

## FIFTY-THIRD DAY

Wednesday, April 9, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend T. Samuel Lee of the Aldersgate United Methodist 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 Fifty-Second Day.

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

Senator Anderson introduced fifty senior citizens from the Koko Head and Hui Lealea O Hawaii Kai groups.

Senator Saiki introduced sixty students from the English-as-a-Second-Language Class at Kaimuki High School, with their teachers, Joan Ho, Greg Kinkley, Virginia Lee and Shizue Miyasato.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 28 and 29) were read by the Clerk and were disposed of as follows:

A communication from the Chairman, State Plan Policy Council, Department of Planning and Economic Development (Dept. Com. No. 28), transmitting the comments of the members of the State Plan Policy Council on the State Education Plan pursuant to Section 226-54(c), Hawaii Revised Statutes, was referred to the Committee on Education.

A communication from the Chairman, State Plan Policy Council, Department of Planning and Economic Development (Dept. Com. No. 29), transmitting the comments of the members of the State Plan Policy Council on the State Higher Education Plan pursuant to Section 226-54(c), Hawaii Revised Statutes, was referred to the Committee on Higher Education.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 478 to 523) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 478), returning Senate Concurrent Resolution No. 50 which

was adopted by the House of Representatives on April 8, 1980, was placed on file.

A communication from the House (Hse. Com. No. 479), informing the Senate that the amendments proposed by the Senate to House Bill No. 2418-80, H.D. 1, were agreed to by the House; and H.B. No. 2418-80, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 8, 1980, was placed on file.

A communication from the House (Hse. Com. No. 480), informing the Senate that on April 8, 1980, the Speaker discharged Representative Sakamoto and appointed Representative Hashimoto as a conferee on S.B. No. 1838-80, S.D. 3, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 481), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 3, S.D. 3, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Morioka, Chairman, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Ige, Inaba, Kobayashi, Kunimura, Sakamoto, Silva, Takitani, Lacy, Narvaes and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 482), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 118, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Crozier, Fukunaga, Garcia, Ige, Shito, Uechi, Ikeda and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 483), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 209, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, de Heer, Inaba, Lacy, Lee, Masutani, Silva, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 484), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1960-

80, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Garcia, Masutani, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 485), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2006-80 and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Dods and D. Yamada, Co-Chairmen, Honda, Stanley and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 486), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2202-80, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Segawa, Chairman, Blair, Kobayashi, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 487), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2253-80, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Aki, Larsen, Masutani, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 488), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2292-80, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Larsen, Chairman, Fukunaga, Takitani, Toguchi and Anderson as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 489), informing the

Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2302-80, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Takamine, Chairman, de Heer, Nakamura, Silva and Marumoto as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 490), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2531-80, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Morioka, Chairman, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Ige, Inaba, Kobayashi, Kunimura, Sakamoto, Silva, Takitani, Lacy, Narvaes and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 491), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2665-80, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Segawa, Chairman, Baker, Ige, Kobayashi, Lee and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 492), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2795-80, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Morioka, Chairman, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Ige, Inaba, Kobayashi, Kunimura, Sakamoto, Silva, Takitani, Lacy, Narvaes and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 493), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2914-80, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Takamine, Chairman, Andrews, de Heer, Ige, Kunimura, Sakamoto, Silva, Ikeda and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 494), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2977-80, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 8, 1980, the Speaker appointed Representatives Stanley and Morioka, Co-Chairmen, Dods, Hashimoto, Inaba, Kunimura, Nakamura and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 495), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 25, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Segawa, Chairman, Hashimoto, Ige, Kobayashi, Shito and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 496), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 159, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Baker, Larsen, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 497), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 452, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Dods, Shito, Uechi and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 498), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 687, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Dods, Masutani, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments,

was placed on file.

A communication from the House (Hse. Com. No. 499), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1606, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Stanley and Morioka, Co-Chairmen, Hagino, Kunimura, Masutani, Ikeda and Marumoto as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 500), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1610, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Stanley and Morioka, Co-Chairmen, Hagino, Kunimura, Masutani, Ikeda and Marumoto as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 501), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1684, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Lee, Chairman, Honda, Kobayashi, Segawa, Yamada and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 502), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1758, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Stanley, Chairman, Crozier, de Heer, Kiyabu, Kunimura, Say, Silva, Takitani, Lacy and Marumoto as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 503), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1782-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Aki, Kobayashi, Masutani, Shito and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse.

