

THIRTY-FIFTH DAY

Wednesday, March 18, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Shigenori Makino of the Moiliili Hongwanji Mission, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Fourth Day.

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

Senator Yee, on behalf of the Senators from the Sixth Senatorial District, introduced 60 fifth grade students from Ala Wai Elementary School and their teachers, Mrs. Alice Arakaki and Mrs. Jean Dollar.

Senator Anderson then introduced 45 members of the Paradise Senior Citizens Club who are on a visit of the Capitol.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 173 to 175) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 173), transmitting copies of a report, prepared by the Department of Social Services and Housing, "An Evaluation of the Child Protective Service Program of the Hawaii State Department of Social Services and Housing," December 1980, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 174), transmitting the State of Hawaii CIP Status Report--1980 Construction Summary, December 31, 1980, prepared by the Planning Division, Department of Planning and Economic Development, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 175), transmitting copies of a report, "Hawaii's Guava Industry," January 1981, prepared by the Department of Planning and Economic Development in cooperation with the Hawaii Guava Producers Association, was referred jointly to the Committee on Agriculture and the Committee on Economic Development.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 185 to 200) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 185), transmitting House Bill No. 357, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 357, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC OFFICERS AND EMPLOYEES," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 186), transmitting House Bill No. 467, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 467, entitled: "A BILL FOR AN ACT RELATING TO THE FISH AND WILDLIFE ADVISORY COMMITTEES," passed First Reading by title and was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 187), transmitting House Bill No. 506, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H. B. No. 506, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICABLE DISEASES," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 188), transmitting House Bill No. 742, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 742, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 189), transmitting House

Bill No. 822, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 822, entitled: "A BILL FOR AN ACT RELATING TO NOTICE OF BREACH OR DEFAULT OF AGREEMENTS FOR USE OF STATE LAND," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 190), transmitting House Bill No. 852, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 852, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 191), transmitting House Bill No. 920, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 920, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 192), transmitting House Bill No. 922, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL PROGRAMS COORDINATOR," passed First Reading by title and was referred to the Committee on Government Operations and Intergovernmental Relations, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 193), transmitting House Bill No. 925, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 925, entitled: "A BILL FOR AN ACT AMENDING AN APPROPRIATION FOR KULA HOSPITAL MODERNIZATION AND RENOVATION TO CORRECT CODE

DEFICIENCIES," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 194), transmitting House Bill No. 956, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 956, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 195), transmitting House Bill No. 1007, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS FOR LEGISLATIVE RELIEF," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 196), transmitting House Bill No. 1053, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1053, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADULT EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 197), transmitting House Bill No. 1267, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1267, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF PUBLIC BUILDINGS BY BLIND OR VISUALLY HANDICAPPED PERSONS," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 198), transmitting House

Bill No. 1583, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1583, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 199), transmitting House Bill No. 1871, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1871, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 200), transmitting House Bill No. 1875, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1981, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1875, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX," passed First Reading by title and was referred to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. No. 47 and 48) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 47), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF REQUIRING THE DEPARTMENT OF REGULATORY AGENCIES TO BE SELF-SUPPORTING," was offered by Senators Cobb, Uwaine, Carpenter, Henderson, Kuroda, Machida and Ajifu.

By unanimous consent, S.C.R. No. 47 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 48), entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING

TRUMMY YOUNG," was offered by Senators Kawasaki, Kuroda, Young, Soares, Uwaine, Yee, Kobayashi, Toyofuku, Yamasaki, George, Ajifu, Cayetano, Cobb Carpenter, Campbell, Anderson and Machida.

On motion by Senator Kawasaki, seconded by Senator Kuroda and carried, S.C.R. No. 48 was adopted.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 134 to 139) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 134), entitled: "SENATE RESOLUTION FOSTERING PATRIOTISM AND CLOSER RELATIONSHIPS BETWEEN THE MILITARY AND CIVILIAN COMMUNITIES THROUGH THE USE OF THE POSSESSIVE PRONOUN 'OUR' WHEN REFERRING TO OUR AMERICAN MILITARY BY OUR CIVILIAN COMMUNITY," was offered by Senators Kuroda, Kawasaki, Machida, Toyofuku, Ushijima, George, Wong, Uwaine, Henderson, O'Connor, Young, Campbell, Saiki, Ajifu, Anderson, Holt, Abercrombie, Cayetano, Soares, Cobb, Kobayashi, Mizuguchi, Yamasaki and Carpenter.

On motion by Senator Kuroda, seconded by Senator Kawasaki and carried, S.R. No. 134 was adopted.

A resolution (S.R. No. 135), entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF REQUIRING THE DEPARTMENT OF REGULATORY AGENCIES TO BE SELF-SUPPORTING," was offered by Senators Cobb, Uwaine, Carpenter, Henderson, Kuroda, Machida and Ajifu.

By unanimous consent, S.R. No. 135 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 136), entitled: "SENATE RESOLUTION RECOGNIZING AND COMMENDING TRUMMY YOUNG," was offered by Senators Kawasaki, Kuroda, Young, Soares, Uwaine, Yee, Kobayashi, Toyofuku, Yamasaki, George, Ajifu, Cobb, Cayetano, Carpenter, Abercrombie, Campbell, Anderson, Machida and Henderson.

On motion by Senator Kawasaki, seconded by Senator Kuroda and carried, S.R. No. 136 was adopted.

A resolution (S.R. No. 137), entitled: "SENATE RESOLUTION COMMENDING ROBYN OTAGAKI, HAWAII STATE TEACHER OF THE YEAR," was offered by Senators Kawasaki, Wong, Carpenter, Cobb, Young, Kuroda, Soares, Uwaine,

Yee, Kobayashi, Toyofuku, Yamasaki, George, Ajifu, Cayetano, Abercrombie, Campbell, Anderson, Machida and Henderson.

Senator Kawasaki moved that S.R. No. 137 be adopted, seconded by Senator Cobb.

Senator Kawasaki then rose to speak in support of the resolution as follows:

"Mr. President, Robyn Otagaki is the son of former Director of Agriculture Kenneth Otagaki. He was selected from among his peers, actually, as the outstanding teacher.

"It is a pleasure to adopt a resolution like this commending outstanding teachers when, generally, we complain a lot about teachers who are not quite up to par or mediocre. It is a pleasure to have an outstanding teacher selected and this impact that he has made is a refreshing change.

"I urge a unanimous adoption of this resolution."

The motion was put by the Chair and carried, and S.R. No. 137 was adopted.

A resolution (S.R. No. 138), entitled: "SENATE RESOLUTION CONGRATULATING THE MOANALUA HIGH SCHOOL BASKETBALL TEAM," was offered by Senators Campbell, Holt, Kawasaki, Wong, Soares, Ushijima, Anderson, Cayetano, O'Connor, Toyofuku, Mizuguchi, Yamasaki, Kuroda, Uwaine, Cobb, Machida, Carpenter, Young, Henderson, Ajifu, George and Abercrombie.

On motion by Senator Campbell, seconded by Senator Holt and carried, S.R. No. 138 was adopted.

A resolution (S.R. No. 139), entitled: "SENATE RESOLUTION CONGRATULATING THE MOANALUA HIGH SCHOOL SOCCER TEAM," was offered by Senators Campbell, Holt, Kawasaki, Wong, Toyofuku, Young, Yamasaki, Mizuguchi, Cayetano, Uwaine, Kobayashi, Ajifu, Soares, Kuroda, Ushijima, Anderson, Henderson, George, Machida, Cobb, Abercrombie, Carpenter, O'Connor, Saiki and Yee.

On motion by Senator Campbell, seconded by Senator Holt and carried, S.R. No. 139 was adopted.

At this time, Senator Campbell, rose to remark on the foregoing resolutions as follows:

"Mr. President and members of the Senate, I would like to bring to the attention of this body the outstanding achievements of the Moanalua High School Varsity Basketball Team and

the Varsity Soccer Team.

"In the short period of time in which Moanalua High School has been in existence, this school has become a major force in our high school athletics. During the 1980-1981 regular season the soccer team won the O.I.A. Western Division Championship and in the State Championship Soccer Tournament, Moanalua High School finished among the top soccer teams in the state.

"During the regular season the Moanalua High basketball team had what I consider a brilliant season. The Varsity Basketball Team won the OIA championship and finished high in the State Basketball Tournament.

"Here today representing the entire high school is Mr. Hank Kibota, the athletic director. Representing the basketball team is Mr. Eric Heu, head coach, and Sam Johnson, team captain. Also, representing the soccer team is Young Chol Chu, the team captain."

At this time, Senators George, Kobayashi, Saiki and Young presented each of the representatives with a lei and Senators Holt and Kawasaki presented certified copies of the resolutions.

At 11:19 o'clock a.m., the Chair declared the Senate in recess until 12:30 o'clock p.m.

The Senate reconvened at 12:30 o'clock p.m.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 621) informing the Senate that Senate Concurrent Resolution No. 46, Senate Resolution No. 133, and Standing Committee Report No. 620 have been printed and are ready for distribution.

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

ORDER OF THE DAY

THIRD READING

Senate Bill No. 262, S.D. 1:

On motion by Senator Ajifu, seconded by Senator Ushijima and carried, S.B. No. 262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DELINQUENT PENALTIES FOR LATE RENEWAL OF MOTOR VEHICLE REGISTRATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Ajifu). Excused, 2 (Kawasaki and Kuroda).

Senate Bill No. 1580, S.D. 1:

By unanimous consent, S.B. No. 1580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARTHQUAKES," was recommitted to the Committee on Government Operations and Intergovernmental Relations.

Senate Bill No. 1505, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 1505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 376 (S.B. No. 1400, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 376 and S.B. No. 1400, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT PROMOTION AND MARKET DEVELOPMENT," were recommitted to the Committee on Agriculture.

Senate Bill No. 480:

By unanimous consent, S.B. No. 480, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 512, S.D. 1:

By unanimous consent, S.B. No. 512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME BIRDS," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 513:

By unanimous consent, S.B. No. 513, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 514:

By unanimous consent, S.B. No. 514, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF WILDLIFE AND PLANTS," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 1288:

By unanimous consent, S.B. No. 1288, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 102:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 102, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 201, S.D. 1:

By unanimous consent, S.R. No. 201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was recommitted to the Committee on Human Resources.

Senate Bill No. 245:

By unanimous consent, S.B. No. 245, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC OFFICERS AND EMPLOYEES," was recommitted to the Committee on Human Resources.

Senate Bill No. 253, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.D. No. 253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 281:

By unanimous consent, S.B. No. 281, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was recommitted to the Committee on Human Resources.

Senate Bill No. 492:

By unanimous consent, S.B. No. 492, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," was recommitted to the Committee on Human Resources.

At 12:44 o'clock p.m., the Senate stood in recess subject to the call

of the Chair.

The Senate reconvened at 12: 46 o'clock p.m.

Senate Bill No. 493:

By unanimous consent, S.B. No. 493, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was recommitted to the Committee on Human Resources.

Senate Bill No. 494, S.D. 1:

By unanimous consent, S.B. No. 494, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," was recommitted to the Committee on Human Resources.

Senate Bill No. 495, S.D. 1:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 496:

By unanimous consent, S.B. No. 496, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was recommitted to the Committee on Human Resources.

Senate Bill No. 498:

By unanimous consent, S.B. No. 498, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," was recommitted to the Committee on Human Resources.

Senate Bill No. 499:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 499, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Ajifu, Anderson, Cayetano and Henderson). Excused, 1 (Kawasaki).

Senate Bill No. 1449:

By unanimous consent, action on S.B. No. 1449 was deferred to the end of the evening calendar.

Senate Bill No. 1476:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 1476, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1746:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 1746, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku, Ushijima, Yamasaki, Yee and Young). Excused, 1 (Kawasaki).

Senate Bill No. 1769, S.D. 1:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 1769, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1810:

By unanimous consent, action on S.B. No. 1810 was deferred to the end of the evening calendar.

