was adopted and S.B. No. 1171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE", passed First Reading and was recommitted to the Committee on Consumer Protection and Commerce.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 111-80) recommending that Senate Bill No. 1996-80, 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 Committee was adopted and S.B. No. 1996-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF REGULATORY AGENCIES", passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 112-80) recommending that Senate Bill No. 2079-80, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded

by Senator Chong and carried, the report of the Committee was adopted and S.B. No. 2079-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1980.

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. 2079-80, S.D. 1.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 113-80) recommending that Senate Bill No. 2133-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the Committee was adopted and S.B. No. 2133-80, entitled: "A BILL FOR AN ACT RELATING TO BENEFIT SOCIETIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1980.

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. 2133-80.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 114-80) recommending that Senate Bill No. 2740-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the Committee was adopted and S.B. No. 2740-80, entitled: "A BILL FOR AN ACT RELATING TO SHARES WITHOUT PAR VALUE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 3, 1980.

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. 2740-80.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 115-80) recommending that Senate Bill No. 2746-80 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the Committee was adopted and S.B. No. 2746-80, entitled: "A BILL FOR AN ACT RELATING TO PRODUCT LIABILITY", passed Second Reading and was referred to the Committee on Judiciary.

ORDER OF THE DAY

THIRD READING

Senate Bill No. 1834-80:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 1834-80, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT OF A MARRIAGE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1836-80:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 1836-80, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2030-80, S.D. 1:

Senator O'Connor moved that S.B. No. 2030-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", be recommitted to the Committee on Judiciary, and the President, noting that there was no objection, so ordered.

Senate Bill No. 1831-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Chong and carried, S.B. No. 1831-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

Senate Bill No. 2000-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Chong and carried, S.B. No. 2000-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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. 2109-80:

Senator O'Connor moved that S.B. No. 2109-80, entitled: "A BILL FOR AN ACT RELATING TO BAIL BONDS", be recommitted to the Committee on Judiciary, and the President, noting that there was no objection, so ordered.

Senate Bill No. 2110-80:

On motion by Senator O'Connor, seconded by Senator Chong and carried, S.B. No. 2110-80, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PROPERTY", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2156-80:

Senator O'Connor moved that S.B. No. 2156-80, having been read throughout, pass Third Reading, seconded by Senator Cobb.

At this time, Senator Abercrombie inquired of the chairman of the Judiciary Committee as follows:

"Senator O'Connor, I am concerned, on page 3, line 9, '...all proceeds traceable to such an exchange ...' is there a process in law now which determines what the word traceable means? My concern is that it may be that family or someone associated with the person who is involved in this activity might find themselves or their goods, I should say goods, treasure, or whatever associated with the word traceable -- that there would not be due process in terms of what was actually involved.

"In the earlier part of the section, it says 'All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance.' Who makes that determination and is there something in law which sets precedence for determining it?"

Senator O'Connor replied as follows:

"Mr. President, there is a matter in law which sets precedence. The wording used is from the Comprehensive Drug Abuse Prevention and Control Act of 1978, a federal act which has been interpreted and for which there have been committee reports and interpretations written.

"The matters which are set forth on page 3 of Senate Bill No. 2156 are those matters which the federal government believes should be forfeited in drug arrest cases and we have patterned our laws precisely after the federal law because we were seeking exactly what the good Senator from Manoa would have and, that is, precedent and information concerning the definition of those words."

Senator Abercrombie then rose to speak against the measure and stated as follows:

"Mr. President, I rise to speak in opposition to passage of this bill.

"I don't believe that we should put into law language of such a vague nature which may have very specific complications and implications for individuals who may be involved in circumstances over which they have little or no control, while they may in fact be the commission of a crime involving a controlled substance. To make such a comprehensive statement as 'all moneys, negotiable instruments' etc., which I quoted in my question to the chairman of the Judiciary, would seem to me to leave to the arresting authorities or to the prosecuting authorities such leeway that it could amount to almost a command of goods -- other things of value furnished or intended to be furnished in exchange. That could be almost anything that the arresting officer or, as I say, the prosecutors intended it to mean, whether on an objective basis or not, is not determinable by the bill, and if I take the explanation of the chairman correctly this is something that is being worked out and practiced which may or may not be due process in my eyes in terms of what the Constitution protects us with.

