

FORTY-SIXTH DAY

Friday, April 3, 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 Thomas Nolan, Assistant Chancellor, Roman Catholic Diocese of Honolulu, after which the Roll was called showing all Senators present.

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

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

Senator Kuroda introduced, from the Marshall Islands, Trust Territory, Mr. Gina Lavin, the Minister of Social Services and a senator serving in the Congress of the Marshall Islands, known as the Nitigela.

Senator Holt introduced 25 fourth grade students from the Hongwanji Mission School, with their teacher, Mrs. Cecilia Lindo.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 312 to 316) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 312), returning Senate Bill No. 466, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1981, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 466, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS INTO THE STATE TREASURY," was deferred until Monday, April 6, 1981.

A communication from the House (Hse. Com. No. 313), returning Senate Bill No. 587, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1981, was placed on file.

A communication from the House (Hse. Com. No. 314), returning Senate Bill No. 591, which passed Third Reading in the House of Representatives on April 2, 1981, was placed on file.

A communication from the House (Hse. Com. No. 315), returning

Senate Bill No. 599, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1981, was placed on file.

A communication from the House (Hse. Com. No. 316), returning Senate Bill No. 659, which passed Third Reading in the House of Representatives on April 2, 1981, was placed on file.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 63), entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ALLOW AN EXPERIMENT ON THE ENVIRONMENTAL EFFECTS OF CERTAIN WATER CONSERVATION DEVICES," was offered by Senators Kobayashi, Cayetano, Ushijima, Machida, Young, Yee, Anderson, Saiki, Henderson, Soares, Carpenter, Ajifu, George and Holt and was read by the Clerk.

By unanimous consent, S.C.R. No. 63 was referred to the Committee on Ecology, Environment and Recreation.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 194 to 198) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 194), entitled: "SENATE RESOLUTION REQUESTING A PROGRAM OF PRIORITY IMPROVEMENTS FOR THE WAIKIKI VISITOR DESTINATION AREA," was offered by Senators Kuroda, Soares, Henderson, Mizuguchi and Kawasaki.

By unanimous consent, S.R. No. 194 was referred to the Committee on Tourism.

A resolution (S.R. No. 195), entitled: "SENATE RESOLUTION COMMENDING THE HAWAIIAN ASSOCIATION OF FUTURE FARMERS OF AMERICA ON ITS 52ND ANNIVERSARY," was offered by Senators Ajifu, George, Soares, Kuroda, Henderson, O'Connor, Uwayne, Kobayashi, Cayetano, Holt, Saiki, Yamasaki, Yee, Cobb, Campbell, Carpenter, Young, Ushijima, Machida and Kawasaki.

On motion by Senator Ajifu, seconded by Senator George and carried, S.R. No. 195 was adopted.

A resolution (S.R. No. 196), entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ALLOW AN EXPERIMENT ON THE ENVIRONMENTAL EFFECTS OF CERTAIN WATER CONSERVATION DEVICES," was offered by Senators

Kobayashi, Soares, Cayetano, Ushijima, Machida, Young, Yee, Anderson, Saiki, Henderson, Holt, Carpenter, Ajifu and George.

By unanimous consent, S.R. No. 196 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 197), entitled: "SENATE RESOLUTION COMMENDING CAROLE ANN GIBBS 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, Wong, Henderson, Soares, Ushijima, Machida, Young, Cayetano, O'Connor, Toyofuku, Yee, Anderson, Saiki, Holt, Carpenter, Ajifu and George.

On motion by Senator Kobayashi, seconded by Senator Cobb and carried, S.R. No. 197 was adopted.

A resolution (S.R. No. 198), entitled: "SENATE RESOLUTION CONGRATULATING THE SEICHO-NO-IE CHURCH ON THE 25TH ANNIVERSARY OF ITS SUNDAY SCHOOL PROGRAM," was offered by Senator Uwaine, Kawasaki, George, Kobayashi, Ajifu, Cobb, Carpenter, Kuroda, Cayetano, Soares, Saiki and Abercrombie.

On motion by Senator Uwaine, seconded by Senator Kawasaki and carried, S.R. No. 198 was adopted.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 815) informing the Senate that Senate Resolution Nos. 191 to 193 and Standing Committee Report Nos. 797 to 814 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 Kawasaki, for the Committee on Government Operations and Intergovernmental Relations, presented a report (Stand. Com. Rep. No. 816) recommending that House Bill No. 526, 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 Kawasaki, seconded by Senator Ajifu and carried, the report of the Committee was adopted and H.B. No. 526, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

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. 526, H.D. 1, S.D. 1.