Senate Bill No. 1814:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 1814, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Abercrombie, Ajifu, Anderson, George, Henderson, Kobayashi, Saiki, Soares and Yee). Excused, 1 (Kawasaki).

Senate Bill No. 1836:

By unanimous consent, S.B. No. 1836, entitled: "A BILL FOR AN ACT RELATING

TO EMPLOYMENT PRACTICES," was recommitted to the Committee on Human Resources.

Senate Bill No. 1837:

By unanimous consent, S.B. No. 1837, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT RELATIONS ACT," was recommitted to the Committee on Human Resources.

Senate Bill No. 1925, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 1925, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 123:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 123, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING DANGEROUS OR HARMFUL DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 134, S.D. 1:

By unanimous consent, action on S.B. No. 134, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 142:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 142, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 10, OF THE CONSTITUTION OF THE STATE OF HAWAII TO PERMIT PRELIMINARY HEARING AS AN ALTERNATIVE TO GRAND JURY PROCEEDING," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

Senate Bill No. 146:

Senator Carpenter moved that S.B. No. 146, having been read throughout, pass Third Reading, seconded by

Senator Cayetano.

Senator O'Connor then rose to speak against the measure as follows:

"Mr. President, very briefly, I oppose this bill. This bill enables any person to sue for declaratory relief for an additional six months where an additional six months passes without any rule being adopted by the Legislative Auditor, even if the agency's reason for not being able to adopt the rule is found by the Legislative Auditor to be valid.

"For that reason, I would oppose the bill."

The motion was put by the Chair and carried and S.B. No. 146, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Kawasaki).

Senate Bill No. 149, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 149, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR THE INITIATIVE," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

Senate Bill No. 319, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS, AMMUNITION AND DANGEROUS WEAPONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Henderson and Soares). Excused, 1 (Kawasaki).

Senate Bill No. 334, S.D. 1:

Senator Carpenter moved that S.B. No. 334, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator O'Connor rose to speak against the measure as follows:

"Mr. President, I'm going to vote against this bill.

"The stated purpose of the bill is to limit ownership to people who are 18 years and older. There is an American tradition that a boy should have a dog, and I find it very difficult to go back on that tradition and to say that the bill itself, I believe, is somewhat defective since the definition of owner has been changed to include every person who is at least 18 years of age. However, that situation does not go to the licensure situation, and there is no prohibition stated in the bill at all which would effect the purpose of the bill precisely to have someone who is 18 years of age or over to be the only owners of dogs in this jurisdiction."

The motion was put by the Chair and carried, S.B. No. 334, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS AND OTHER DOMESTIC ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Kawasaki).

Senate Bill No. 980, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1009:

By unanimous consent, S.B. No. 1009, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS," was recommitted to the Committee on Judiciary.

Senate Bill No. 1069, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTENDANCE TO BOARD AND COMMISSION MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku

and Ushijima). Excused, 1 (Kawasaki).

Senate Bill No. 1157, S.D. 2:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1157, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 704, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1627, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1627, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 9, OF THE HAWAII CONSTITUTION, TO ABOLISH THE COMMISSION ON LEGISLATIVE SALARY," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

Senate Bill No. 1874, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1874, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FALSIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Kawasaki).

Senate Bill No. 2041, S.D. 1:

Senator Carpenter moved that S.B. No. 2041, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I speak against this bill.

"I believe that the Hawaii State Correctional Master Plan is utterly hopeless; that any furtherance of it under the present circumstances, or anything which would tend to further it under the present circumstances, in terms of giving it approbation by way of legislation is a disservice to the justice system in

this state. It's already in sufficient disarray as to require it to be completely overhauled and anything which would exclude the Judiciary Probation Division from the definition of criminal justice agency, from my point of view, is another step towards removing the courts and the Probation Divisions from the necessary requirement to see to it that justice in terms of criminal activity is carried forward.

"Anything which diminishes the role at this time of the control of the courts will tend, in my estimation, to diminish as well the capacity that we have to control criminal activity in our community.

"Therefore, I think that until such time as we are able to completely revamp our view of what constitutes what may euphemistically be referred to as the State Correctional Master Plan, anything of the nature of this bill which moves toward implementing it is ill-advised at this time."

Senator Carpenter then rose to speak in favor of the measure as follows:

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

"This bill gives the responsibility to coordinate the implementation of the Correctional Master Plan to the Director of Social Services and Housing.

"At the present time, there are obviously several functions being shared by both the Judiciary and the DSSH. This bill attempts to rectify that situation by placing it under one agency, but with the full understanding that the continuation of services presently rendered by the Judiciary, in conjunction with the Corrections Division of the Department of Social Services will continue.

"I believe the bill should go forward. Thank you."

The motion was put by the Chair and carried and S.B. No. 2041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CORRECTIONAL MASTER PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2068, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2068, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Abercrombie, Cayetano and Saiki). Excused, 2 (Kawasaki and Yee).

At 1:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:02 o'clock p.m.

Senate Bill No. 2069, S.D. 1:

By unanimous consent, S.B. No. 2069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVILEGE BETWEEN SEXUAL ASSAULT VICTIM-COUNSELOR," was recommended to the Committee on Judiciary.

Senate Bill No. 489, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 489, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Standing Committee Report No. 420 (S.B. No. 273, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 420 was adopted and S.B. No. 273, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ABSENCES AND REPORTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Standing Committee Report No. 421 (S.B. No. 487, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 421 was adopted and S.B. No. 487, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Standing Committee Report No. 422
(S.B. No. 1471):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 422 was adopted and S.B. No. 1471, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 331, S.D. 1:

On motion by Senator George, seconded by Senator Cobb and carried, S.B. No. 331, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION EXPENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 675, S.D. 1:

On motion by Senator George, seconded by Senator Cobb and carried, S.B. No. 675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1501, S.D. 1:

On motion by Senator George, seconded by Senator Cobb and carried, S.B. No. 1501, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 449:

On motion by Senator Ajifu, seconded by Senator Kuroda and carried, S.B. No. 449, entitled: "A BILL FOR AN ACT RELATING TO ANNUAL REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 445, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF FUTURE DAMAGES BY PUBLIC ENTITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Standing Committee Report No. 430
(S.B. No. 568, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 430 was adopted and S.B. No. 568, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 2 (Kawasaki and Yee).

Standing Committee Report No. 431
(S.B. No. 569, S.D. 2):

Senator Carpenter moved that Stand. Com. Rep. No. 431 be adopted and S.B. No. 569, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cobb.

At this time, Senator O'Connor rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill. If this bill passes, essentially, our entire drunken driving program in this state is going to go down the drain.

"Our present program is established on a series of presumptions based upon blood test or breath test, which are laid out in Section 291-5. That series of presumptions is that where there is five-hundredths percent or less by weight of alcohol in a person's blood he is presumed not to be under the influence of alcohol. If there's an excess of five-hundredths percent the presumption is that, taken with other evidence, it might put him under the influence of alcohol. And if there is a presumption of ten-hundredths percent or more he is presumed to be under the influence of alcohol.

"All of these presumptions are not dealt with by this bill and all the bill does is say that where a person has ten-hundredths percent or more by

weight he is under the influence and he is guilty of driving under the influence of alcohol.

"Statistics and facts have shown that many people in the range between three-hundredths and ten-hundredths are in fact intoxicated and too drunk to drive. Facts demonstrated by witnesses showing cars weaving on the road and other situations certainly should be taken into consideration in these cases.

"And to say that a person, where there is a wide variety between individual people on how much alcohol one can consume before he gets under the influence of that alcohol, to say that a person is automatically in that situation at ten-hundredths percent is not, and there is no law against anyone driving up to that point, is just putting all the people of this state in jeopardy.

"I would strongly urge everybody to vote against this bill as it completely changes the entire law on drunken driving in this state."

Senator Carpenter then rose to speak in favor of the measure as follows:

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

"Recognizing the arguments advanced by the learned Senator from the Seventh District, this bill essentially does somewhat what the Senator indicated; it does indeed say that an individual who tests out with a blood count of .10 is guilty of driving under the influence of alcohol.

"Approximately half of the traffic fatalities of that occur throughout the State of Hawaii involve drinking drivers and the findings have indicated a level of at least .10 content of alcohol in the blood of drivers and/or participants in accidents on our highways.

"This bill will address that question head-on, hopefully, to avert other kinds of head-on collisions which have killed a number of our citizens."

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

"Mr. President, speaking in favor of the bill, I think it should be pointed out that the bill states that there shall be a guilty situation when driving under the influence of intoxicating liquor. Would anyone care to argue that you are not under the influence of the liquor? That's what the object of this bill is.

"It says quite simply to everyone who is drinking and gets into an automobile, you better make sure that when you are in this situation you should take a cab.

"We shouldn't have a situation where we have anybody on the road who is under the slightest...who has the slightest inclination to get into an automobile if they are not capable of driving. They shouldn't be making that decision at the time that they had any kind of alcoholic consumption in respect of what the last speaker said.

"It doesn't say that you're drunk, it says that you're driving under the influence of alcohol, and you're not allowed to do it beyond this point. Now, if someone can seriously stand up and make an argument that you should be allowed to drive under the influence of alcohol at this point, then I think they should do so.

"What we're saying here quite definitely, and as was stated by the previous Senator to me, is sending a message to the whole community that this will not be tolerated.

"I see that we pass laws with no compunction, no one stands up to speak about so-called harmful drugs where our young people are involved with marijuana, but when it comes to alcohol people seem to want to stand up and rush to the defense of people who are killing and maiming our citizens. They are causing our insurance rates to go sky-high because of wrecking their cars, and acting wholly irresponsible as a result of being under the influence of alcohol; that's what this bill says.

"It doesn't bother me one bit that anybody can be presumed to be guilty for having this amount of alcohol in his system. Anybody that does and is in an automobile should be arrested. If I had my way, the penalty for the violation would be considerably higher than it is in this bill."

Senator O'Connor, in response, stated as follows:

"Mr. President, I agree with everything that the good Senator from Manoa just said. Unfortunately, that portion of the bill he was referring to is the portion that was taken out by this bill. The portion having to do with 'while under the influence of intoxicating liquor' has been removed and replaced, as I indicated earlier, by a test which only has to do with ten-hundredths percent by weight. Therefore, everything that the good Senator from Manoa said

is correct and the bill, therefore, is fallacious."

Senator Cayetano then expressed his opposition to the measure as follows:

"Mr. President, I'm opposed to this bill for a very simple reason. What this bill does is to take the determination of guilt or innocence out of the hands of the trier-of-fact and leaves it to a machine, a machine that does the blood test."

At 1:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:14 o'clock p.m.

By unanimous consent, action on Stand. Com. Rep. No. 431 and S.B. No. 569, S.D. 2, was deferred to the end of the evening calendar.

Standing Committee Report No. 432 (S.B. No. 570, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 432 was adopted and S.B. No. 570, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Cobb). Excused, 2 (Kawasaki and Yee).

Senate Bill No. 856, S.D. 2:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 856, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 979, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 979, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (O'Connor and Ushijima). Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1053, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1053, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (awasaki and Yee).

Senate Bill No. 65, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 65, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 128, S.D. 1:

By unanimous consent, S.B. No. 128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRIALS," was recommitted to the Committee on Judiciary.

At 1:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:17 o'clock p.m.

Senate Bill No. 354, S.D. 1:

By unanimous consent, action on S.B. No. 354, S.D. 1, was deferred to the end of the evening calendar.

Standing Committee Report No. 439 (S.B. No. 616, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 439 and S.B. No. 616, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 1005, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1005, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1095, S.D. 2:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1095, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1111, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 46, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1112, S.D. 2:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1112, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 76, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1114, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 80, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1136, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 353, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1145, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

CHAPTER 11, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1161, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 329, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1163, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 706, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kawasaki and Yee).

Senate Bill No. 1748:

By unanimous consent, action on S.B. No. 1748 was deferred to the end of the evening calendar.

Senate Bill No. 2078, S.D. 1:

Senator Carpenter moved that S.B. No. 2078, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator O'Connor rose to speak against the measure as follows:

"Mr. President, I'm going to vote against this bill.