"My point is that while I have no objection in principle to this kind of a punishment involved in the commission of a crime or rather as a penalty involved in the commission of crimes as outlined here, without having it specifically designated or at the very least definitions established as to what in fact is involved in exchange in the commission of a crime ...

"It leaves wide open the discretion, if you will, of the prosecutorial or the arresting authorities in a way which I think is anathema to constitutional process."

Senator O'Connor then rose to speak in favor of the measure and stated as follows:

"Mr. President, I rise to speak in

favor of this measure.

"The obvious purpose of this bill is to aid in the stamping out of drug traffic in this jurisdiction by allowing a forfeiture of the moneys or other matters of value which are utilized in the trafficking of drugs. It is obvious from the measure itself that the proceeds which would be forfeited must be traceable to the exchange of the drugs and further, to alleviate the problems raised by the Senator from Manoa, I might point out that there is a provision in this section which states specifically that where the owner of the proceeds of the money, or of whatever we are talking about, does not have knowledge of the crime or the crime did not proceed with the consent of that person, then that particular matter or money or whatever it is cannot be forfeited.

"Therefore, in order to further our fight against drugs and the drug crimes in this community, I would urge all to vote for Senate Bill No. 2156-80."

The motion was put by the Chair and carried, and S.B. No. 2156-80, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 46-80 (H.B. No. 1060, S.D. 2):

Senator Kuroda moved that Stand. Com. Rep. No. 46-80 be adopted and H.B. No. 1060, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawasaki.

At this time, Senator Kuroda rose to speak in favor of the measure and stated as follows:

"Mr. President, I rise to speak in favor of this bill by briefly stating that the amendment made by the Senate Ways and Means Committee is a fair one. It puts the act to sleep after four years, providing some time to test out the effectiveness of this measure.

"Thank you very much."

Senator Abercrombie also rose to speak in favor of the measure and stated as follows:

"Mr. President, I rise to speak in favor of the bill.

"As the Senators may know, I signed it 'WR' and I do want to speak in favor of it with the caveat that where tuition waivers are concerned with the University

of Hawaii, I do think that kind of approach, in terms of encouraging the capacity for people to attend the University, is in order.

"We have discussed this very thoroughly and I hope that in future, when tuition waivers are brought before this body for various groups, that we will keep in mind the passage of this particular bill on the basis that a distinct social purpose was served by its passage and that a special interest, as such, was not the criterion upon which it was passed. It was rather that the particular interest of the group nonetheless was meritorious, sufficiently, to pass the test of the public purpose, and it may well be that other individuals or groups will likewise come before the body under the same circumstances, and I hope we will grant them the same kind of hearing and courtesy and attention in respect of whether the public purpose is being served."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 46-80 was adopted and H.B. No. 1060, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS", having been read throughout passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 47-80 (S.B. No. 1370):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 47-80 was adopted and S.B. No. 1370, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2531-80:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 2531-80, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

Senate Bill No. 2029-80, S.D. 1:

Senator O'Connor moved that S.B. No. 2029-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", be recommitted to the Committee on Judiciary, and the President, noting that there was no objection, so ordered.

Senate Bill No. 2035-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 2035-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2120-80:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 2120-80, entitled: "A BILL FOR AN ACT RELATING TO MINORS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1835-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 1835-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATION OF PARENTAL RIGHTS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2034-80:

By unanimous consent, action on S.B. No. 2034-80, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", was deferred until Friday, February 29, 1980.

Senate Bill No. 2129-80, S.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, S.B. No. 2129-80, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator O'Connor rose to introduce to the members of the Senate his mother Mrs. Virginia O'Connor Vilmaire, her friend Mrs. George Bayliss, President General of the National Society of the Daughters of the American Revolution, and a group of members of the Society.

At 12:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:27 o'clock p.m.

ADJOURNMENT

At 12:29 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 29, 1980.