Senator Uwaine, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 817) recommending that House Bill No. 748, S.D. 1, as amended in S.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and H.B. No. 748, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," 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. 748, S.D. 2.

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 818) recommending that House Bill No. 467, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 467, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FISH AND WILDLIFE ADVISORY COMMITTEES," 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. 467, S.D. 1.

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 819) recommending that House Bill No. 763 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 763, entitled: "A BILL FOR AN ACT RELATING TO NATURAL

AREA RESERVES 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. 763.

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 820) recommending that House Bill No. 1232 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 1232, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," 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. 1232.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 821) recommending that House Bill No. 32, 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 Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and H.B. No. 32, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF EDUCATION," 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. 32, H.D. 1, S.D. 1.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 822) recommending that House Bill No. 33, H.D. 2, as amended in S.D. 1, pass Second Reading and was placed on the calendar for Third Reading.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and H.B. No. 33, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO PUBLIC LIBRARIES," 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. 33, H.D. 2, S.D. 1.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 823) recommending that House Bill No. 1648, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and H.B. No. 1648, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," 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. 1648, S.D. 1.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 824) recommending that House Bill No. 1765, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, the report of the Committee was adopted and H.B. No. 1765, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION," 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. 1765, S.D. 1.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 825) recommending that House Bill No. 506, 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 Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 506, H.D. 1, S.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO COMMUNICABLE DISEASES," 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. 506, H.D. 1, S.D. 1.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 826) recommending that House Bill No. 738 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 738, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," 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. 738.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 827) recommending that House Bill No. 1108, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 1108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAHI HOSPITAL," 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. 1108, S.D. 1.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 828) recommending that House Bill No. 1514, 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 Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 1514, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT PROVIDING THAT EYE

ENUCLEATION MAY BE PERFORMED BY TRAINED TECHNICIANS," 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. 1514, H.D. 1, S.D. 1.

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. No. 829) recommending that House Bill No. 1679, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 1679, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," 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. 1679, S.D. 1.

Senator George, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 830) recommending that House Bill No. 823, 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 George, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," 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. 823, H.D. 1, S.D. 1.

Senator George, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 831) recommending that House Bill No. 1022, 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 George, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 1022, H.D. 1, S.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," 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. 1022, H.D. 1, S.D. 1.

Senator George, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 832) recommending that House Bill No. 1176, 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 George, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 1176, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS," 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. 1176, H.D. 1, S.D. 1.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 833) recommending that House Bill No. 200, H.D. 1, 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 majority of the Committee was adopted and H.B. No. 200, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS," 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. 200, H.D. 1, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 834) recommending that House Bill No. 328, 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. 328, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS."

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 835) recommending that House Bill No. 541, 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. 541, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," 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. 541, H.D. 1, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 836) recommending that House Bill No. 585, 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. 585, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS ACTING AS GUARDIANS," 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. 585, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 837) recommending that House Bill No. 1255, 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. 1255, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION FOR THE OFFICE OF HAWAIIAN AFFAIRS."

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 838)

recommending that House Bill No. 1337, 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 majority of the Committee was adopted and H.B. No. 1337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES," 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. 1337, H.D. 1, S.D. 1.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 839) recommending that House Bill No. 204, 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 majority of the Committee was adopted and H.B. No. 204, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," 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. 204, H.D. 1, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 840) recommending that House Bill No. 567, 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. 567, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Senator Cayetano, for the Committee on Health, presented a report (Stand. Com. Rep. 841) recommending that House Bill No. 924, 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 Cayetano,

seconded by Senator Carpenter and carried, the report of the Committee was adopted and H.B. No. 924, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISION AND HEARING SCREENING," 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. 924, H.D. 2, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 842) recommending that House Bill No. 338, 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. 338, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 843) recommending that House Bill No. 84, 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 Cobb and carried, the report of the majority of the Committee was adopted and H.B. No. 84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," 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. 84, H.D. 1, S.D. 1.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 844) recommending that House Bill No. 1550, 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 Anderson and carried, the report of the majority of the Committee was adopted and H.B. No. 1550, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND OTHER AFFIRMATIVE DEFENSES," 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. 1550, H.D. 1, S.D. 1.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 845) recommending that House Bill No. 300, 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 majority of the Committee was adopted and H.B. No. 300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," 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. 300, S.D. 1.