"We have a Parole Board that has been set up and the jurisdiction of people who are on parole is under the Parole Board. The Parole Board is part of the executive branch of government.

"We also have a Probation Department in the Courts, the judiciary branch of government, and the people who are on probation fall under the jurisdiction of those individuals.

"This bill mixes apples and oranges, mixing parole with probation and suspension. For that reason, I believe, it's fallacious."

At 1:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:21 o'clock p.m.

Senator Abercrombie then spoke in favor of the measure as follows:

"Mr. President, speaking in favor; it's a little late at this time, ladies and gentlemen, to start worrying about what you're doing to the judicial system in terms of where parole, probation and all the rest of it is. You've mostly succeeded in dismantling it to this point by what we have passed. I think we ought to complete the procedure and finish the chaos."

The motion was put by the Chair and carried and S.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUMMONS OR ARREST OF DEFENDANT UNDER SUSPENDED SENTENCE, PROBATION OR PAROLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (O'Connor and Ushijima). Excused, 2 (Kawasaki and Yee).

At 1:23 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate stood in recess until 5:00 o'clock p.m., this afternoon.

NIGHT SESSION

The Senate reconvened at 6:15 o'clock p.m.

THIRD READING

Senate Bill No. 1150, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 237, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 452 (S.B. No. 163, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 452 was adopted and S.B. No. 163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEXING THE HAWAII REVISED STATUTES," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1025, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1025, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET (CONSTITUTIONAL AMENDMENTS OF ARTICLE VII, SECTION 8)," having been read throughout, passed Third Reading by not less than two-thirds of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1020, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1020, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF EXCESS REVENUES (CONSTITUTIONAL AMENDMENTS OF ARTICLE VII, SECTION 6)," having been read throughout, passed Third Reading by not less than two-thirds of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 455 (S.B. No. 657, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 455 and S.B. No. 657, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEE FOR CIVIL IDENTIFICATION CERTIFICATE," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 456 (S.B. No. 1948, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 456 and S.B. No. 1948, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF COPIES OF MAPS AND PLANS OF LANDS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 457 (S.B. No. 878, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 457 was adopted and S.B. No. 878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING VESSELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Standing Committee Report No. 458
(S.B. No. 1441, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 458 was adopted and S.B. No. 1441, S.D. 1, entitled: "A BILL FOR AN ACT AMENDING AN APPROPRIATION TO THE COMMERCIAL FISHERY AND AQUACULTURE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Standing Committee Report No. 459
(S.B. No. 734, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 459 was adopted and S.B. No. 734, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 460
(S.B. No. 1955, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 460 and S.B. No. 1955, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 461
(S.B. No. 1956, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 461 and S.B. No. 1956, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 462
(S.B. No. 1213, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 462 and S.B. No. 1213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 463
(S.B. No. 356, S.D. 3):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 463 was adopted and S.B. No. 356, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 365, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 365, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Uwaine).

Standing Committee Report No. 465
(S.B. No. 1206, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 465 and S.B. No. 1206, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AGRICULTURAL LOANS LAW," were recommitted to the Committee on Ways and Means.

Senate Bill No. 1554, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cayetano).

Standing Committee Report No. 467
(S.B. No. 1220, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 467 and S.B. No. 1220, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 468
(S.B. No. 258, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 468 and S.B. No. 258, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 469
(S.B. No. 1229, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 469 was adopted and S.B. No. 1229, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 470
(S.B. No. 1912, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 470 was adopted and S.B. No. 1912, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 471
(S.B. No. 220, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 471 and S.B. No. 220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 472
(S.B. No. 1472, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 472 be adopted and S.B. No. 1472, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Abercrombie very briefly spoke against the measure stating: "Mr. President, I think this a professional responsibility."

The motion was put by the Chair and Stand. Com. Rep. No. 472 was adopted and S.B. No. 1472, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION PANELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Carpenter).

Standing Committee Report No. 473
(S.B. No. 1235, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 473 and S.B. No. 1235, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 474
(S.B. No. 488, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 474 and S.B. No. 488, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VISION AND HEARING SCREENING," were recommitted to

the Committee on Ways and Means.

Standing Committee Report No. 475
(S.B. No. 1828, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 475 and S.B. No. 1828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 476
(S.B. No. 535, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 476 was adopted and S.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cayetano).

Standing Committee Report No. 477
(S.B. No. 536, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 477 was adopted and S.B. No. 536, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Abercrombie, Campbell, Cayetano, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Standing Committee Report No. 478
(S.B. No. 1622):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 478 was adopted and S.B. No. 1622, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 479
(S.B. No. 1507, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 479 was adopted and S.B. No. 1507, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES," having been

read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 480
(S.B. No. 978, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 480 and S.B. No. 978, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF THE HAWAII CRIMINAL JUSTICE DATA CENTER FROM THE JUDICIARY TO THE DEPARTMENT OF THE ATTORNEY GENERAL," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 481
(S.B. No. 701, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 481 was adopted and S.B. No. 701, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ODOMETERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 482
(S.B. No. 578, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 482 was adopted and S.B. No. 578, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WING, CIVIL AIR PATROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 483
(S.B. No. 426, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 483 was adopted and S.B. No. 426, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 484
(S.B. No. 656, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 484 was adopted and S.B. No. 656, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REPORTS BY AGENCIES RECEIVING

SPECIAL MONEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 485
(S.B. No. 2101, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 485 was adopted and S.B. No. 2101, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 486
(S.B. No. 2102, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 486 be adopted and S.B. No. 2102, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Kawasaki then rose to speak against the measure stating: "Mr. President, I am going to vote against this bill because I feel that the deputies in the Attorney General's office could very well provide the legal counsel for the Office of Hawaiian Affairs."

The motion was put by the Chair and Stand. Com. Rep. No. 486 was adopted and S.B. No. 2102, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF ATTORNEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Ajifu and Kawasaki).

Standing Committee Report No. 487
(S.B. No. 2099, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 487 was adopted and S.B. No. 2099, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 488
(S.B. No. 473, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 488 and S.B. No. 473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 489
(S.B. No. 476, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 489 and S.B. No. 476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 490
(S.B. No. 453, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 490 and S.B. No. 453, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 491
(S.B. Nos. 464, 463, 462, 461, 460, 459, 458, 457, 456, 455 and 454):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 491 was adopted and S.B. Nos. 464, 463, 462, 461, 460, 459, 458, 457, 456, 455 and 454, each entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 492
(S.B. No. 1467):

By unanimous consent, Stand. Com. Rep. No. 492 and S.B. No. 1467, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 493
(S.B. No. 1486, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 493 was adopted and S.B. No. 1486, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 494
(S.B. No. 1954, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 494 and S.B. No. 1954, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 495
(S.B. No. 1200, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 495 and S.B. No. 1200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED OR EXEMPT FROM COLLECTIVE BARGAINING," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 496
(S.B. No. 831, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 496 and S.B. No. 831, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 497
(S.B. No. 1952, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 497 was adopted and S.B. No. 1952, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 498
(S.B. No. 287, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 498 and S.B. No. 287, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 499
(S.B. No. 465, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 499 and S.B. No. 465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 500
(S.B. No. 1286, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 500 was adopted and S.B. No. 1286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 501
(S.B. No. 539, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 501 was adopted and S.B. No. 539, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 502
(S.B. No. 1287, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 502 was adopted and S.B. No. 1287, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 503
(S.B. No. 1811, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 503 was adopted and S.B. No. 1811, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY ON THE RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 504
(S.B. No. 451, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 504 and S.B. No. 451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 505
(S.B. No. 106, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 505 and S.B. No. 106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE TAX CREDIT," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 506
(S.B. No. 46):

Senator Yamasaki moved that Stand. Com. Rep. No. 506 be adopted and S.B. No. 46, having been read throughout, pass Third Reading.

At this time, Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, while this may seem a good idea to help some of our elderly and senior citizens, the problem is that we have no assurance that retail merchants will pass along this tax exemption to the consumers, and not just absorb it into their prices. If we can find some mechanism where the 4% tax savings, is indeed passed on to the consumer then I most heartily endorse this bill; otherwise, I think this bill is defective.

"I urge a 'no' vote."

Senator Campbell then rose to speak in favor of the measure as follows:

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

"As the previous speaker stated, this bill is designed primarily to aid the elderly who are on fixed income and that is my reason for strongly supporting the bill, but I don't think it goes far enough as far as senior citizens are concerned. I think it ought to include not only prescription drugs, but food as well.

"Mr. President, Senate Bill 1990, entitled, 'Inflation Certificate Program,' was designed to meet the shortcomings of this bill, Senate Bill 46, that we are now considering.

"For the senior citizens, S.B. 1990 was written to insulate the dollar against inflationary erosion. It's unfortunate that that bill will not be heard at this session and we just hope that it will have a chance in 1982, but I urge support of Senate Bill 46."

The motion was put by the Chair and Stand. Com. Rep. No. 506 was adopted and S.B. No. 46, entitled: "A BILL FOR AN ACT RELATING TO TAXES ON CERTAIN DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and

Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 507
(S.B. No. 815, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 507 was adopted and S.B. No. 815, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTER'S INCOME TAX CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 789, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1625, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 788:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 788, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 547, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 547, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 512
(S.B. No. 1396, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 512 and S.B. No. 1396, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION CREDITS TO HAWAII INSURERS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 513
(S.B. No. 637, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 513 be adopted and S.B. No. 637, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator O'Connor spoke against the measure as follows:

"Mr. President, I rise to speak against this bill.

"This bill is one which would only encourage conglomerates and large business organizations in this town and encourage take-overs of businesses because this is the bill which would eliminate payment of excise tax between the various subsidiary corporations of the large corporations.

"I find it indeed curious in a state such as ours, such a bill finds its way for favorable or any kind of consideration before a body such as this. I would urge people to consider the monopolistic tendencies which this bill would obviously create in the community, to consider carefully what this will do in the future in the corporate structures in this state which can only encourage the continued existence and future existence of larger and bigger monopolistic corporations.

"I would urge all members to vote against this bill."

Senator Kawasaki also spoke against the measure as follows:

"Mr. President, I think the comments made by the good Senator from the Seventh District is very well taken. I do oppose this bill on those same grounds. I think it behooves this body to very carefully think of the impact of what this bill is going to do.

"I urge members of this body to vote against this bill."

Then, Senator Cobb spoke in favor of the bill and stated as follows:

"Mr. President, right now we have a rather strange situation where we have a corporation with many divisions, including some of the largest corporations in the country such as General Motors or some of the larger Hawaii corporations. As long as they have separate divisions

but not subsidiary corporations and then do business among themselves they are taxed. And the only difference on the tax is that it is imposed, based on the makeup of the particular corporation. I find that ironic, discriminatory and unfair.

"Furthermore, Mr. President, on the subsidiary ramifications of this bill, as it came to the Ways and Means Committee, a maximum--at least from the estimate given to my committee--there would be a loss of \$1.2 million.

"As I understand it, that now has been raised to somewhere in the neighborhood of \$2 million to the state. Yet, I find it strange that we would tax a corporation based just on its structure, but if it creates divisions within a corporation, regardless of how large, there is no tax; yet, if there are separate subsidiary corporations outlined then they are all taxed the 4%.

"I would urge members to approve this bill."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 513 was adopted and S.B. No. 637, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF AFFILIATED CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Campbell, Holt, Kawasaki, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Standing Committee Report No. 514 (S.B. No. 1767, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 514 and S.B. No. 1767, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 515 (S.B. No. 397, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 515 and S.B. No. 397, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 2124:

By unanimous consent, S.B. No. 2124, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," was recommitted to the Committee on Ways and Means.

Senate Bill No. 1201, S.D. 1:

By unanimous consent, S.B. No. 1201, S.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO CAPITAL COST RECOVERY," was recommitted to the Committee on Ways and Means.

