

## FORTY-FIFTH DAY

Thursday, April 2, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Mrs. Patricia Herlinger of the First Church of Christ Scientist, after which the Roll was called showing all Senators present.

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

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

Senator Anderson introduced a group of 45 members of the Senior Citizens Nutrition Program from the Waikiki area who are on a visit to the State Capitol and Washington Place.

At this time, Senator Saiki rose on a point of personal privilege and stated as follows:

"Mr. President, I believe the ladies and gentlemen who are with us today from Waikiki will be the last group which will visit the Capitol as part of Andy Anderson's senior citizens program. I think it is very important for us to know that when our state, five years ago, dropped the senior citizens visitation program, our colleague Andy Anderson decided to continue the program with his own energy and his own funds.

"The program has allowed thousands and thousands of senior citizens the opportunity to visit the Capitol, Washington Place, and Iolani Palace, and to come and watch this Senate in action. You have heard him every morning of the session introduce his group.

"I think that it is very important that over the past five years of the existence of this program, Andy Anderson has very generously, out of his own pocket, put out over \$15,000 of his own funds, and more than 7,000 senior citizens have come here under his auspices.

"On behalf of the Senate, Mr. President, I would like all of us to salute our colleague, Andy Anderson, for giving our senior citizens a most worthwhile experience, and I certainly hope... and I'm sure you will join me in hoping... that this spirit of generosity will continue for many more years, because you see, Mr. President, there really is a Santa Claus."

The members of the Senate acknowledged Senator Anderson with a round of applause.

Senator Holt then introduced, on behalf of the Senators from the Fifth Senatorial District, 26 fourth grade students from the Hongwanji Mission School and their teacher Mrs. Dulcie Oshiro.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 272 and 273) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 272), transmitting copies of the 1980 Youth Conservation Corps (YCC) Report (for the five-day residential camps operated on the islands of Hawaii, Maui, and Kauai), prepared by the Department of Land and Natural Resources, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 273), transmitting copies of a report, prepared by the Department of Social Services and Housing, in response to Senate Concurrent Resolution No. 58 (1980), "Requesting the Review and Study of the Formation of a State Interagency Coordination Committee on Child Abuse and Neglect," was referred to the Committee on Human Resources.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 310 and 311) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 310), returning Senate Bill No. 440, which passed Third Reading in the House of Representatives on April 1, 1981, was placed on file.

A communication from the House (Hse. Com. No. 311), returning Senate Bill No. 1111, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1981, was placed on file.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 191 to 193) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 191), entitled: "SENATE RESOLUTION HONORING

AND CONGRATULATING DR. MARY KAWENA PUKUI FOR HER CONTRIBUTIONS TO HAWAIIAN LIFE AND LITERATURE AND HER NOMINATION FOR THE NOBEL PRIZE FOR LITERATURE," was offered by Senators Carpenter, Anderson, Young, Henderson, George, Kobayashi, Kuroda, Uwaine, Saiki, Machida, Soares, Cobb, O'Connor, Campbell, Mizuguchi, Yamasaki, Toyofuku, Cayetano, Wong, Kawasaki, Ajifu, Ushijima, Abercrombie and Holt.

On motion by Senator Carpenter, seconded by Senator Anderson and carried, S.R. No. 191 was adopted.

Senator Carpenter then rose to remark: "Mr. President, I want to commend Dr. Pukui for her contributions throughout her lifetime. It is a proud moment for all of us to recognize her nomination for one of the very coveted prizes in this world, that is, the nomination for the Nobel Prize in Literature."

A resolution (S.R. No. 192), entitled: "SENATE RESOLUTION CONGRATULATING THE MOILIILI MULTI-PURPOSE SENIOR CENTER ON ITS TENTH ANNIVERSARY," was offered by Senators Abercrombie, Uwaine, Yee, Kobayashi, Ushijima, Young, Kuroda, Machida, Holt, George, Ajifu, Soares, Wong, Kawasaki, Carpenter, Cobb, O'Connor, Anderson, Henderson, Campbell, Mizuguchi, Saiki, Cayetano and Toyofuku.