Senator Kobayashi, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 846) recommending that House Bill No. 760, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kobayashi, seconded by Senator George and carried, the report of the Committee was adopted and H.B. No. 760, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," 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. 760, S.D. 1.

Senator Carpenter, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 847) recommending that House Bill No. 293, H.D. 1, as amended in S.D. 1, pass Second Reading and was placed on the calendar for Third Reading.

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, the report of the majority of the Committee was adopted and H.B. No. 293, H.D. 1, S.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," 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. 293, H.D. 1, S.D. 1.

ORDER OF THE DAY

THIRD READING

House Bill No. 66, H.D. 2, S.D. 1:

Senator Yamasaki moved that H.B. No. 66, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Kawasaki rose to inquire as follows:

"Mr. President, may I direct an inquiry to the chairman of the committee, please?"

The Chair answered in the affirmative.

Senator Kawasaki continued:

"The language in the committee report says that while we make a \$5,000 appropriation for the protocol fund, this will be matched on a one-to-one basis by the Office of Hawaiian Affairs from revenues derived from the Public Land Trust proceeds. Does that mean a total of \$10,000 for the protocol fund?"

Senator Young replied:

"No, my understanding is that this \$5,000 will be limited to the protocol fund and that the rest would be matching funds."

Senator Kawasaki added:

"For a total of no more than \$5,000 for the protocol fund?"

Senator Young answered: "Yes."

Senator Kawasaki then expressed his concerns as follows:

"Mr. President, I wish to speak against the passage of this bill.

"I'm a little concerned about the almost carte blanche approval of 32 positions for an office that is not quite in one year of existence. I don't know that we could give this kind of carte blanche approach to a request for staffing. If they find out, after one or two years' experience, that this number of positions are required,

that is one thing; but right at the outset, at the inception of this particular agency's operation, for us to say, 'okay, you've got some 32 positions,'... I don't know if they even know how to use these 32 positions.

"I think perhaps this is a relinquishment of some legislative control... some reasonable control. For that reason and the protocol fund, again, I think we are setting a bad precedent in designating, by statute, a provision for a certain amount of money for a protocol fund.

"We have the Governor's budget for his own Washington Place operation, which of course takes into consideration a lot of the requirements for the Governor to have certain protocol funds. We don't call it protocol funds. We give him a \$250,000 allotment for his incidental expenses and a contingency fund, but we don't designate anything as a protocol fund. Once we start doing this, using this kind of a term, then perhaps other agencies will be coming to us with a specific statutory designation of a fund called protocol fund; and I don't think the taxpayers, in this era of inflation and high cost of living for them, are going to take too kindly to us establishing a protocol fund.

"These are some of the reasons I have and for these reasons I wish to vote against the passage of this bill."

The motion was put by the Chair and carried, and H.B. No. 66, H.D. 2, 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, 21. Noes, 4 (Ajifu, Cobb, George and Kawasaki).

House Bill No. 564, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 564, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFUND OF VEHICULAR WEIGHT TAX FOR STOLEN VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 706, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 706, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 722, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 722, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAJOR DISASTER FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 726, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 726, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 728, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 728, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 729, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 729, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 795, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried,

H.B. No. 795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILING OF RETURNS FOR TAXATION PURPOSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 798, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 798, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON UNDERPAYMENTS AND OVERPAYMENTS," was recommended to the Committee on Ways and Means.

House Bill No. 804, S.D. 1:

By unanimous consent, action on H.B. No. 804, S.D. 1, was deferred to the end of the afternoon calendar.

House Bill No. 923, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 923, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 926, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 926, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF TAX RETURNS AND INFORMATION IN TAX RETURNS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 944, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1122, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, H.B. No. 1122, S.D. 1, 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.

House Bill No. 1437, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 1437, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommended to the Committee on Ways and Means.

House Bill No. 160, H.D. 2:

On motion by Senator George, seconded by Senator Kawasaki and carried, H.B. No. 160, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY HIGHWAYS, SIDEWALKS, WHARVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 687, H.D. 1:

On motion by Senator George, seconded by Senator Kawasaki and carried, H.B. No. 687, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Holt, O'Connor, Machida, Mizuguchi, Toyofuku and Ushijima).