Senate Bill No. 299, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 299, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES AND TRANSFER OF REAL PROPERTY SITUATED IN HAZARDOUS AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 524, S.D. 1:

By unanimous consent, S.B. No. 524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERSE PEER REVIEW COMMITTEE REPORTS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 590:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 590, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DISPENSING OPTICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 591:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 591, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EXAMINERS IN OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 599, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 600, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICING PSYCHOLOGISTS," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1062:

By unanimous consent, S.B. No. 1062, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1338:

By unanimous consent, action on S.B. No. 1338 was deferred to the end of the calendar.

Senate Bill No. 1642, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 1642, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

By unanimous consent, S.B. No. 1753, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1988, S.D. 1:

By unanimous consent, S.B. No. 1988, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 653, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 653, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAY CARE CENTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1280, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 1280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 98, S.D. 1:

Senator Kobayashi moved that S.B. No. 98, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Henderson.

Senator Kawasaki then rose to speak against the measure as follows:

"Mr. President, I urge defeat of this bill because this bill, as it emerged from the committee, turns out to be quite a different creature from what was introduced. This senate bill was a bill to forego the requirement of preparing impact statements for all land purchases and all property purchases, both improved and unimproved, when the city and county or counties in the outlying islands or the state was to purchase property from a private entity.

"We had found that because the preparation of impact statements required under the previous law took so much time that the price the government entities have had to pay for these acquisitions just ballooned astronomically.

"I have felt that exempting the impact statement requirement for lands, properties, both improved and unimproved, purchased by government entities should not require impact statements.

"After the government acquires these properties and want to develop it for some governmental use, whatever it may be, at that time, I think, impact statements should be required. But, just for the acquisition, I don't think impact statements should be required, particularly because the impact statements and their preparation require so much time. And in the interim, the owner of the property just takes advantage of the delay which enhances the appreciation of the property; the government, of necessity, has to pay the great increase in the price of the property to be acquired. This is an additional burden to the taxpayers. I feel that this impact statement exemption should be required, but what has emerged from the committee still requires preparation of the impact statement for the acquisition of property by government agencies and so I think this amended bill completely nullifies the original intent of the bill. I urge defeat of this bill."

At 6:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:43 o'clock p.m.

By unanimous consent, S.B. No. 98, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 508, S.D. 1:

On motion by Senator Kobayashi, seconded by Senator Henderson and carried, S.B. No. 508, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES, TITLE 12, CONSERVATION AND RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 73, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 73, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FROM THE PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 526, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 526, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 532:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 532, entitled: "A BILL FOR AN ACT RELATING TO TRUST COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1066:

By unanimous consent, action on S.B. No. 1066 was deferred to the end of the calendar.

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

By unanimous consent, S.B. No. 1752, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1756, S.D. 1:

By unanimous consent, S.B. No. 1756, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1936, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 1936, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION, PURCHASE AND SALE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1947, S.D. 1:

By unanimous consent, action on S.B. No. 1947, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 101, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 101, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 521, S.D. 1:

By unanimous consent, S.B. No. 521, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPOSITION OF RULES DURING SHORTAGES OF PETROLEUM PRODUCTS," was recommitted to the Committee on Economic Development.

Senate Bill No. 639, S.D. 1:

On motion by Senator Henderson, seconded by Senator Yee and carried, S.B. No. 639, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1859, S.D. 1:

On motion by Senator Henderson, seconded by Senator Yee and carried, S.B. No. 1859, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS OR CONSOLIDATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 399, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES IDENTIFICATION AND REGULATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 486:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 486, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 665, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAHI HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Senate Bill No. 1726, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 1726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EYE ENUCLEATION PERFORMED BY TRAINED TECHNICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1629, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 1629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY EQUIPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 66, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 66, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 67, S.D. 1:

Senator Cobb moved that S.B. No. 67, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Uwaine.

Senator Abercrombie spoke against the measure as follows:

"Mr. President, speaking against the bill, regardless of the motivation of the people who support the bill have worked on it, it is my firm conviction that the passage of this bill will do no more to stop the reprehensible practices associated with time-sharing as previous bills did. All attempts at so-called regulating of this industry will be futile and it is in the best interest of this state and its people that time-sharing be outlawed. Therefore, I request the members to think seriously about voting on this bill as it will only have the effect of perpetuating which is what is in my mind a cancer on the economic and social life of this community."

The motion was put by the Chair and carried and S.B. No. 67, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Kawasaki and O'Connor).

Standing Committee Report No. 552 (S.B. No. 251, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 552 and S.B. No. 251, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," were recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 400, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Kawasaki and O'Connor).

Standing Committee Report No. 554 (S.B. No. 528, S.D. 1):

On motion by Senator Cobb, seconded by Senator Uwaine and carried, Stand. Com. Rep. No. 554 was adopted and S.B. No. 528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 596, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 598, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 598, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 601, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 636, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 636, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGULATORY LICENSING REFORM ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 643, S.D. 1:

On motion by Senator Cobb, seconded

by Senator Uwaine and carried, S.B. No. 643, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Soares).

Senate Bill No. 816, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 561 (S.B. No. 868, S.D. 2):

On motion by Senator Cobb, seconded by Senator Uwaine and carried, Stand. Com. Rep. No. 561 was adopted and S.B. No. 868, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 562 (S.B. No. 1050, S.D. 2):

On motion by Senator Cobb, seconded by Senator Uwaine and carried, Stand. Com. Rep. No. 562 was adopted and S.B. No. 1050, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM CONVERSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1319, S.D. 1:

By unanimous consent, S.B. No. 1319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1359, S.D. 1:

By unanimous consent, action on S.B. No. 1359, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 565 (S.B. No. 1542, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 565 and S.B. No. 1542, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES,"

was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1691, S.D. 2:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 1691, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 115, S.D. 1:

By unanimous consent, S.B. No. 115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF FOR OVERCROWDED CORRECTIONAL FACILITIES," was recommitted to the Committee on Judiciary.

Senate Bill No. 118, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 118, S.D. 1, 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, 25. Noes, none.

Standing Committee Report No. 569 (S.B. No. 375, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 569 was adopted and S.B. No. 375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 570 (S.B. No. 418, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 570 was adopted and S.B. No. 418, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Soares, Toyofuku and Ushijima).

Senate Bill No. 991, S.D. 1:

On motion by Senator Carpenter,

seconded by Senator Cayetano and carried, S.B. No. 991, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS, RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 997, S.D. 1:

Senator Carpenter moved that S.B. No. 997, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Abercrombie then rose to speak against the bill as follows:

"Mr. President, the purpose of this bill is to clarify definitions of 'pornographic' and 'pornographic for minors.' It does not succeed in doing so. All the bill will do will create another opportunity for certain friends of mine in town who are engaged in the legal profession and who specialize in this area to make even more money than they have made before when they go into court and contest this.

"The reason for this is that the additions, as involved in the bill, the additions that will occur in the making of our laws in respect to selling of explicit sexual materials to minors will not succeed because the bill does not take into account, sufficiently, serious literary, artistic, political or scientific value. I can see where, in respect of the political angle, we might want to use the word 'obscene,' but in respect to literary, artistic or scientific, we have a much more difficult time. In certain ways it may seem that I'm taking a rather light-hearted view of it; I actually am not. I'm really speaking to the absurdity of it.

"We have never been able, in this country, to come to a satisfactory conclusion in respect to censorship because it is generally anathema, our understanding rather, of the values that we have in this country, that it is anathema to them to engage in censorship.

"My own belief is that if we engage ourselves in raising our children in an atmosphere in which they are able to deal forthrightly and directly in matters that are of sexual concern, we need have no fear in the area which is generally assumed to be pornographic.

"I think that the so-called dangers that are involved in this circumstance are more than adequately taken care of in our laws where we prevent the sexual abuse of minors or deal with

people who are utilizing the results of the abuse of minors in terms of materials, whether photographic or otherwise. And under these conditions it is possible to have a successful prosecution.

"One of the principal reasons that I oppose this bill and opposed bills of this nature in the past is that they do not succeed in accomplishing the essential tasks here. What we really need to do is to protect children from actual abuse and we have laws written now to be able to do that.

"The idea of trying to write a definition of 'obscenity' or of 'pornography' is to engage in an exercise of legal futility and to give the people of our state the illusion that something has been done in this area that will make it more palatable in terms of the values that they'd like to see existing in their children and in the community as a whole.

"These attempts at law have always failed in the past and they will continue to fail in the future. We need to direct our attention towards creating a wholesome and intellectual atmosphere in our young people, creating a proper learning environment for them. Under these circumstances, I think we need have no fear of the corruption of that which has been termed by some people, 'pornographic.'"

Senator O'Connor rose to speak against the measure and stated:

"Mr. President, I'm going to vote against this bill also, not because I don't agree with the intent of the bill, but, unfortunately, it does not contain the language from the most recent United States Supreme Court case having to do with pornography or pornographic material.

"We do have such a bill before us; it's just come over from the House and the definitions of the material which would be excluded or banned under such a measure are defined in that bill. It has to do with contemporary standards in the community and not with specifically outlining certain things that this bill does, which statutorily would become pornographic. Therefore, I'm going to vote against it and will support a measure of this nature if it adopts the new Supreme Court language."

Senator Carpenter then spoke in favor of the bill as follows:

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

"The language of the latest Supreme Court ruling defines pornography as 'that which taken as a whole, lacks serious literary, artistic, political or scientific value.'

"Mr. President, the language contained in this bill is indeed explicit and therefore the three sections speaking to explicit sexual material does meet the criteria advanced by the latest Supreme Court rulings and explicitly so, if I may be redundant.

"The bill coming over from the House has similar language to that advanced by the Supreme Court; however, it does not get to the heart of what actually might be interpreted as the community standard. It merely alludes to a community standard, but does not set one forth. This bill does."

The motion was put by the Chair and carried and S.B. No. 997, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Abercrombie, Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Senate Bill No. 1034, S.D. 1:

By unanimous consent, S.B. No. 1034, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND SEIZURE," was recommitted to the Committee on Judiciary.

Senate Bill No. 1534, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1681, S.D. 2:

By unanimous consent, action on S.B. No. 1681, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 1684, S.D. 2:

Senator Carpenter moved that S.B. No. 1684, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator O'Connor rose

to speak against the measure as follows:

"Mr. President, I rise to speak against this measure.

"This bill ends many of the measures which we have had in the campaign spending law in this jurisdiction for many years. It removes entirely restrictions on fund-raisers which have been part of our law for over eight years and puts us back in a circumstance where one who is in a powerful political position in the community can hold \$100 or \$500-a-plate dinners, one after another, ad infinitum, at his desire, without any restriction.

"Further, it goes on to remove entirely any limit on the amount of contribution which an individual may make to a candidate. Unfortunately, it ignores entirely our State Constitution which in 1978 was amended, in Article II, Section 6, to mandate that there be limits on campaign contributions.

"This bill flies on the face of that constitutional mandate and lifts all limits on elections, therefore, making our campaign spending law, should this ever come to pass, contrary to the Constitution.

"Further, it goes on and removes all limits on contributions to a candidate from a political party, creating a situation where a political party could emphasize on one candidate and finance that candidate entirely, rather than have that financing come from the public. And this, of course, is terribly important because our campaign spending law has in it a provision for public financing which would go to make up that amount required of a candidate in order to get into the public financing.

"The reporting part of it is changed with new language inserted in Section 11-213. That language is ambiguous as the word 'person' is now used instead of the former language of the candidate--'person' in the case of a party or campaign treasurer, in the case of a committee.

"Also, there is deleted certain provisions having to do with final reports and supplemental reports, all of which that make that section rather confusing.

"The section having to do with public funding has been altered so as to throw open the amounts of public funding for all candidates. This section which is 11-221 will conflict with the new Section 11-218, which only allowed for certain candidates for certain offices--namely, the governor, lieutenant governor and mayor, to receive up to 20% of the expenditure limit; for all other

offices, up to \$100; \$500 under this new proposal.