Com. No. 504), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1784-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Shito, Chairman, Aki, Baker, Blair, Kobayashi and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 505), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1871-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Lee, Nakamura, Shito and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 506), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1925-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Lee, Nakamura, Shito and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 507), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1947-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Hashimoto, Shito, Uwaine and Narvaes as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 508), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1985-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Garcia, Nakamura, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House

(Hse. Com. No. 509), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1986-80 and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Garcia, Shito, Uechi and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 510), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1991-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Baker, Masutani, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 511), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 1993-80 and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Baker, Masutani, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 512), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2029-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Shito, Chairman, Aki, Ige, Kobayashi, Segawa, Ushijima and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 513), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2035-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Stanley and Morioka, Co-Chairmen, Andrews, Dods, Fukunaga, Holt, Kunimura, Ikeda and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 514), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2071-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8,

1980, the Speaker appointed Representatives Lee, Chairman, Aki, Baker, Ige and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 515), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2215-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Morioka, Chairman, Kunimura, Lunasco, Sakamoto, Segawa, Ushijima and Sutton as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 516), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2286-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Lee, Chairman, Ushijima and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 517), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2321-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Baker, Masutani, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 518), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2359-80 and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Nakamura, Shito, Uechi and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 519), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2368-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker

Chairman, Dods, Larsen, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 520), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2443-80, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Blair, Chairman, Dods, Lee, Shito and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 521), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2634-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Stanley and Morioka, Co-Chairmen, Dods, Hashimoto, Inaba, Kunimura, Nakamura and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 522), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2723-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Shito, Chairman, Aki, Baker, Kobayashi, Segawa and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 523), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 2944-80, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which on April 8, 1980, the Speaker appointed Representatives Segawa, Chairman, Ige, Kobayashi, Silva, Takitani and Lacy as Managers on the part of the House for the consideration of said amendments, was placed on file.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 60), entitled: "SENATE CONCURRENT RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF THE BIRTH OF DOUGLAS MacARTHUR", was jointly offered by Senators Wong, Yim, Young, Chong, Yamasaki, Ushijima, Toyofuku, Mizuguchi, Machida, Anderson, Soares, Carroll, Hara, Carpenter, Ajifu, George, Saiki, Abercrombie, Kuroda, O'Connor, Cayetano and Cobb and was read by the Clerk.

On motion by Senator Mizuguchi, seconded by Senator Yim and carried, S.C.R. No. 60 was adopted.

#### SENATE RESOLUTIONS

The following resolutions (S.R. No. 317 to 325) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 317), entitled: "SENATE RESOLUTION EXPRESSING CONGRATULATIONS TO MR. SANDY SUMIDA, CHIEF OF THE PERSONNEL DEVELOPMENT AND TRAINING DIVISION, CITY AND COUNTY OF HONOLULU, UPON HIS RETIREMENT FROM PUBLIC SERVICE", was jointly offered by Senators Chong, Yim, Kuroda, Cobb, Ajifu, George, Carroll, Wong, Soares, Yee, Anderson, Abercrombie, Mizuguchi, Hara, Carpenter, Machida, Cayetano, Ushijima, Yamasaki, O'Connor, Toyofuku, Campbell, Young and Kawasaki.

On motion by Senator Chong, seconded by Senator Yim and carried, S.R. No. 317 was adopted.

Senator Chong then introduced to the members of the Senate the honoree of the resolution, Mr. Sandy Sumida, and his wife, Kimi and their son, Jerry. Senator Young presented a lei to Mr. Sumida and Senator Chong presented him with a certified copy of the resolution.

At 11:21 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:22 o'clock a.m.

A resolution (S.R. No. 318), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO CASTLE HIGH SCHOOL SENIOR PAT YAMASAKI UPON RECEIVING THE 1980 HELEN G. MCGILL MEMORIAL SCHOLARSHIP", was jointly offered by Senators Campbell, Chong, Carpenter, Abercrombie, Young, Soares, Ajifu, Yim, Cobb, Ushijima, Machida, Kuroda, George and Kawasaki.

On motion by Senator Campbell, seconded by Senator Chong and carried, S.R. No. 318 was adopted.