House Bill No. 820, H.D. 1, S.D. 1:

On motion by Senator George, seconded by Senator Kawasaki and carried, H.B. No. 820, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIAN CONTROL SIGNALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1748:

On motion by Senator George, seconded by Senator Kawasaki and carried, H.B. No. 1748, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1885:

On motion by Senator George, seconded by Senator Kawasaki and carried, H.B. No. 1885, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 732, H.D. 1:

On motion by Senator Kobayashi, seconded by Senator George and carried, H.B. No. 732, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 761:

On motion by Senator Kobayashi, seconded by Senator George and carried, H.B. No. 761, entitled: "A BILL FOR AN ACT RELATING TO THE MARINE LIFE CONSERVATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 762, S.D. 1:

On motion by Senator Kobayashi, seconded by Senator George and carried, H.B. No. 762, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME BIRDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Anderson, Carpenter, Cayetano and Holt).

House Bill No. 764:

On motion by Senator Kobayashi, seconded by Senator George and carried, H.B. No. 764, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF WILDLIFE AND PLANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 432, S.D. 1:

On motion by Senator Henderson, seconded by Senator Yee and carried,

H.B. No. 432, 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.

House Bill No. 759:

On motion by Senator Henderson, seconded by Senator Yee and carried, H.B. No. 759, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF OCCUPATION AND HOMESTEAD LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 771:

On motion by Senator Henderson, seconded by Senator Yee and carried, H.B. No. 771, entitled: "A BILL FOR AN ACT RELATING TO THE IMPOSITION OF RULES DURING SHORTAGES OF PETROLEUM PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 14, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 14, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 496, H.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 496, H.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. 579, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 579, 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. 772, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, H.B. No. 772, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1555:

By unanimous consent, H.B. No. 1555, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was recommitted to the Committee on Consumer Protection and Commerce.

House Bill No. 1770, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, H.B. No. 1770, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES RECOVERY FUND LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED
FROM APRIL 2, 1981

THIRD READING

House Bill No. 150:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, 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," 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, 18. Noes, 7 (Campbell, Cayetano, Holt, Mizuguchi, O'Connor, Ushijima and Uwayne).

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

By unanimous consent, H.B. No. 201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS," was recommitted to the Committee on Judiciary.

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

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 459:

By unanimous consent, H.B. No. 459, entitled: "A BILL FOR AN ACT RELATING TO THE VALUATION OF PROPERTY," was recommitted to the Committee on Judiciary.

At 11: 38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12: 22 o'clock p.m.

At this time, Senator Abercrombie introduced an old friend of his and of the other members of the House of Representatives and the Senate, and who has come back from Boston, ex-Representative Carl Takamura.

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

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1523, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1881, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 185:

Senator Cobb moved that H.B. No. 185 having been read throughout, pass Third Reading, seconded by Senator Uwayne.

Senator Anderson then offered the following amendment:

"SECTION 1. House Bill No. 185, Section 1, is amended as follows:

1. By amending page 1 in its entirety to read:

'SECTION 1. Sections 445-41, 445-42, and 445-43, Hawaii Revised Statutes, are amended to read as follows:

'§445-41 Annual license.
No person shall operate or permit to be operated on any premises under his control, for profit any video or electronic game or any machine or device used as a game or sport in which balls or marbles are projected against obstacles governing their course toward or away from various slots or receptacles, without first having obtained from the treasurer of the county an annual license therefor, for which shall be charged, and collected as a county realization, the sum of \$5 for each machine or device.

'Nothing herein shall be deemed to authorize the licensing of any gambling device.'

'§445-42 Penalty. Any person violating section 445-41 shall be fined not more than \$1,000 or imprisoned not more than one year, or both, and any such video or electronic game or

2. By amending line 4 on page 2 to read:

'to play video or electronic games or machines; penalty. It shall be unlawful for any:

3. By amending lines 5 and 6 on page 2 to read:

'person operating or in charge of the operation of any video or electronic game or ball or'

Senator Anderson moved that the amendment be adopted, seconded by Senator Cobb.

Senator Ushijima then asked:

"What does the amendment do? Will the Senator explain?"

In answer thereto, Senator Anderson replied:

"The amendment would make the playing of video or electronic game machines by minors, a penalty, as it is with pinball machines."

Senator Ushijima questioned further:

"What is a video machine?"

Senator Anderson answered as follows:

"A video machine is a machine that you will find in some of these commercial houses of television screen types; a video is a television electronic game played by electronics."

Senator Ushijima then asked:

"Is it bad for minors?"