On motion by Senator Kobayashi, seconded by Senator Campbell and carried, S.R. No. 192 was adopted.

A resolution (S.R. No. 193), entitled: "SENATE RESOLUTION HONORING SISTER JOAN CHATFIELD AND COMMENDING HER FOR BEING SELECTED BY THE HONOLULU CITY AND COUNTY COMMITTEE ON THE STATUS OF WOMEN AS ONE OF THE TWELVE OUTSTANDING WOMEN IN OUR COMMUNITY," was offered by Senators Kobayashi, Campbell, Cayetano, Toyofuku, Kuroda, Henderson, Young, George, Saiki, Soares, O'Connor, Kawasaki, Mizuguchi, Uwaine and Ajifu.

On motion by Senator Abercrombie, seconded by Senator Yee and carried, S.R. No. 193 was adopted.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 796) informing the Senate that Senate Resolution Nos. 189 and 190 and Stand. Com. Rep. Nos. 738 to 795 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.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 797) recommending that House Bill No. 1469, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 1469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE FISH AGGREGATING SYSTEM," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1469, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 798) recommending that House Bill No. 212, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 212, H.D. 1, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 799) recommending that House Bill No. 461, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 461, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 461, H.D. 1, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 800) recommending that House Bill No. 1745, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the Committee was adopted and H.B. No. 1745, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESISTING AN ORDER TO STOP A MOTOR VEHICLE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1745, H.D. 1, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 801) recommending that House Bill No. 241, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 241, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXCISE TAX CREDIT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 241, H.D. 1, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 802) recommending that House Bill No. 538, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 538, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO SECURE LONG-TERM MORTGAGE REFINANCING FOR THE POHAI NANI GOOD SAMARITAN KAUHALE HEALTH CARE FACILITY," passed Second Reading and was placed

on the calendar for Third Reading on Monday, April 6, 1981, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 538, H.D. 2, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 803) recommending that House Bill No. 694 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 694, entitled: "A BILL FOR AN ACT RELATING TO PETTY CASH FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 694.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 804) recommending that House Bill No. 721, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 721, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PACIFIC WAR MEMORIALS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 721, H.D. 1, S.D. 1.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 809) recommending that House Bill No. 1103, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the majority

of the Committee was adopted and H.B. No. 1103, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1103, H.D. 1, S.D. 1.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 810) recommending that House Bill No. 1124, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the majority of the Committee was adopted and H.B. No. 1124, H.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," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1124, H.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 811) recommending that House Bill No. 1604, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1604, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE CAMPAIGN SPENDING LAW."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 812) recommending that House Bill No. 1680, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1680, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 813) recommending

that House Bill No. 1724, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1724, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM OF THE STATE OF HAWAII."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 805) recommending that House Bill No. 800 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 800, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 800.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 806) recommending that House Bill No. 805, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 805, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE TAXATION OF REAL PROPERTY TO THE COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 805, H.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 807) recommending that House Bill No. 1060 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee

was adopted and H.B. No. 1060, entitled: "A BILL FOR AN ACT RELATING TO URBAN RENEWAL," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1981.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1060.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 808) recommending that House Bill No. 1100, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the majority of the Committee was adopted and H.B. No. 1100, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEE FOR CIVIL IDENTIFICATION CERTIFICATE," passed Second Reading and was placed on the calendar for Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1100, H.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 814) recommending that House Bill No. 1867, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1867, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF COPIES OF MAPS AND PLANS OF LANDS," passed Second Reading and was placed on the calendar for Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 1867, H.D. 1.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

#### ORDER OF THE DAY

#### THIRD READING

House Bill No. 150:

By unanimous consent, action on H.B. No. 150, entitled: "A BILL FOR

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 10, OF THE CONSTITUTION OF THE STATE OF HAWAII TO PERMIT FELONY TRIALS AFTER PRELIMINARY HEARINGS," was deferred until Friday, April 3, 1981.