A resolution (S.R. No. 319), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO MOANALUA HIGH SCHOOL SENIOR GAYLE YOSHIMURA UPON RECEIVING THE 1980 HELEN G. MCGILL MEMORIAL SCHOLARSHIP", was jointly offered by Senators Campbell, Abercrombie, Young, Soares, Chong, Ajifu, Yim, Cobb, Ushijima, Machida, Kuroda, George and Kawasaki.

On motion by Senator Campbell, seconded by Senator Abercrombie and carried, S.R. No. 319 was adopted.

A resolution (S.R. No. 320), entitled: "SENATE RESOLUTION RECOGNIZING THE CONTESTANTS IN THE 1980 CHERRY BLOSSOM QUEEN PAGEANT", was jointly offered by Senators Ajifu, Kawasaki, Wong, Toyofuku, Hara, Kuroda, Carpenter, Chong, Ushijima, Cobb, Mizuguchi, Yamasaki, Machida, Yim, O'Connor, Cayetano, Young, Abercrombie, Soares, Saiki and George.

On motion by Senator Ajifu, seconded by Senator Chong and carried, S.R. No. 320 was adopted.

A resolution (S.R. No. 321), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS AND BEST WISHES TO FRANCENE FUMIE KONDO, THE 1980 CHERRY BLOSSOM QUEEN", was jointly offered by Senators Ajifu, Chong, Kawasaki, Wong, Kuroda, Hara, Mizuguchi, Abercrombie, Carpenter, Ushijima, Cobb, Yamasaki, Machida, Yim, O'Connor, Cayetano, Toyofuku, Young, Soares, Saiki and George.

On motion by Senator Ajifu, seconded by Senator Chong and carried, S.R. No. 321 was adopted.

A resolution (S.R. No. 322), entitled: "SENATE RESOLUTION CONGRATULATING AND EXTENDING BEST WISHES TO THE 1980 CHERRY BLOSSOM COURT", was jointly offered by Senators Ajifu, Kawasaki, Chong, Mizuguchi, Wong, Kuroda, Ushijima, Yamasaki, Machida, Yim, Abercrombie, Soares, Hara, Carpenter, O'Connor, Cayetano, Toyofuku, Young, Saiki, Cobb and George.

On motion by Senator Ajifu, seconded by Senator Chong and carried, S.R. No. 322 was adopted.

A resolution (S.R. No. 323), entitled: "SENATE RESOLUTION EXTENDING BEST WISHES AND ALOHA TO THE NISEI WEEK QUEEN AND HER COURT", was jointly offered by Senators Ajifu, Kawasaki, Chong, Mizuguchi, Wong, Kuroda, Ushijima, Yamasaki, Machida, Yim, Abercrombie, Hara, Carpenter, O'Connor, Cayetano, Toyofuku, Young, Soares, Saiki, Cobb and George.

On motion by Senator Ajifu, seconded by Senator Chong and carried, S.R. No. 323 was adopted.

Senator Ajifu then introduced to the members of the Senate the honorees of the resolutions just adopted as follows: Miss Francene Fumie Kondo, the 1980 Cherry Blossom Queen and her court; Miss Paula Michi Ito, Princess; Miss Diane Chiyo Yoshikane, Miss Trude Reiko

Asada and Miss Robyn Kiyo Kikawa, Attendants; Miss Marcia Keiko Doi, Miss Congeniality; and Miss Candyce Sachiko Kaneta. In addition, Senator Ajifu introduced the Nisei Week Queen and her court from Los Angeles as follows: Miss Jeanne Mariko Nakagame, 1980 Nisei Week Queen; Miss Eileen Reiko Suto, Princess; Miss Janice Reiko Sakamoto, Attendant; and Miss Ellen Grace Kojima, Miss Tomodachi.

Senators Ajifu, Cayetano, Chong, Cobb, Kawasaki and Kuroda then presented certified copies of the resolutions to the honorees.

At 11:28 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:34 o'clock a.m.

A resolution (S.R. No. 324), entitled: "SENATE RESOLUTION RECOGNIZING GARY KAJIWARA, WINNER OF THE DORSEY-SIPPY AWARD", was jointly offered by Senators Carpenter, Yee, Campbell, Saiki, Ajifu, Yamasaki, Ushijima, Cayetano, Mizuguchi, Young, Kuroda, Anderson, Soares, Hara, Chong, Toyofuku, Abercrombie, Machida, Kawasaki, Cobb, Carroll, Yim, Wong and O'Connor.

On motion by Senator Carpenter, seconded by Senator George and carried, S.R. No. 324 was adopted.