Senator Anderson replied:

"Yes, I think it's bad for minors, Senator, as is a pinball machine; I think the playing of these games by children throughout the state is bad; I think school lunch money is spent on the machines; I think it's a place for loitering; I think it adds to truancy; I think it adds and contributes to possibly school hijacking of lunch money from one student by another. I personally feel very strongly about this."

Senator Ushijima then remarked:

"I had the impression that it was very educational."

Senator Anderson stated:

"That could be your judgment."

Senator Kawasaki then rose and remarked as follows:

"I, too, oppose passage of this bill, primarily because I think the playing of these video machines by kids is quite a common practice. Unfortunately, not all kids have families opulent enough to be able to afford these little attachments that they use on their home TV sets. I know certain friends of mine who have these things and they cost a good deal of money; and for kids who are this fortunate, that's fine, but I think a lot of kids do not have this kind of home environment, and perhaps just precluding the ability to spend a quarter to play one of these games may not be really fair to some of these kids whose families can't afford it. I just wonder if we're not getting a little too restrictive by passing this kind of a bill."

Senator Anderson noted:

"Mr. President, just to clarify that briefly. These so-called video games for home utilization are as low as \$19.95. That's not too many quarters, compared to what these kids are spending all day long in these amusement parlors."

Senator O'Connor remarked:

"Mr. President, this is a bad year for children. We've taken away their dogs; we've taken away their cats; and now we're going to take away their Star War games. The momentous things before this body are astounding."

Senator Abercrombie then stated:

"Mr. President, I too would be as amused as the previous speaker and some others, if some of the points raised by Senator Anderson were not so serious. The plain fact of the matter is that, again, with respect to the previous speaker's commentary, we've obviously not taken anybody's dog away from them or cat. On the contrary, what we did is on behalf of those who are trying to stop cruelty to animals.

"In this particular bill--on the surface it might seem to those who have taken only a superficial glance--that we are unduly restricting or unfairly preventing young people from having some source of amusement. On the contrary, if one is privy to the reports that I have been getting recently since becoming chairman of the education committee, you will find that the points briefly but incisively stated by Senator Anderson are in fact true. The fact that we have not had sufficient coverage in terms of truancy, sufficient reporting in terms of criminal activity on campuses, people concerned about what's happening to young people on the basis of the kind of profit they are able to derive from their activity; the fact that all these things have occurred is not an excuse to continue to either allow it to occur or to encourage it. If we are to deal with truancy, if we are to deal with the real problem of hijacking on the campuses, if we are to deal with the problem of juvenile delinquency associated with it, I think that it's only right that we do it at this time.

"I don't see that there's any harm coming from anything that we have done previously in association with liquor, in association with cigarettes, in association with preventing or causing laws to come into existence to protect minors from exposure to adult films. All of these actions are taken on behalf of people, who be definition, unless they are emancipated by law, are assumed to be under the care of responsible adults.

"The situation we find right now is that we have simply acquiesced to allow these things to come into existence where minors are concerned, and have not taken into account deliterious effects that have taken place. They're not

simple amusement in many instances, quite the opposite, and the points raised by Senator Anderson in defense of his amendment are such that they should be taken and regarded with the seriousness of the propositions that were put forward, that are inherent in the propositions that were put forward by him."

Senator Kawasaki then noted:

"Mr. President, just to clarify some information that was articulated by the good Senator from the Third District. These adapters for home use are supplementary to using your TV set. These adapters cost on the average of \$179 and each of these cassettes with different types of video games cost about \$21 apiece, so it's not \$19.91 as has been stated by the good Senator."

Senator Anderson remarked:

"Mr. President, as one who has been in the business for a long time in these kinds of machines, they are as low as \$19.91. Now, if you have a Cadillac taste, I guess you can buy it like you buy a Cadillac, but there are machines on the market, very, very low and very, very reasonable. There are, of course, the more elaborate ones which you spend \$149, \$159 for, but this type of game allows you to buy an ongoing type of cassette where you can have a trillion different games as the years go by, like razor blades, but there is a range, and there is a limitation. To stand up and say there is no inexpensive game is ridiculous, and I might say, also, Mr. President, that maybe this is an extreme position, but in conference there is common ground.

"We aren't trying to deny children access to these machines; maybe accompanied by an adult is a reasonable ground that we can arrive at in conference. I do not believe that, as it stands today, it is reasonable or fair. I think these children, in their lack of wisdom and knowledge, need guidance. We have a hundred laws in which we prohibit children from making everyday decisions in his or her life; but putting these machines next to schools and in places where temptation is very, very great, where they spend their lunch money, and where they spend money that they can hijack from other children and where they pump their entire allowance is ridiculous. I think there is common ground on which to bring these under control and to allow the police and the parents some control of kids loitering and gathering and spending all of their allowance.