"Obviously, under this new section a qualifying candidate for any office could receive up to 50% of the expenditure limit in public funds. I don't find an appropriation in this bill, anywhere, regarding that matter, and this bill would cost a substantial amount of money if passed in the present form.

"There are other provisions having to do with shifting campaign funds from the general to the primary, and from the primary to the general, so that under this bill a candidate can apportion public funds any way he chooses and not limit them to use in certain elections as has been the law in the past.

"Basically, these changes taken altogether create a situation where there is no limit on the amount of contributions. There are changes in definition which allow an individual to spend as much of his own money as he pleases on a candidate and yet is restricted in many other ways, creating a circumstance where individuals or corporations or organizations who make campaign contributions will not know or have any knowledge whether they should report or not report. It creates an ambiguous and vague situation which can only lead to people running into sanctions, and the sanctions which are included in this particular law are severe.

"I would urge all to vote against this bill."

Senator Carpenter, speaking in favor of the measure, stated:

"Mr. President, I rise to speak for the measure.

"Mr. President, the Constitution of the State of Hawaii, as amended in 1978, in Article II, Section 5, regarding campaign fund spending limit says this: 'The Legislature shall establish a campaign fund to be used for partial public financing of campaigns for public offices of the state and its political subdivisions as provided by law. The Legislature shall provide a limit on the campaign spending of candidates.'

"Mr. President, the committee reviewed a measure which indeed did just that. Several members of the committee, including the previous speaker, spoke against that measure because they contended that it was unconstitutional. Subsequently, that measure was filed.

"Mr. President, in Section 6, regarding campaign contribution limits, the Constitution reads thusly, 'Limitations

on campaign contributions to any political candidate or authorized political campaign organization for such candidate for any elective office within the state shall be provided by law.' It neither sets nor mandates campaign contribution limits.

"Mr. President, the bill before us is perfectly legal; it's perfectly legitimate; it addresses many concerns iterated to by the Common Cause and other groups. Thank you very much."

The motion was put by the Chair and carried and S.B. No. 1684, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Senate Bill No. 55, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 55, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 646, S.D. 1:

On motion by Senator Young, seconded by Senator Abercrombie and carried, S.B. No. 646, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL GROUP LIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Senate Bill No. 1321, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 1321, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ORGANIZATION AND ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1324, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 1324, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO GOVERNMENT ORGANIZATION AND ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1785, S.D. 1:

By unanimous consent, S.B. No. 1785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NOMINATION AND APPOINTMENT OF MEMBERS OF THE HAWAIIAN HOMES COMMISSION," was recommitted to the Committee on Housing and Hawaiian Homes.

Senate Bill No. 2108, S.D. 1:

By unanimous consent, action on S.B. No. 2108, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 583 (S.B. No. 335, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 583 be adopted and S.B. No. 335, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Kawasaki spoke in support of the measure as follows:

"Mr. President, I urge unanimous approval of this bill.

"If there is any proposal before this session of the Legislature that I think will help taxpayers save some money it is this bill. What it does is to screen out very carefully all the private grant requests that come to the Legislature annually. It sets certain standards by which these requesting organizations will qualify for grants from the state and make it mandatory for some of these requesting agencies to justify their claims, their requests. It allows the relevant department...the Department of Social Services, the Department of Health...to monitor very carefully the program for which these appropriations are granted. This does, indeed, help to clean up the myriad of requests coming to our legislative sessions. I urge unanimous approval."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 583 was adopted and S.B. No. 335, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 362, S.D. 2:

By unanimous consent, action on S.B. No. 362, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 585 (S.B. No. 544, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 585 and S.B. No. 544, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were recommitted to the Committee on Ways and Means.

At 7:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:11 o'clock p.m.

Standing Committee Report No. 586 (S.B. No. 552, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 586 was adopted and S.B. No. 522, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 557, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 648, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 648, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE SURPLUS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 891, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 891, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 972, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 972, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Senate Bill No. 1202, S.D. 1:

By unanimous consent, S.B. No. 1202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

Standing Committee Report No. 592 (S.B. No. 1231, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 592 was adopted and S.B. No. 1231, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Senate Bill No. 1329, S.D. 1:

By unanimous consent, S.B. No. 1329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Ways and Means.

Senate Bill No. 1096, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 595 (S.B. No. 1496, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 595 was adopted and S.B. No. 1496, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 596
(S.B. No. 1497, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 596 was adopted and S.B. No. 1497, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 597
(S.B. No. 1713, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 597 was adopted and S.B. No. 1713, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 598
(S.B. No. 1720, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 598 was adopted and S.B. No. 1720, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 599
(S.B. No. 1722, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 599 was adopted and S.B. No. 1722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 600
(S.B. No. 1840, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 1840, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF OFFICERS AND EMPLOYEES EXCLUDED FROM BARGAINING UNITS," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Carpenter and Kawasaki).

Senate Bill No. 1298, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL EXPENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 7:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:16 o'clock p.m.

Senate Bill No. 167, S.D. 1:

By unanimous consent, action on S.B. No. 167, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1662:

On motion by Senator Abercrombie, seconded by Senator Carpenter and carried, S.B. No. 1662, entitled: "A BILL FOR AN ACT RELATING TO RELIGIOUS HOLY DAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Cayetano and Kuroda).

Senate Bill No. 1692, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, S.B. No. 1692, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1693, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, S.B. No. 1693, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1697, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, S.B. No. 1697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB-SHARING IN THE DEPARTMENT OF EDUCATION,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1699, S.D. 1:

Senator Abercrombie moved that S.B. No. 1699, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Carpenter.

Senator O'Connor then rose to speak against the measure as follows:

"Mr. President, I'm going to vote against this bill because it sets up a standard for teachers, students, officers and employees of the Department of Education, which if they violate not only will a criminal sanction be in existence, but also a civil penalty because if they do violate these sanctions there will be evidence of negligence in a tort action.

"I just can't see why we should put our teachers, our officers and employees of the Department of Education in such a situation where they individually will become liable under such a circumstance, potentially for large money damages."

Senator Abercrombie spoke in favor of the measure as follows:

"Mr. President, speaking in favor of this bill, if there is anybody in these chambers who has the slightest idea of what's going on on our campuses today, if they will talk to parents, and students and teachers, principals, officials, policemen, probation officers, parole officers, judges, anybody who has any knowledge whatsoever of what's going on on the campuses today, they can't vote against this bill.

"The idea that any teacher or any principal is unwilling to do his duty in respect of reporting these violations, has to do with the violence, the vandalism, the fear, the intimidation that is taking place on our campuses every day.

"Last week, I had a report of a child's toys being hijacked on campus grounds. I have parents coming to me telling me that they can't have their children go to school with their lunch money because they are consistently hijacked of that money. I have teachers telling me that they are afraid to report to the parents, parents afraid to report to the principal, afraid to report to the proper authorities, because they have been intimidated, because they have been made to fear for their lives, made to fear for their property, because they are not able to effectively have

the law enforcement agencies and the courts of this state move against the punks and the vandals who are infesting our campuses.

"Now, one of the reasons why we have to have this is that we have plenty of laws on the books that will deal with these people if we can get them to the prosecutor, in front of the courts. In the absence of being able to do it, we will continue to have a situation where people are being put into fear, into harm's way on the campuses.

"Any teacher or any principal who is unwilling to back up everybody else on the campus is letting (us) down on the side. It is significant to me that teacher after teacher, principal after principal, official after official in DOE has said that they need precisely this kind of sanction to see to it that people will carry through on their duties.

"If one examines the guts of this bill, he will see that anyone who interferes with that reporting duty, anyone who acts in a manner which intentionally compels or induces this officer, this employee, this principal or the principal's designee not to report it by threatening by word or conduct or any of the acts that's set forth in here, respect of assault, respect of terroristic threatening, respect of extortion, that person will find himself or herself facing a Class C felony and rightfully so. And if they bring a weapon, a dangerous weapon on to the campus they are going to face a Class C felony and rightly so.

"If we want to end violence on our campuses, and if we want to make a very clear statement from this Legislature that it will not be tolerated, then everybody is going to have to put their oars in the water and row and that's what this bill sees to.

"It's time to stop talking about violence on the campuses; it's time to stop talking about vandalism on the campuses; it's time to start doing something about it, and it's time to see that everybody does his share and does his duty, and that's what this bill does."

Senator Kuroda, then rose to speak against the measure as follows:

"Mr. President, I rise to speak against this measure.

"Although I agree with the previous speaker, the chairman of the Education Committee with whom I serve as vice-chairman, I have stated my disagreement with this bill not with the intent but with the penalty that has been included in Senate Bill 1699, S.D. 1.

"It reads that 'Any officer, employee, principal, or designee who fails to make the reports described herein shall be guilty of a violation and subject to a fine of not more than \$250.'

"I say that this is not necessary and I think that if the principals and teachers are convinced to voluntarily make these reports and through an educational process urge everyone to report these violences and these facts, perhaps we can bring about the kind of situation that the chairman of the Education Committee talks about.

"I urge my colleagues to vote against this bill."

Senator Kawasaki also rose to speak in favor of the measure as follows:

"Mr. President, I speak in favor of this bill and I want to respond to the response of the Senator from the Fourth District.

"Unfortunately, to require that faculty members report voluntarily any violence in their schools is not going to work out. Unfortunately, the mass of humanity are cowards, generally speaking, and if it wasn't so, then we wouldn't have had this problem, we wouldn't have the necessity to have this bill acted upon tonight.

"I think requiring these faculty members and the principals by a threat, perhaps, of a fine is the only answer to making sure that these incidents of violence are duly brought to the attention of the people responsible for doing something about it. I think it's about time that we enact a statute like this.

"I have not as yet seen any other proposal or any other alternative that is as effective introduced in the sessions of the Legislature in the past. This perhaps is the first dramatic step to do something about the problem we all are concerned about--the problem everybody speaks out against, the problem of violence in the schools. This is a concrete step in the right direction and I think the language of the bill is the necessity that we are going to find will have some impact on this problem."

Senator Abercrombie then added as follows:

"Mr. President, just in furtherance of that point. Perhaps I have not made it clear in my previous remarks and perhaps I can resolve some doubts in some members' minds.

"The problem that teachers have had is that if they do the reporting or the principals do the reporting, they put themselves in harm's way. They then become subject to intimidation and fear because the perpetrators of the crime feel that if they can get to the teachers or get to the principal, that they will be able to keep this from going forward any further, and so they try to strike fear into the people and they have been able to succeed because many teachers have been attacked, for example, physically; and other teachers find out about that; they know about that and they don't want to get into that kind of situation.

"Under the circumstances of this bill what the teacher or the principal does is merely make the report. The decision on whether to carry forward any criminal action is made by the prosecutor and the police and the courts, so that the people at the school grounds and those associated with those who are committing these crimes will very rapidly find out that it is not up to the teacher or up to the principal to make a decision as to whether there is a criminal action, but merely that they must make a report. Therefore, anyone who interferes with the report will be committing the crime. This takes the teachers and the principals off the hook they have been on. This is the reason that the teachers and the principals have not been put into the position of being the arbiters of whether or not a proceeding will carry forward or not.

"So, what we do with this bill is actually relieve the teachers and the principals of the burden of making that decision. Their duty is merely to report under this circumstance and they will be able to say to these people, 'Look, don't take it out on me; I'm not the one that's going to be making the decision; I'm required by law to make this report; your problem is going to be with the authorities who will be making the decision.'"

The motion was put by the Chair and S.B. No. 1699, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AND VANDALISM IN THE PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Campbell, Holt, Kuroda, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

Senate Bill No. 1223, S.D. 1:

On motion by Senator Soares, seconded

by Senator Yamasaki and carried, S.B. No. 1223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 931, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 931, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POST SECONDARY EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1695, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 1695, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 612 (S.B. No. 422, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 422, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CANCER COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 613 (S.B. No. 660, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 613 and S.B. No. 660, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 614 (S.B. No. 1447, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 614 be adopted and S.B. No. 1447, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Yee rose to request that he be excused from voting

on the measure as he is "already reaching maximum retirement." Senators Kawasaki, Toyofuku, Ushijima and Yamasaki also requested to be excused. The President ruled that they were all excused from voting on the measure.