A resolution (S.R. No. 325), entitled: "SENATE RESOLUTION CONGRATULATING MRS. MITSU AKIMOTO ON HER SELECTION TO REPRESENT THE STATE OF HAWAII IN THE AMERICAN LUNG ASSOCIATION'S HALL OF FAME", was jointly offered by Senators Carpenter, Kuroda, Campbell, Ajifu, Yamasaki, Hara, Machida, Yim, Yee, Soares, Carroll, George, Young, Anderson, Ushijima, Abercrombie, Toyofuku, Chong, Cobb, Cayetano, Wong, Mizuguchi, O'Connor and Kawasaki.

On motion by Senator Carpenter, seconded by Senator George and carried, S.R. No. 325 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1037-80) informing the Senate that Senate Concurrent Resolution Nos. 53 to 59, Senate Resolution Nos. 267 to 316 and Standing Committee Report Nos. 1031-80 to 1036-80 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator George and carried, the

the report of the Committee was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1038-80) recommending that the Senate advise and consent to the nominations of the following:

Clayton Tsuchiyama to the Board of Public Accountancy, in accordance with Gov. Msg. No. 114;

Barbara M. Yamada and Gary T. Taogoshi to the Board of Barbers, in accordance with Gov. Msg. No. 115;

Louis B. Oclaray to the Boxing Commission, in accordance with Gov. Msg. No. 116;

Milton K. Hironaka and Robert M. Imose to the CATV Advisory Committee, in accordance with Gov. Msg. No. 117;

Rose T. Ohashi, Theodore Palisbo and Robert M. Abe to the Collection Agency Board, in accordance with Gov. Msg. No. 118;

Ralph S. Inouye, Deen I. Morita and Norman Janicki to the Contractors License Board, in accordance with Gov. Msg. No. 119;

Eudora Akana Lee to the Board of Cosmetology, in accordance with Gov. Msg. No. 120;

Robert K. Maeda to the Credit Union Review Board, in accordance with Gov. Msg. No. 121;

Edwin N. Fujimoto, D.D.S., to the Board of Dental Examiners, in accordance with Gov. Msg. No. 122;

Teruo Hasegawa and June Uehara-Isono to the Board of Hearing Aid Dealers and Fitters, in accordance with Gov. Msg. No. 123;

Bill Nishita to the Board of Massage, in accordance with Gov. Msg. No. 124;

Albert C.K. Chun-Hoon, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 125;

Samuel M. Haraguchi, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 126;

Ruben P. Mallari, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 127;

Nelson N. Nishida to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 129;

Akira Sato to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 130;

Richard Robin, N.D., to the Board of Examiners in Naturopathy, in accordance with Gov. Msg. No. 131;

Yoshiko Shimamoto, Dorothy K. Ono, Elizabeth J. Waite, Claire R. Alfiler and Hilario Ramiscal to the State Board of Nursing, in accordance with Gov. Msg. No. 132;

Vernon S. Page, Anne T. Yamada and Hatsune Sekimura to the Board of Examiners of Nursing Home Administrators, in accordance with Gov. Msg. No. 133;

Gloria M. Mayer to the Board of Dispensing Opticians, in accordance with Gov. Msg. No. 134;

Beryl B. Chun, O.D., and Carolee Stamper to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 135;

Douglas P. Hagen, D.O., to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 136;

Roy M. Shimotsukasa and Paul Romias to the Pest Control Board, in accordance with Gov. Msg. No. 137;

Paul T. Sakimoto to the Board of Pharmacy, in accordance with Gov. Msg. No. 138;

Kent H. Bowman, Steven Loui and Jed J. Inouye to the Board of Pilot Commissioners, in accordance with Gov. Msg. No. 139;

Jeanne W. Woolf, Ph.D., ABPP, to the Board of Certification for Practicing Psychologists, in accordance with Gov. Msg. No. 140;

E. A. Berlin to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 141;

Joan E. McGarry-Nakayama to the Board of Radiologic Technologists, in accordance with Gov. Msg. No. 142;

Joseph F. Blanco, Edwin H. Shiroma and Ralph S. Yagi to the Real Estate Commission, in accordance with Gov. Msg. No. 143;

Dennis T. Sekine, Susumu Awaya and Vickie M.I. Peiler to the Board of Speech Pathology and Audiology,

in accordance with Gov. Msg. No. 144; and

Calvin W.S. Lum, D.V.M., to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 145.