"I think it's a good amendment and hopefully, in conference, we can find common ground."

Senator Cobb then rose and stated as follows:

"Mr. President, I think it might help to put in legal context--the purpose of this bill as it came from the House--what we're trying to address in the floor amendment.

"This bill, as it came from the House, would have repealed Sections 445-41, -42 and -43 of the Hawaii Revised Statutes to comply with the recent State Supreme Court decision. The court ruled that the law's prohibition against the operation of pinball machines by minors has 'the effect of singling out an activity which is not inherently different from those which are legally permissible.' The court found that the playing of electronic and video games by minors, which is not prohibited by the law, was not inherently different from the playing of ball or marble machines.

"The effect of this amendment then is to make the law consistent and to address the problem raised and judged upon by the court--namely, to eliminate any distinction from the playing of ball and marble machines and the playing of video games.

"For that reason, Mr. President, I think the amendment should be adopted."

Senator O'Connor then commented:

"I guess poor old Kane Fernandez loses all of his games too, because the kids have a terrible time with their lunch money at Kane Fernandez' games at all the school carnivals."

The motion to adopt the amendment was put by the Chair and carried.

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. 185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BALL OR MARBLE MACHINES."

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

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 514, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:36 o'clock p.m.

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

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 774, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERSE PEER REVIEW COMMITTEE REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Cobb, seconded by Senator Uwaine and carried, H.B. No. 1466, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:37 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.

AFTERNOON SESSION

The Senate reconvened at 5:00 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 317 to 324) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 317), returning Senate Bill No. 523, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 523, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW," was deferred until Monday, April 6, 1981.

A communication from the House

(Hse. Com. No. 318), returning Senate Bill No. 530, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 530, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," was deferred until Monday, April 6, 1981.

A communication from the House (Hse. Com. No. 319), returning Senate Bill No. 600, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 600, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICING PSYCHOLOGISTS," was deferred until Monday, April 6, 1981.

A communication from the House (Hse. Com. No. 320), returning Senate Bill No. 1359, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1359, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Monday, April 6, 1981.

A communication from the House (Hse. Com. No. 321), returning Senate Bill No. 1628, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1628, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPAIRATIONS," was deferred until Monday, April 6, 1981.

A communication from the House (Hse. Com. No. 322), returning Senate Bill No. 28, which passed Third Reading in the House of Representatives on April 3, 1981, was placed on file.

A communication from the House (Hse. Com. No. 323), returning Senate Bill No. 273, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981, was placed on file.

A communication from the House (Hse. Com. No. 324), returning Senate Bill No. 646, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1981,

was placed on file.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 64), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MOTOR VEHICLE REGISTRATION DIVISION TO GRANT A FIFTEEN DAY GRACE PERIOD WITH REGARD TO THE DEADLINE FOR APPLYING FOR 1981 MOTOR VEHICLE REGISTRATION AND THE POLICE DEPARTMENT TO REFRAIN FROM CITING VEHICLES FOR BEING IMPROPERLY LICENSED FOR THE SAME PERIOD OF GRACE," was offered by Senators Wong, Anderson and Toyofuku and was read by the Clerk.

On motion by Senator Cobb, seconded by Senator Anderson and carried, S.C.R. No. 64 was adopted.

STANDING COMMITTEE REPORTS

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 848) recommending that House Bill No. 1511, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 848 and H.B. No. 1511, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 849) recommending that House Bill No. 1769, 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 Cobb, seconded by Senator Uwayne and carried, the report of the Committee was adopted and H.B. No. 1769, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES AND MORTUARIES," 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. 1769, H.D. 1, S.D. 1.

Senators Uwayne and Yamasaki, for the majority of the Committee on Human Resources and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 850) recommending that House Bill No. 1870, 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 Uwaine, seconded by Senator Yamasaki and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1870, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS OF THE STATE AND MAKING APPROPRIATIONS THEREFOR," 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. 1870, H.D. 1, S.D. 1.