The motion was put by the Chair and Stand. Com. Rep. No. 614 was adopted and S.B. No. 1447, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kawasaki, Toyofuku, Ushijima, Yamasaki and Yee).

Standing Committee Report No. 615 (S.B. No. 1942, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 1942, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES OF THE PRESIDENT OF THE UNIVERSITY OF HAWAII AND OTHER UNIVERSITY OF HAWAII ADMINISTRATIVE OFFICERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Kawasaki, seconded by Senator Ajifu and carried, S.B. No. 50, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 11 (Anderson, Campbell, George, Henderson, Holt, Machida, Mizuguchi, O'Connor, Saiki, Toyofuku and Ushijima).

Senate Bill No. 1579, S.D. 1:

The Chair ruled that S.B. No. 1579, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEWSPAPERS," is recommitted to the Committee on Judiciary.

Senator Kawasaki asked: "Mr. President, is discussion permitted on your ruling to recommit this measure?" and the Chair permitted Senator Kawasaki to proceed.

Senator Kawasaki stated: "Mr. President, I speak against recommitting to committee primarily because I think we have a responsibility to the public to require the newspapers that came to us back

in 1972 and told us, 'if you don't pass this bill for us, allowing us to jointly use the printing facilities, the plant over at Kapiolani Blvd. for the Star-Bulletin and the Advertiser, that the morning paper is likely to go under.' We believed that statement.

"At that time, incidentally, the newspapers asked us to look at their books to show that indeed they were in dire circumstances, financially. Unfortunately, the members of this body did not take up that proposition to really examine their books carefully, because I find during the course of testimonies to the House of Representatives, over on the other side of the rotunda, they did indeed ask some penetrating questions.

"When Senator O'Connor from the Seventh District, was chairman of the Judiciary Committee, Representative Kenneth Lee of that body asked the principal owner of the Honolulu Advertiser what was the Twigg-Smith family investment in the business, the Honolulu Advertiser Publishing Corporation, the answer was 'some \$800,000.

"Then another question was asked, what did you make last year as your net profit--and the answer was, \$450,000, which amounts to more than 50% return on the initial investment, which gives me some impression that apparently they were not in dire circumstances; they were not even a failing newspaper. But all of that is water under the bridge. We did, at the request of the two newspapers, grant the Newspaper Preservation Act to be put on the state books.

"Incidentally, Hawaii is the only state, the only state out of 22 states allowing this joint newspaper operation, the only state that has a state statute in addition to the national statutes.

"I think, requiring the newspapers today to show how they are doing financially is a must, from the standpoint of all our actions here at the Senate. Why do I say this? It is because we granted only these two entities, the Star-Bulletin and the Advertiser, a special immunity legislation, if you will, a type of legislation we do not grant to the television industry and the radio industry, and what did this do? What we said in this statute was that the Attorney General in the State of Hawaii is forbidden to even examine complaints about predatory practices, trade abuses, as perpetrated by these two newspapers.

"Additionally, we find in the last few years the newspapers have done tremendously well. I don't begrudge private entrepreneurs making money, but when they do that because of a

statute that we provided for them, that we provide no other industry in the media, then I think we have a responsibility really to examine what they are doing.

"To give you an idea of what kind of profits the two newspapers are making today, the Honolulu Advertiser in the year 1978 declared a \$2 million cash dividend. I estimate that today on their gross revenue of about \$27 million (and they claim a profit margin of anywhere between 10½% to 14%) I calculated that figure and on a 14% return on a \$27 million gross business, that amounts to about \$3,740,000, using 10% of the gross, it still gives the newspapers \$2,700,000. The newspapers are embarrassed to have the public know that. As a matter of fact, in all of the sessions that we've had they were very reluctant to even give us reports of this kind in a very generalized way. They are embarrassed to have the public know what they are making today because just as long as we don't know, we very quietly, both as a legislature, and as consumers, acquiesce to the kind of profit-making they are enjoying.

"Now, what has happened since 1972, since we enacted, since we were conned into enacting that statute back in 1972? The newspapers have raised their advertising rates thirteen times during the period. These raises are not absorbed by the retail merchants, the supermarkets, they pass it on to the consumers of the state by way of higher food prices, in the way of higher commodity prices on goods that they sell.

"This is where I get concerned, Mr. President, because I think one of the reasons for Hawaii being the highest food cost state, next only to Alaska, is because of high advertising costs to the retail merchants who of necessity have to use the two newspapers as perhaps the most effective way of getting exposure for their sales, they have to use these two newspapers.

"As I said, I don't mind these people making money, but I do mind allowing these papers to have the advantage of statute that specifically prohibits the Attorney General from even examining some of their operations, and the small businessman will tell you that there are abuses that they are unhappy with.

"There was a time when businesses were afraid to even come to testify in our legislative committees simply because, as they say, 'we get on the bad guy list of the newspapers and services get bad for us.' Interestingly enough, there are businesses coming today

to testify in favor of these bills.

"All of the proponents, all of the testifiers in the committees that we've had considering these measures are for the three proposals we introduced. And I'll go into the three proposals because they have a relevancy to what we are voting on today.

"There was a bill introduced to completely repeal the state statute as being unneeded because we have the federal statutes that preempt us to begin with. There was a proposal to delete some language that the anti-trust division of the Justice Department, (when this measure was being debated in the Congress of the United States when the National Preservation Act was being debated) testified against, the language that was proposed and which is today in the statute...language allowing these two newspapers to jointly solicit ads, jointly solicit subscriptions, jointly set prices, jointly share in the profits, of profit pooling, as it were. This language, had it been applied to any other industry, will clearly have been a violation of the Sherman Anti-Trust Act and the Justice Department would very swiftly act to stop such actions. But in the Newspaper Preservation Act, interestingly enough, we allow this.

"We ask the newspapers to make public their earnings, their income. Incidentally, my original proposal had a requirement that they also list the top executives salaries and the reason we did this is because if the public knew what the top executives make in the way of salaries, they'll raise their eyebrows, to be sure.

"The bill that emerged from committee deleted the requirement to have the top executives' salaries reported. This, I don't object to too much, but I think we owe it to the public to require newspapers to give us information so we know the results of what we did back in 1972.

"Unlike any other state in the Union we gave them special exemptions under the state statute which in my judgment is not needed. Short of that, since I was not privy to the 'dear John' type of letter Mr. Chaplin wrote to some of the members here who apparently are going to vote against this bill, I think, (I'll just cut it short, I see a frown on your forehead there) generally, I think to require the newspapers to report what is today being reported as a matter of course by the Gannett Corporation that owns the Honolulu Star-Bulletin is good public policy. The Advertiser doesn't do this because

it's a privately held corporation and the profitability of the company is attested to by the very fact that while at one time you could have bought Advertiser stock on the over-the-counter market, today there is nothing available.

"It's a matter of record that while the Advertiser stock sold over-the-counter for \$6 a share at one time, today you can't even buy it. And the last sale that was on record was two shares of stock that the Advertiser owners bought from the former Mayor of the City and County of Honolulu for \$1500 a share. Prior to that, former Representative Ike Sutton was forced to sell his share and he received about \$397 per share. The point being, I have yet to see any stock that has enjoyed this kind of appreciation in price, of any stock listed on the New York Exchange, the American Exchange, or over-the-counter market nationally. There has not been the kind of appreciation as was enjoyed by the Honolulu Advertiser stock; all of which attest to the fact that today it's a very profitable operation, so much so that the owners of the newspapers find it embarrassing for the Legislature or the public to know what they are making.

"Now, 10% to 14% return, which they consider to be normal and in keeping with what other corporations make around here...using that formula to a gross business of \$27 million for a small business like the Honolulu Advertiser amounts to quite a bit. It amounts to such a huge figure that I feel that those people should be required to make public their financial condition. Perhaps then we would be encouraged to delete or to repeal what was passed back in 1972, because just as long as that repeal is not effectuated here, the newspapers I know, will continue to raise their advertising rates, all of which, as I said, is passed on to the consumers of this state in the way of higher food prices.

"This is where I come from. I think it's about time that we find out what we did back in 1972. This is all in the public interest."

Senator Abercrombie added his remarks as follows:

"Mr. President, speaking against recommitment, some people have asked me why I support Senator Kawasaki in what can only be termed a crusade in this particular regard, saying why do you want to get on the bad side of the newspapers, which should tell you a little bit about what freedom of the press is all about.

"When you have access to the public press and the kind of money that's involved in it, the kind of publishing power that exists for the Hawaii Newspaper Agency, those who enjoy its benefits, you obviously have access to a great number of people. Part of my reply has been to be the object of scorn or ridicule or public censure in the editorial pages of the Advertiser and the Star-Bulletin should be a badge of public honor.

"I consider an attack from those quarters a benchmark on whether or not I'm doing a good job in the Legislature. If I find that the Advertiser and the Star-Bulletin is praising me, it is quite obviously a conspiracy on their part to discredit me, as far as I am concerned.

"Having talked to some of the people who write some of the editorials for these papers, I realize why the salaries of these people are kept a secret. One does not generally have people who have moronic mentalities making that kind of money, but in this particular instance there's apparently some secret conspiracy to take care of someone. I don't know what they have on the publisher that put them into that particular situation; it may be the protection of this law. The facts of the matter have never hindered either the Advertiser or the Star-Bulletin from plunging ahead with whatever opinions they care to foist off on the public in their editorial columns.

"Be that as it may, the fact also remains that we are constantly regaled by the two newspapers in the Legislature to account for ourselves. We are told that when we pass laws, and this moves me to the second reason why I support Senator Kawasaki's approach and why I beg the members of this body to vote against recommitment and for this bill...it's always been and probably will continue to be the position of the newspapers that whatever this body does that it account for itself. One of the ways that we do that is to examine the results of the laws that we pass.

"Interestingly enough in this particular instance, the recipient of the benefits of the law which was passed, the Honolulu Advertiser and the Honolulu Star-Bulletin, and particularly the Advertiser, are unwilling to show the public exactly the same kind of things it demands of anyone else who benefits from legislation in this Legislature. Rest assured that some of the bills which passed tonight, if they become law, you will find people at the Honolulu Advertiser searching around what the results of them are, whether it happens to be economic development, whether it happens

to be in education. If the bills we just debated on school violence is passed, rest assured that the Advertiser will be out there trying to see whether violence declines, to see whether vandalism declines, and they will hold members of the Education Committee and the Legislature as a whole accountable for that which they passed, but they want to exempt themselves. And so it's the hypocrisy that's involved. It's the fact that they assume, in particular, Mr. Twigg-Smith assumes that the editorial voices of the community are restricted to him and his hirelings at the Advertiser.

"I notice that the Sun Press, for example, does not enjoy these benefits. The Sun Press has to compete in a marketplace against these monopolistic practices.

"One acts, rather Mr. Twigg-Smith acts as if the only people capable of having an independent editorial voice are the people associated with him at the Honolulu Advertiser, but the Sun Press people don't feel that way.

"One final point, there has been tremendous changes in the technology involved in the producing of newspapers. We now find the aging and honorable tradition of printing as exemplified in fable in our society, the front page stories of this kind, the romantic visions of the old newspaper people that work, stop the presses and so forth. We don't have that kind of situation anymore. Invention and steady improvement of high technology in the industry has completely altered the basis upon which newspapers are published. Yet, we do not examine whether or not these changes in the cost factors of producing a newspaper should result in some change in the kind of law that we passed almost a decade ago.

"I can't think of an instance where the Consumer Protection chairman, for example, is not required by virtue of our sunset provisions to examine whether the laws that we have passed in respect to boards and commissions still are doing what they are supposed to do. We routinely examine the result of our legislation in instance after instance, sometimes as a matter of law and almost always as a matter of common sense.

"So, it's a question of principal with me. I think that we should pass this bill; we should vote against the recommitment and I would request a roll call on the recommitment. I think we should vote against it and vote this bill up to show the people of this state that we are not afraid to emphasize our responsibility as legislators."