By unanimous consent, action on Stand. Com. Rep. No. 1038-80 and Gov. Msg. Nos. 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144 and 145 was deferred until Thursday, April 10, 1980.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1039-80) recommending that Senate Concurrent Resolution No. 34, as amended in S.D. 1, and Senate Resolution No. 166, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Chong and carried, the report of the Committee was adopted and

S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE NECESSITY FOR A CONDOMINIUM COMMISSION OR A SEPARATE DIVISION TO REGULATE REAL ESTATE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES", and

S.R. No. 166, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE NECESSITY FOR A CONDOMINIUM COMMISSION OR A SEPARATE DIVISION TO REGULATE REAL ESTATE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES",

were adopted.

Senators Kawasaki and Carpenter, for the Committees on Government Operations and Efficiency and Health, presented a joint report (Stand. Com. Rep. No. 1040-80) recommending that Senate Resolution No. 16, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Kawasaki, seconded by Senator Carpenter and carried, the joint report of the Committees was adopted and S.R. No. 16, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE MONITORING OF HABILITAT'S OPERATIONS AND OF THE EXERCISE OF RESPONSIBILITIES BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND THE DEPARTMENT OF HEALTH IN THE LIGHT OF THE RECENT LEGISLATIVE AUDITOR'S REPORT", was referred to the Committee on Legislative Management.

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



(Stand. Com. Rep. No. 1041-80) recommending or that comment. that House Bill No. 1964-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and H.B. No. 1964-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEE COMPENSATION LAW", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 11, 1980.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1964-80.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1042-80) recommending that Senate Resolution No. 156 be adopted.

On motion by Senator Yim, seconded by Senator Carpenter and carried, the report of the Committee was adopted and S.R. No. 156, entitled: "SENATE RESOLUTION DECLARING THE INTENT OF THE STATE OF HAWAII TO BE THE SITE FOR THE CONSTRUCTION AND OPERATION OF THE DEPARTMENT OF ENERGY'S ANNOUNCED OCEAN THERMAL ENERGY CONVERSION PILOT PLANT", was adopted.

At this time, Senator Ushijima, Chairman of the Committee on Intergovernmental Relations, requested a waiver of the 48-hour notice of a Public Hearing on Senate Resolution No. 312, entitled: "SENATE RESOLUTION REQUESTING EACH MEMBER OF HAWAII'S CONGRESSIONAL DELEGATION TO TAKE APPROPRIATE MEASURES TO EXPEDITE THE ACQUISITION OF THE NEW HONOKAA POST OFFICE AND TO INSURE IMPROVED MAIL DELIVERY SERVICES TO OUTLYING AREAS", and the President granted the waiver.

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock a.m.

Senator Carroll rose on a point of personal privilege and spoke as follows:

"Mr. President, I am aggrieved today because certain remarks which I made on the floor of the Senate on Monday, generated a small portion of a newspaper story and one comment that was made in that story was to the effect that I should have known the Senate's position before I made that speech

"Now, first of all, with respect to Senate Bill No. 2253-80, Senate Draft 1, we had it for a very short period of time. I did read both the bill and the committee report. I discussed the matter in committee with the Chairman. I discussed the matter with the Chairman on this floor before asking him a question. I asked him a question on the floor, and asked a question perhaps which was not, as I indicated, a model of clarity, but the indication was in his answer to me that apartment precincts in the Waikiki Special Design District would not be subject to time-sharing use in the future.

"My opinion was that when the bill went forward, and as I spoke in favor of it, I indicated in my floor speech that the apartment precinct would be sacrosanct because by definition they are residential.

"Now perhaps I was naive. In any event, other members of this Senate who heard the speech, who read the Senate Draft, who read the committee report, are of the same opinion that I was, that is, that the apartment precincts would not be utilized for time-sharing.

"The conference draft has got to be a model of clarity. Whatever comes out of that conference draft has got to give a very clear message to the time-share developers and to the City and County and to the City Council that this particular use will not be tolerated in the apartment precincts. That is my understanding prior to the passage of the bill in the Senate. That is the way that I understood matters all the way until I heard comments from the Chairman of the House Consumer Protection Committee on Sunday morning.

"Now, it is possible, but I doubt it, that I did not understand what was going on, that I misread or misinterpreted it, but that is not one of my failings.