Senators Kobayashi and Henderson, for the Committee on Ecology, Environment and Recreation and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 851) recommending that House Bill No. 511, 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 Kobayashi, seconded by Senator Henderson and carried, the joint report of the Committee was adopted and H.B. No. 511, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," 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. 511, H.D. 1, S.D. 1.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 852) recommending that House Bill No. 754, 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 Henderson, seconded by Senator Yee and carried, the report of the Committee was adopted and H.B. No. 754, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISH CATCH REPORTS," 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. 754, H.D. 1, S.D. 1.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 853) recommending that House Bill No. 822, 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. 822, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE OF BREACH OR DEFAULT OF AGREEMENTS FOR USE OF STATE LAND," 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. 822, S.D. 1.

Senator Henderson, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 854) recommending that House Bill No. 1590, 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. 1590, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 855) recommending that House Bill No. 781, 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. 781, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 856) recommending that House Bill No. 2, 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. 2, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET," 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. 2, 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. 857) recommending that House Bill No. 125, H.D. 2, as amended in S.D. 1, 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. 125, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANUFACTURING ENTERPRISES."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 858) recommending that House Bill No. 126, H.D. 2, as amended in S.D. 1, 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. 126, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCESSING ENTERPRISES."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 859) recommending that House Bill No. 127, H.D. 2, as amended in S.D. 1, 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. 127, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL ENTERPRISES."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 860) recommending that House Bill No. 128, H.D. 3, 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. 128, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES," 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. 128, H.D. 3, S.D. 1.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 861) recommending that House Bill No. 247, 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. 247, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 862) recommending that House Bill No. 329, 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. 329, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED OR EXEMPT FROM COLLECTIVE BARGAINING."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 863) recommending that House Bill No. 344, 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. 344, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 864) recommending that House Bill No. 368, 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. 368, H.D. 1, S.D. 2, entitled: "A BILL

FOR AN ACT RELATING TO PUBLIC UTILITIES."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 865) recommending that House Bill No. 482, H.D. 2, as amended in S.D. 1, pass Second Reading and was 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. 482, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX ON FERTILIZERS AND PLANT NUTRIENTS," 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. 482, H.D. 2, S.D. 1.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 866) recommending that House Bill No. 629, 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. 629, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 867) recommending that House Bill No. 635, H.D. 1, S.D. 1, 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. 635, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASES AND CONTRACTS."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 868) recommending that House Bill No. 641, 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. 641, H.D. 2,

S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 869) recommending that House Bill No. 693, 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. 693, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT OF STATE FUNDS IN TREASURY," 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. 693, 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. 870) recommending that House Bill No. 695, H.D. 1, as amended in S.D. 1, 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. 695, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS FOR SICK LEAVE."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 871) recommending that House Bill No. 709, 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. 709, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 872) recommending that House Bill No. 733, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 872 and H.B. No. 733, S.D. 1, was deferred to the end of the calendar.

Senator Yamasaki, for the majority

of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 873) recommending that House Bill No. 769, 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. 769, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE 1984 SILVER JUBILEE OF HAWAII'S STATEHOOD AND MAKING AN APPROPRIATION THEREFOR."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 874) recommending that House Bill No. 785, H.D. 1, 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. 785, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 875) recommending that H.B. No. 788, H.D. 1, as amended in S.D. 1, 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. 788, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 876) recommending that House Bill No. 807, 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. 807, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 807, 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. 877) recommending that House Bill No. 808, 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 majority of the Committee was adopted and H.B. No. 808, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXES ON LIQUID FUEL SOLD OR USED FOR OPERATING MOTOR VEHICLES," 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. 808, H.D. 2, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 878) recommending that House Bill No. 824, H.D. 1, S.D. 1, as amended in S.D. 1, 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. 824, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 879) recommending that House Bill No. 919, as amended in S.D. 1, 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. 919, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF A JUDGMENT BETWEEN THE STATE OF HAWAII AND SYLVIA GAMINO."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 880) recommending that House Bill No. 920, 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. 920, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep.

No. 881) recommending that House Bill No. 1048, 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. 1048, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 882) recommending that House Bill No. 1167, 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. 1167, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE VENTURE CAPITAL INFORMATION CENTER."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 883) recommending that House Bill No. 1233, 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. 1233, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS ADMINISTRATOR."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 884) recommending that House Bill No. 1239, 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. 1239, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," 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. 1239, H.D. 1, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report

(Stand. Com. Rep. No. 885) recommending that House Bill No. 1267, 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. 1267, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF PUBLIC BUILDINGS BY BLIND OR VISUALLY HANDICAPPED PERSONS."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 886) recommending that House Bill No. 1357, H.D. 1, S.D. 1, 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. 1357, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 887) recommending that House Bill No. 1358, 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. 1358, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 888) recommending that House Bill No. 1359, 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. 1359, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 889) recommending that House Bill No. 1360, H.D. 1, as amended in S.D. 1, 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. 1360, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Senator Yamasaki, for the Committee on Ways and Means, presented a report