Senator Anderson then rose to state as follows:

"Mr. President, I've supported this bill. I'll support the Chair to recommit the bill but I would like to say, apart from the discussions earlier, I have no ax to grind. I like Mr. Twigg-Smith as I like many gentlemen there.

"I think the bill in the form it's in today with all the personalities taken out, with all of the secret documents wanted and the figures wanted that were taken out, should call for nothing more than having a straight corporate type annual report.

"Senator Yee tells our caucus that in the hearings, I think, Mr. Twigg-Smith stated that once a lawsuit was put to rest there would be no objection to coming forth with these figures on some sort of annual basis. I, personally and philosophically, disagree with government getting involved in the private sector whatsoever. It bothers me as an individual and as a businessman. But when business comes to government and asks for controls to help profits, when they ask for regulations to guarantee profits or to guarantee competition for themselves, then I think also they should be held accountable.

"Some years ago, I voted against the Hawaii Newspaper Act and I have been consistent and as an alternative, I guess it's been nine years, I came forward with this very idea, only to see it emerge again this year, that as an alternative to defeating the Hawaii Newspaper Act, that we would ask the Attorney General, on behalf of the people, to evaluate and update and keep the people and the government informed as to the impact of this measure.

"I do not think that this bill, in the form that it is in, asking for a simple corporate filing at the end of the year is unreasonable.

"I'll not go against the President's wish to recommit, but I think this bill should emerge again some day once the suit is filed."

Senator Yamasaki then rose on a point of information and asked: "Mr. President, has a motion been made to recommit?"

The President replied: "There is no motion on the floor for recommitment. The Chair ruled on the recommitment; the discussion was allowed to Senator Kawasaki. There is no pending motion on the floor. The Chair ruled that said bill will be recommitted to the Committee on Judiciary."

Senator Kawasaki asked: "Is there a roll call to be taken?" and the Chair replied: "There is no motion before this body; said bill has been recommitted to the Committee on Judiciary."

Senator Uwayne asked: "Mr. President, will the Republican Floor Leader yield to a question?" and the President replied: "No, the matter is closed."

Senator Abercrombie then rose to appeal the ruling of the Chair and asked for a roll call on it.

At 7:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:53 o'clock p.m.

Senator Abercrombie then stated: "In the spirit of generosity and having been informed that I was self-misinformed as to the procedure here involved, I would like to withdraw my appealing of the rule of the Chair.

The Chair thanked Senator Abercrombie.

Senator Kawasaki also rose to state: "Mr. President, in realizing the move to recommit to the committee to keep the bill alive for next session and perhaps even making stiffer language in the bill, I gladly acquiesce to the move to recommit."

The Chair also thanked Senator Kawasaki.

Senator Uwayne then rose to make a parliamentary inquiry and asked: "Mr. President, is it the prerogative of the chairman of the committee or the President of the Senate to recommit bills?"

The Chair replied: "Senator Uwayne, I have discussed the matter with the chairman of the Judiciary Committee. I have asked him to allow me to recommit the bill for there are insufficient votes for passage on Third Reading. I received that permission; therefore, I made that ruling from the Chair."

Senator Uwayne then said: "So, actually it is the chairman's prerogative." and the Chair replied that it was.

Senator Kawasaki added: "Mr. President, one comment with regard to the recommitment. I think, as a result of your move to recommit this to committee, I can almost guarantee that at least for the next year, up until the session ends next year, the Advertiser will not raise its advertising rates for a period of one whole year."

Standing Committee Report No. 618

(S.B. No. 4, S.D. 2):

Senator Carpenter moved that Stand. Com. Rep. No. 618 be adopted and S.B. No. 4, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Carpenter rose to speak in favor of the measure and stated:

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

"Mr. President, the United States Supreme Court has held that the death penalty does not constitute cruel and unusual punishment in all cases, rather the Constitution will be complied with so long as these types of statutes assure that the sentencing authority is given adequate guidance in terms of determining when the death penalty will be imposed.

"The Committee finds that this bill does not conflict with any of the death penalty cases decided by the United States Supreme Court in recent years for the following reasons:

"1. This bill provides for non-mandatory death penalty;

"2. The death penalty will be imposed for carefully defined categories of murder;

"3. The sentencing authority is given limited and carefully controlled discretion in determining the imposition of the death penalty; and

"4. The bill allows for considerations of mitigating factors in the defendant's favor.

"Mr. President, the basic tenet in the American system of justice is that the punishment should fit the crime.

"Since the founding of this country, its citizens have tried to perfect a system under which the inhabitants of this great land can live free from fear and in harmony with each other.

"Unfortunately, we have, in Hawaii, been witness to an alarming increase in the number of murders and other types of violent crime.

"The crime of murder, which results in the elimination of a human life forever from this earth, is a particularly heinous offense.

"To assure that certain types of individuals who commit murder receive the punishment the crime deserves and to provide a deterrent to individuals who would contemplate the commission

of such a heinous crime, your Committee on Judiciary has passed out of committee Senate Bill 4, Senate Draft 2, (Relating to Capital Crimes), and recommends that it be passed by this body.

"This bill provides for the reinstitution of the death penalty as a possible sentence for certain types of murderers and for the establishment of a procedure to determine whether such a penalty should be imposed.

"The court would conduct a separate sentencing proceeding, after a finding of guilt of the accused for the crime of murder, to determine whether the defendant should be sentenced to death or to life imprisonment.

"During the proceeding, evidence would be presented to the jury relating to whether certain aggravating or mitigating circumstances, which are enumerated in the bill, existed at the time of the commission of the murder.

"After hearing all the evidence, the jury would deliberate and then render an advisory sentence to the court. The court would then impose a sentence on the defendant.

"Mr. President, your Committee on Judiciary has concluded that in murders where the sufficiency and extent of the aggravating circumstances mentioned above exist, a sentence less than death would depreciate from the seriousness of the offense, and would not serve as adequate punishment in our American system of justice.

"Mr. President, this issue is deserving of the most serious consideration by this honorable body--it is a tough decision, but it is a responsibility that each of us owes to the people of Hawaii, first. Mr. President and members of this august body --the decision is yours!"

Senator Kawasaki added his remarks as follows:

"Mr. President, I believe that society's first and foremost responsibility is to protect its citizens, and consonant with this view, like President Ronald Reagan, like former Presidents Gerald Ford and Jimmy Carter, like the former Attorney Generals and many members of Congress, I think that the time has now come, unfortunately, that the reinstatement of the death penalty statute is an absolute must because we want to save human lives. The innocent human life of a rape victim who is not only raped, but is killed by the offender because he wants to remove evidence; the life of an armed robbery victim who is also murdered because the offender wants to remove evidence. Because we want to make the daily job environment of the policemen, of the staff of the penal

institution safer. We want to make the life of a judge presiding over a murder trial, or members of the trial or witnesses to that particular trial safer. We want to protect all of them.

"I think this question of whether to reinstate the death penalty actually hinges on what are the results of the reinstatement of the death penalty. It's more than a coincidence, Mr. President, that with the existence of death penalty statutes during the years of 1935 to 1955, the two decade period, while the population of this country was increasing dramatically and because there were more and more states enacting statutes of the death penalty, the rate of homicides decreased, and conversely from the years 1955 up until 1968 when state after state started abolishing death penalty statutes, the rate of homicides increased markedly.

"There's much said about whether the imposition of the death penalty is a deterrent, and there are many who say that there is no proof that it is. There are others who very vehemently say that there is no deterrent factor to which I say, perhaps you have not examined the issue very closely.

"It seems to me that the whole spectrum of laws that we have, frown upon certain transgressions of society's laws and we have penalties to provide for the transgressions, is based on the deterrent issue...if you fail to file your income tax on time or if you fraudulently file your income tax, you pay a penalty...either pay a heavy fine or go to jail. That's a deterrent, because most of the citizens do file their taxes honestly as best they can. Had it not been for the fact of a deterrent factor of a penalty imposed, I don't think many citizens would willingly and voluntarily file their income taxes.

"The whole spectrum of society's laws, as I said, is based on the deterrent factor, human beings being what they are...not in every case but more often than not. If a penalty is provided and the penalty is sure and swift, it is indeed a deterrent factor, and if the penalty happens to be the forfeiture of your life by means of an execution for certain types of heinous crimes, then most certainly that penalty of losing your life is going to be a deterrent.

"Assuming then that it is indeed a deterrent for death penalty to be imposed upon an offender, then not executing certain types, certain categories of offenders, the worst of the lot, not executing them is tantamount to not saving the lives of humans, decent,

innocent human beings. That, in my judgment, is completely immoral.

"Apparently sharing this view, the following states have very reluctantly re-enacted the death penalty. Incidentally, of this list of states re-enacting death penalty statutes, four of the states are judged by a citizen commission as the outstanding states in terms of liberal legislation, in terms of the output of their legislatures. These four states, the States of New York, Illinois, California and Florida, each of these top four states, so adjudged, have reinstated the death penalty, and as I said, they have all gone through this agony of debating this question, and they have decided, reluctantly, that indeed the time has come to reinstate capital punishment.

"Let me, just for the record, recite you the list of states that have reinstated the death penalty, much to their reluctance: the State of Alabama, the State of Arizona, the State of Arkansas, the State of California, the State of Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, the State of Pennsylvania, the State of Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wyoming. Thirty-seven out of the 50 states with only 13 states not as yet having re-enacted the death penalty and several of these states, incidentally, out of the 13 are considering right today the reinstatement of the statute that we want to adopt tonight.

"It is about time that we do something, indeed, to save human lives. I urge the passage of this bill."

Senator Yee also rose to speak in favor of the measure as follows:

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

"I'd like to say for the record that, I think, ever since I've been in the State Senate, I have introduced the re-establishment of the death penalty.

"I believe we have given our state a great opportunity in trying to rehabilitate criminals since the early or the middle fifties when the death penalty bill was repealed. I believe we all tried to do what we could to protect the majority of our people by rehabilitating the weak, the sick, and the criminal. Evidently, rehabilitation of the criminal has not worked; it has not worked

in the United States...it is not working here in Hawaii.

"All we have to do is look at the other countries, not just at ourselves, because I think we're the most permissive country in the world and we have the highest rate of crime in the world. We have the most sophisticated system for economic well-being, the highest standard of living; and in crime, we're so far ahead of the other countries, it's shameful.

"Let us look at the countries that are dictatorial, communistic, socialistic, and the way that they treat their criminals. It's a matter of hours, days, weeks, not months or years and years before they put away a person. They have quick justice, fast execution. As a result, you find very, very little crime in those countries.

"Many of you have travelled in those countries that I've talked about. You can walk the streets safely. Here in our own state we don't dare walk in the parks; we don't dare walk certain alleys or streets, and it's very shameful when our people have to live in fear of someone else. It's time that we take a hard stand and reinstate the death penalty. Thank you."

Senator Kuroda also rose to speak for the measure and stated:

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

"Ten years ago, I was elected to this august body in a special election to fill a vacancy caused by the murder of a state senator. Senator Larry Kuriyama was shot to death in his carport by a hired killer with the use of six bullets.

"I support the sentence of death penalty for a hired killer and one who hires the killer. I am certain that it will help deter the potential killer from accepting a contract and for a distraught person to hire a killer. Thank you."

Senator Cobb then added his remarks as follows:

"Mr. President, one brief observation in favor of the bill, and that is the argument that I've heard advanced by many who oppose it on philosophical grounds that the predominant number of people executed will be minorities.

"I asked the Legislative Reference Bureau to research with my office how many people have been executed

in the United States since the death penalty was reinstated, and this is the answer that I've received. I would like to share it with this body.

"It says, since 1976 four persons have been executed. Gary Gilmore was executed on January 7, 1977, in Utah, the first person to be executed in ten years. The others were John Spenkelink on May 25, 1979, in Florida; Jesse Bishop on October 22, 1979, in Nevada; and Steven Judy on March 9, 1981 in Indiana. All four, Mr. President, were white.