"I hope that my message that time-sharing must be banned in the apartment precincts is clear and unequivocal, and I trust that my comment on this subject matter is unambiguous and not subject to question.

"I want that clear in our record so that this matter does not cause any further disturbance either to the Chairman of Consumer Protection or to the conferees, or to the people who are impacted upon by this use. I thank you again for your patience."

Senator Abercrombie rose on a point of personal privilege and stated as follows:

"Mr. President, I'm sorry we have to keep going over this. I indicated the

other day that I did not want to have rumors to be thought of as fact nor have the opportunity to do it. Unfortunately, this rather agonizing situation continues to persist.

"I also think that I can understand the language reasonably well, spoken and written, and there's no question in my mind that the Senate position is that there shall be no time-sharing in the apartment precincts. It runs against everything that we've tried to do by way of compromise on this issue short of an outright ban on time-sharing. And if something else is being maintained, and it gives every appearance of being maintained, other than that which was just stated by the previous speaker and what I'm saying right now, it is in fact not the Senate position and I don't think that we should be engaged in it. And if that's the case, then I think we're right back to banning time-sharing completely because failure to do so, given the circumstance of allowing the apartment precincts, will literally disrupt the lives of thousands upon thousands of citizens who live here and pay their taxes here.

"It's very important for everyone to realize and remember that Waikiki is not simply an area where tourists congregate, but it is an area where tens of thousands of our citizens live and conduct their personal lives as well as business lives, and the very clear--not understanding, it's not an understanding, it's not an interpretation--the clear and unambiguous import of the bill that we sent out from this Senate was that there should not be a any time-sharing in the apartment precincts. Otherwise, why have a designation or differentiation as to what apartment precincts are, as opposed to the other sub-designations.

"We all know perfectly well that in Waikiki, you have that differentiation of apartment precincts as opposed to some of the other counties and the bill was supposed to address, and this does address itself, to the various designations which differentiate themselves somewhat with the other counties. They are not comparable in any way, shape or form, and no other county has any kind of problem nor does the rest of Oahu have any other kind of a problem with this time-sharing situation other than Waikiki apartment precincts.

"Those apartment precincts would not be listed as such if it was not the clear intent and the sensible designation in the Waikiki Special Design District. That is why it has the Special Design

District designation that it does."

Senator Cobb then rose on a point of personal privilege and stated as follows:

"Mr. President, I would like to respond not only to some of the remarks made, but also to read portions of the bill that are pertinent to the discussion just raised.

"One of the principal problems that we have encountered, and I find it unusual that we are in a discussion of this when we are still in a conference committee, but nevertheless, one of the problems that has been encountered is the failure of the county in this particular case to adequately address the situation not only in the apartment precinct, but in all of the Waikiki Special Design District relative to what is or is not a permitted use.

"The ordinance of the Waikiki Special Design District is silent on the question of time-sharing, but the way that ordinance reads is to list affirmatively the activities that are permitted. That activity is not listed. Yet a number of time-share units have gone into the apartment precinct and other areas of Waikiki since the passage of the Waikiki Special Design District in 1975 and as amended in 1976. It's clearly a case where the County has not been enforcing its own zoning ordinances.

"Furthermore, with respect to the committee report as contained in page 2 of the report, it states and I quote 'With respect to condominiums and cooperative apartment buildings in areas where time-sharing and hotel-apartments are in existing or permitted use, the bill establishes that the approval of 100% of the owners of units in a given building is required before time-sharing can be initiated in such buildings. Your committee had in mind, for example, the apartment precinct of the Waikiki Special Design District.'

"Furthermore, on page 5 of the bill under (c) states: 'Time-sharing and transient vacation rentals may be permitted in an area where hotel-apartments and time-sharing or transient vacation rentals are a permitted or existing use, if one hundred per cent of the unit owners in the project approve such use. In all other residential areas, time-sharing and transient vacation rentals is prohibited.'

"This was discussed not only in the bill and in the committee report, but in the hearing that we had on this measure before it went over to the House. The conferees appear to be moving in the direction of rather than attempting to do the zoning job for the counties, first, we are going to provide enabling legislation for them to do so, and second, set guidelines

to tell them to 'get off their duff' and do their job. We have not yet formally resolved this issue; we're meeting again tonight to further discuss it."

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

The Senate reconvened at 11:55

o'clock a.m.

#### ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, April 10, 1980.