House Bill No. 174, H.D. 1, S.D. 1:

Senator Carpenter moved that H.B. No. 174, H.D. 1, S.D. 1, 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'd just like to say a brief word about this. This is a bill which would take the plea of *nolo contendere* in an antitrust case where it is given by a defendant, and prevent it from being used in later civil antitrust action.

"The purpose of this law as it presently exists is plain and that is to deter antitrust. We are requested to do this both by the Attorney General's office and the business community as it benefits each. The Attorney General's office will be able to get more people to plead guilty in its criminal side, and the business community will therefore benefit.

"I suggest that the purpose of this law is to deter antitrust across-the-board.

"Pleas of *nolo contendere* are taken as pleas of guilty in court and treated as such by the court. There's no reason in the world why they shouldn't be used later in a civil action in order to ensure that antitrust is deterred in the future.

"I would vote 'no' against this bill."

Senator Cobb briefly stated: "Mr. President, I am going to vote 'no' for precisely the same reason."

The motion was put by the Chair and carried, and H.B. No. 174, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION AND PRACTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

By unanimous consent, action

on H.B. No. 201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS," was deferred until Friday, April 3, 1981.

House Bill No. 205, S.D. 1:

By unanimous consent, action on H.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," was deferred until Friday, April 3, 1981.

House Bill No. 238:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 238, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 9, OF THE HAWAII CONSTITUTION, TO PROVIDE FOR THE METHOD OF PAYMENT OF LEGISLATIVE SALARIES," 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, 24. Noes, 1 (Ushijima).

House Bill No. 338, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 338, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," was recommitted to the Committee on Judiciary.

House Bill No. 339, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 339, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BALLOTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 423, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 423, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 428:

By unanimous consent, H.B. No. 428, entitled: "A BILL FOR AN ACT

RELATING TO WOMEN," was recommitted to the Committee on Judiciary.

House Bill No. 429:

By unanimous consent, H.B. No. 429, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE MAINTENANCE," was recommitted to the Committee on Judiciary.

House Bill No. 456, S.D. 1:

By unanimous consent, H.B. No. 456, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER AND GENDER," was recommitted to the Committee on Judiciary.

House Bill No. 459:

By unanimous consent, action on H.B. No. 459, entitled: "A BILL FOR AN ACT RELATING TO THE VALUATION OF PROPERTY," was deferred until Friday, April 3, 1981.

House Bill No. 540, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 540, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON JUDGMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 549, H.D. 1, S.D. 1:

Senator Carpenter moved that H.B. No. 549, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator O'Connor then spoke against the measure as follows:

"Mr. President, I rise to speak against this bill. This bill will give the police officer the right to arrest anyone at any time for a crime without probable cause.

"We've come a long way in our judicial system, in our legal system and, generally, over the years it has been required, first of all, that for misdemeanor cases a police officer witness the crime before he is able to arrest. We changed this law just last year, and we allowed arrest for misdemeanors, where the police officer had probable cause to make the arrest when the facts and circumstances within the officer's knowledge or where he had reasonable, trustworthy information in order to make the arrest.

"With this change, we essentially go back to what could be a police state. I urge all members to vote against this measure."

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

At this time, Senator Carpenter rose to remark as follows:

"Mr. President, on a point of clarification, the bill specifically states that 'a police officer or other officer of justice may without warrant arrest and detain for examination such persons as may be found under such circumstances as to justify probable cause, to believe that they have committed an offense, whether in the officer's presence or otherwise.'"

"I believe that language addresses the concern of the previous speaker."

The motion was put by the Chair and carried, and H.B. No. 549, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARREST BY POLICE OFFICERS WITHOUT WARRANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 567, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 567, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was recommitted to the Committee on Judiciary.