"I think, if we consider this bill in terms of the agony that it not only causes us tonight, but the future agony that the Governor, our Judicial system, and everyone else involved with crime will go through, we have to ask ourselves one rather fundamental question, and that is, is the collective agony worth it? My answer, Mr. President, is that if it saves the life of one innocent victim, it's worth it. Thank you."

Senator Uwaine then spoke against the bill as follows:

"Mr. President, I rise to speak against this bill.

"Mr. President, I have been elected to this Legislature for the past four years. When I was first elected, Mr. President, during my first year, I had an experience where I had to sit on the House Judiciary Committee and I sat through a hearing for about four to six hours listening to testimony on the death penalty, a bill the House received from the Senate. The good Senator from the Fifth Senatorial District was at that hearing and he was present at that time. It was a long hearing; there were many people who came to testify for the bill and against the bill; there were people who brought statistics and used statistics in pro and con.

"The thing about it, Mr. President, was that there was this one young lady at that hearing. She sat very patiently throughout the hearing, waiting for her chance. Her turn came about fifteen minutes before we adjourned, which was about 10:00 p.m. Then, Mr. President, she came up and gave a very short presentation, and I remember her distinctly saying, 'Why do we kill someone to show others that killing is wrong?'

"For that reason, Mr. President, I voted 'no' at that time and I shall vote 'no' tonight. Thank you."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 618 was adopted, and, Roll Call vote

having been requested, S.B. No. 4, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL CRIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 11 (Abercrombie, Cayetano, George, Holt, Machida, Mizuguchi, Ushijima, Uwaine, Yamasaki, Young and Wong).

At 8:12 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:30 o'clock p.m.

MATTERS DEFERRED FROM THE MORNING CALENDAR

Senate Bill No. 1449:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 1449, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1810:

By unanimous consent, S.B. No. 1810, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was recommitted to the Committee on Human Resources.

Senate Bill No. 134, S.D. 1:

By unanimous consent, S.B. No. 134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-SENTENCE DIAGNOSIS," was recommitted to the Committee on Judiciary.

Standing Committee Report No. 431 (S.B. No. 569, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 431 and S.B. No. 569, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL," were recommitted to the Committee on Judiciary.

At 9:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:33 o'clock p.m.

Senate Bill No. 354, S.D. 1:

Senator Carpenter moved that S.B. No. 354, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Campbell rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill.

"I think that in reading the committee report the purpose of the bill is to prevent the spread of venereal disease, and according to the committee report 'an unwanted pregnancy.' I'm not sure that's mentioned in the bill, but it is mentioned in the committee report.

"Mr. President, I feel that the bill has a good intention, but I think it's vague in many respects. I think the bill does not clearly indicate where these vending machines are going to be located. The bill specifically prohibits locating these vending machines on school grounds, but it doesn't say exactly where it will be located. I think the bill is also considerably vague as to how it's going to accomplish its stated purpose, and that is to prevent venereal disease and unwanted pregnancy.

"Mr. President, without belaboring the point, I think the bill erroneously assumes that contraceptive devices would be widely used by male teenagers if they were available. I simply feel that an objective study should be made before the state invests in such a program, and I urge defeat of the measure. Thank you."

The motion was put by the Chair and carried and, Roll Call vote having been requested, S.B. No. 354, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF PROPHYLACTICS IN VENDING MACHINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Anderson, Campbell, Henderson, Holt, Kobayashi, Machida, Mizuguchi, O'Connor, Saiki, Soares, Toyofuku and Ushijima).

Standing Committee Report No. 439 (S.B. No. 616, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 439 and S.B. No. 616, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES AS WITNESSES IN CRIMINAL PROCEEDINGS," were recommitted to the Committee on Judiciary.

Senate Bill No. 1748:

By unanimous consent, S.B. No. 1748, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was recommitted to the Committee on Judiciary.

At 9:38 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:39 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 460
(S.B. No. 1955, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 460 and S.B. No. 1955, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 461
(S.B. No. 1956, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 461 and S.B. No. 1956, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 468
(S.B. No. 258, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 468 be adopted and S.B. No. 258, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Soares then rose to state as follows:

"Mr. President, there is typographical error on page 3, line 6 of the bill. The amount of \$10,000 should read \$6,000."

The President announced that the Journal will so reflect the correction.

The motion was put by the Chair and Stand. Com. Rep. No. 468 was adopted and S.B. No. 258, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RELOCATION OF PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 496
(S.B. No. 831, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 496 was adopted and S.B. No. 831, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES COVERED UNDER CHAPTER 89C, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 514
(S.B. No. 1767, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 514 and S.B. No. 1767, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXES ON LIQUID FUEL SOLD OR USED FOR OPERATING MOTOR VEHICLES," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 515
(S.B. No. 397, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 515 be adopted and S.B. No. 397, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I really have a difficult time speaking against this bill, much as I am against it, because the spokesman, the primary proponent of this bill, is such a likeable gentleman. As a matter of fact, I think we are doing him a favor by defeating this bill. Just as soon as this is passed I envision that he will be assigned to a new job category, transferring luggage from plane to plane.

"What concerns me most is that you, Mr. President, as Ways and Means chairman in the past and the predecessor to the present Ways and Means chairman, Senator Cayetano, both objected to this bill. As a matter of fact, I'm informed that the Governor himself vetoed this bill on the grounds that, first of all, it's a tremendous tax loss to the state, in this particular case, amounting to about \$6.5 million and that's a sizeable amount of money.

"The company has been in existence for many years, doing well on a very sound financial basis; as a matter of fact, in a business that is apparently attractive to a point where a third competitor, as of the last few days, has entered into competition with them.

"I believe that to give away this

amount of money at a time when we are short-changed by lack of funds for other needed programs, perhaps, it's not the wisest thing to do. In any case, to me a company that's willing to program out the purchase of new plane equipment amounting to some \$70 million in this purchase plan certainly could afford to continue paying this 4% tax.

"I just read in this morning's paper where the Police Department is short of some \$418,000 to implement its programs so that adequate public protection could be provided at the insistence of the public.

"Revenues in this amount, \$6.5 million, could certainly be put to better use providing for the human services that may have to be curtailed as a result of the appropriate belt tightening that is advocated by the President of the United States.

"I feel that this measure is a sort of a give-away at this point. \$6.5 million is more than we can afford. I urge the body here to vote against this bill."

Senator Cayetano also rose to speak against the bill as follows:

"Mr. President, I rise to speak against this bill.

"According to the committee report, the purpose of this bill is to exempt from the use tax, lease or rented aircraft in intra-state operations. I find that the logic of this bill, or justification for this bill, which is stated in the third paragraph of the committee report—namely, '...to provide equal treatment for local airline companies' and the report goes on to say, 'and that it is in accord with the purpose of the use tax statute in that aircraft and flight equipment purchased abroad does not compete with locally manufactured products.' I find that logic a bit shaky, Mr. President, and I think that if we are going to do a company a favor, we should just come out and say it.

"That logic is shaky because if we want to apply it equally, if equal treatment is the purpose of this bill, what we want to do is apply such treatment to equipment purchased abroad which does not compete with locally manufactured products, then we can apply this exemption to Hertz, the rent-a-cars, to Mack trucks and what have you.

"The bill is going to cost \$6.5 million, as stated by Senator Kawasaki. The Senate has killed this bill for six years. I hope we can add Number 7 to it tonight."

Senator Soares then rose to ask: "Mr. President, I am a director of marketing for one of the airlines and I'd like to know whether I'm in conflict or not?"

The Chair ruled that Senator Soares was not in conflict and that he will vote on the measure.

Senator Soares then remarked: "Mr. President, if I'm going to be forced to vote I should speak for the bill. And that is that I think it's a matter of record that for six years the bill has fallen by the wayside. I think that it's not fair for my predecessor...Senator Kawasaki, to be specific, to indicate that the airlines are 'fat' because right now we're 'bare bones' and barely making it."

Senator Saiki then rose to inquire: "Mr. President, I sit on the Board of Directors of one of the airlines, Hawaiian. I'd like to know if I'll be in conflict by voting on this bill?"

The Chair ruled that Senator Saiki would be in conflict and will be excused from voting.

At this time, Senator Abercrombie rose to inquire:

"Mr. President, I'd like to know if it would be cheaper for me to go to Kona, if the bill passes? I'm quite serious. I wonder if anybody can answer that question?"

Senator Soares remarked: "I'd be happy to be his host to go to Kona."

Senator Abercrombie continued: "The question really was quite serious, and I think the answer was probably serious too, and I'll take Senator Soares up on that...but I don't think I go quite that cheap.

"If I had some idea that as a result of the passage of this bill there would...it would benefit the consumer, including all the people who fly interisland, not only ourselves, but our guests in the state, I think that I might be more inclined to consider it, but I think what will happen here is that if we pass this legislation there will be a windfall to the companies that are involved which will not in turn provide for the consumers that I have mentioned, anything in the way of relief, I don't think that passing tax relief in this particular form is in the public interest."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 515 was adopted and, Roll Call vote

having been requested, S.B. No. 397, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Abercrombie, Carpenter, Cayetano, Kawasaki, Soares and Uwaine). Excused, 1 (Saiki).

Senate Bill No. 1338:

By unanimous consent, S.B. No. 1338, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 98, S.D. 1:

By unanimous consent, S.B. No. 98, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 1066:

By unanimous consent, S.B. No. 1066, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1947, S.D. 2:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 1947, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1359, S.D. 1:

By unanimous consent, action on S.B. No. 1359, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1681, S.D. 2:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, S.B. No. 1681, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Cayetano, Henderson and Soares).

Senate Bill No. 2108, S.D. 1:

By unanimous consent, S.B. No. 2108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was recommitted to the Committee on Housing and Hawaiian Homes.

At 9:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:50 o'clock p.m.

Senate Bill No. 362, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 362, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF AGRICULTURAL ACTIVITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 167, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Carpenter and carried, and Roll Call vote having been requested, S.B. No. 167, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TIME FOR MORAL REFLECTION IN PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 11 (Anderson, Campbell, George, Holt, Kuroda, Machida, Mizuguchi, O'Connor, Saiki, Toyofuku and Ushijima).

MATTER DEFERRED FROM
EARLIER ON THE CALENDAR

Senate Bill No. 1359, S.D. 1:

Senator Cobb moved that S.B. No. 1359, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Uwaine.

Senator Yee, at this time, requested a ruling of the Chair as to a possible conflict of interest on the measure as he is president and chairman of the board of an insurance company, and the Chair ruled that he is excused from voting.

The motion was put by the Chair and S.B. No. 1359, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF
HOUSE BILLS

The President, during the morning calendar, made the following re-referral of House Bills that were received on Tuesday, March 17, 1981:

House Bill Referred to:

No. 741 Committee on Human Resources,
 then to the Committee on Ways and
 Means

No. 1359 Committee on Human Resources,
 then to the Committee on Ways and
 Means

No. 1879 Committee on Human Resources,
 then to the Committee on Ways and
 Means

At this time, Senator Kawasaki, Chairman of the Government Operations and Intergovernmental Relations Committee, requested a waiver of the 48-hour notice of a Public Hearing on the following:

S.C.R. No. 45, entitled: "SENATE
CONCURRENT RESOLUTION REQUESTING
THE UNITED CONGRESS TO PREPARE
AND SUBMIT A CONSTITUTIONAL
AMENDMENT REQUIRING A BALANCING
OF THE FEDERAL BUDGET,"

and the President granted the waiver.

At this time, the Chair made the following announcement:

"Members of the Senate, the Chair would like to thank all Senators for the cooperation and the manner in which third reading bills have been handled. In particular, at this time, I would like to thank Senator Toyofuku and the people he represents, who have made it easier, under the circumstances, to get the business of the Senate done. The Chair is very grateful for the cooperation.

"All I can say is that we've done a good job, our staffs have done excellent jobs and the business of the Senate is now in the hands of the conference committees on the House bills that will be discussed in the next week or so.

"Again, the Chair would like to thank all Senators for their patience and their cooperation."

ADJOURNMENT

At 9:55 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 19, 1980.