House Bill No. 582, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 582, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT MONITORING OF GUARDIANSHIPS," 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).

House Bill No. 1125, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1125, H.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, 25. Noes, none.

House Bill No. 1126, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1126, 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, 25. Noes, none.

House Bill No. 1523, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1523, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred until Friday, April 3, 1981.

House Bill No. 1657:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1657, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST SUITS BY THE STATE; AMOUNT OF RECOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, O'Connor, Ushijima and Yee).

House Bill No. 1881, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1881, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," was deferred until Friday, April 3, 1981.

House Bill No. 20, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 20, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 185:

By unanimous consent, action on H.B. No. 185, entitled: "A BILL FOR AN ACT RELATING TO BALL OR MARBLE MACHINES," was deferred until Friday, April 3, 1981.

House Bill No. 301:

By unanimous consent, H.B. No. 301, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was recommitted to the Committee on Consumer Protection and Commerce.

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

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 393, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 495, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 494, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 514, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 514, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," was deferred until Friday, April 3, 1981.

House Bill No. 774, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 774, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERSE PEER REVIEW COMMITTEE REPORTS," was deferred until Friday, April 3, 1981.

House Bill No. 781, S.D. 1:

By unanimous consent, H.B. No. 781, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES," was recommitted to the Committee on Consumer Protection and Commerce.

House Bill No. 930, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 930, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1466, H.D. 1:

By unanimous consent, action on H.B. No. 1466, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES," was deferred until Friday, April 3, 1981.

House Bill No. 1471, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 1471, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1484, H.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 1484, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1736, H.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 1736, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 477, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 477, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE OF HOUSEHOLD FURNITURE AND FURNISHINGS IN DWELLING HOUSES," having been read throughout,

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

Ayes, 22. Noes, 3 (Holt, Toyofuku and Ushijima).

At this time, Senator O'Connor rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"I would like to request that the Chair adopt some other method of handling these bills that are recommitted to preclude members that are not privy of the fact that they are going to be recommitted from going through an awful lot of work and research in looking at the bills, determining whether or not they are meritorious or have demerits, and coming to the floor ready to argue for or against them, only to have the bill recommitted at the twenty-third and three-quarters hour. There must be a better way of running a railroad."

Senator Cobb responded: "Mr. President, in direct rebuttal to that, a lot of the decisions to recommit are not made until the caucus meets and a discussion is held on the bill, and then if there is agreement in the caucus either to a recommitment or a deferment of one day, it is made; so it is not until the perusal of the bill by the majority of members of the Senate is conducted that any such decision is made."

Senator Anderson added: "Mr. President, I might add that for 18 years I've had the same thing happen to me."

Senator Cobb responded: "Welcome to the majority."

Senator O'Connor then asked:

"Mr. President, could you have those caucuses a little bit earlier than immediately before the third reading; maybe if you had them one day earlier the rest of us don't have to go through so much effort."

The Chair answered: "Okay."

At 12:12 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Senator Uwaine moved that the Senate reconsider its action taken on House Bill No. 748, S.D. 1, seconded by Senator Cobb and carried.

On motion by Senator Uwaine, seconded by Senator Cobb and carried, H.B. No. 748, S.D. 1, entitled: "A BILL FOR AN ACT TO TEMPORARY DISABILITY INSURANCE," was recommitted to the Committee on Human Resources.

At this time, Senator Yee rose to announce as follows:

"Mr. President, I was just informed by Representative Kinau Kamalii, during the recess, that she received a message from the White House, President Reagan's office, that the Native Hawaiian Study Commission will be reestablished and that the new commission members will be appointed shortly."

#### RE-REFERRAL OF A HOUSE BILL

The President made the following re-referral of a House Bill that was received on Thursday, March 19, 1981:

House Bill                      Referred to:

No. 1870, H.D. 1    Jointly to the Committee  
on Ways and Means and the Committee  
on Human Resources

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

#### ADJOURNMENT

At 12:21 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, April 3, 1981.