(Stand. Com. Rep. No. 890) recommending that House Bill No. 1716, 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. 1716, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 891) recommending that House Bill No. 1763, 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. 1763, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," 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. 1763, 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. 892) recommending that House Bill No. 1871, 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. 1871, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 893) recommending that House Bill No. 1876, 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. 1876, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," 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. 1876, H.D. 2, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 894) recommending that House Bill No. 1879, S.D. 1, 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. 1879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS."

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 895) recommending that House Bill No. 1880, H.D. 2, S.D. 1, 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. 1880, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 896) recommending that House Bill No. 1875, 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. 1875, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX," 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. 1875, H.D. 1, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 897) recommending that House Bill No. 50, 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. 50, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 898) recommending that House Bill No. 796, 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. 796, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 796, H.D. 1, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 899) recommending that House Bill No. 799, 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. 799, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 799, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 900) recommending that House Bill No. 1437, 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. 1437, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 901) recommending that House Bill No. 1874, 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. 1874, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," 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. 1874, H.D. 2, S.D. 1.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 902) recommending that House Bill No. 1428, 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. 1428, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-JUDGMENT INTEREST," 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. 1428, H.D. 1, S.D. 1.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 903) recommending that House Bill No. 1470, 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. 1470, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

At 5:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:15 o'clock p.m.

ORDER OF THE DAY

THIRD READING

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

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

At this time, Senator O'Connor remarked:

"Mr. President, before we get to the amendment, I note that pages 45 and 46 of the bill that is before us are different from pages 45 and 46 of the bill which was placed on deck for us two days ago, to wit and more specifically, on page 45 at line 21, there has been an insertion and paragraph 12a, which appears on page 45, has been shifted to page 46, and the whole matter has been retyped.

"I raise the question, procedural question, whether or not the bill, which we are acting upon--which is on our desk--is the bill which was laying for 48 hours on the desk of this body."

The Chair, therefore, asked the Clerk to explain what took place.

The Clerk then stated:

"A typographical error was made on pages 45 and 46. Paragraph 12 should have continued, and 12a was inserted in between. The wording is all right, except that we put 12a in the wrong place."

Senator O'Connor continued:

"Mr. President, has the Chair received an opinion as to whether or not this conforms with the constitutional requirement--the bill isn't identical."

The Chair replied:

"As far as the Chair is concerned, the error was a mechanical one and the bill stands as corrected. The reasons are technical and the Chair finds no defects in the bill, in meeting the 48-hour requirement."

Senator O'Connor then offered the following amendment:

SECTION 1. House Bill 1, H.D. 1, S.D. 1, Section 63, is amended to read as follows:

"SECTION 85. The following sums, or so much thereof as may be necessary, are appropriated out of the general revenues of the State of Hawaii for the fiscal year 1981-82 to the expending agencies designated; provided that no allotment of appropriations made in this section shall be made except in accordance with Section 92 of this Act:

<u>Organization</u>	<u>Program I.D.</u>	<u>Expending Agency</u>	<u>Amount</u>
<u>Employment</u>			
Molokai Rehabilitation Facility	SOC 802	SOC	32,131
Maui Rehabilitation Center (Prevocational Training Program)	SOC 802	SOC	6,000
<u>Health</u>			
Hilo Halfway House, Inc. Hale Ho'o Huli	HTH 401	HTH	[22,260] <u>24,041</u>
The House, Inc. - The House	HTH 401	HTH	[20,000] <u>20,537</u>
Grow (Hawaii), Inc.	HTH 401	HTH	[8,000] <u>8,640</u>
Hawaii Committee on Alcoholism	HTH 401	HTH	[88,012] <u>105,170</u>
Habilitat, Inc. - Habilitat	HTH 401	HTH	[75,000] <u>100,000</u>

<u>Organization</u>	<u>Program I.D.</u>	<u>Expending Agency</u>	<u>Amount</u>
Child and Family Service - Kalihi-Palama School Project	HTH 401	HTH	[11,500] <u>28,000</u>
Drug Addiction Services of Hawaii	HTH 401	HTH	222,610
Awareness House, Inc.	HTH 401	HTH	54,213
Big Isle Committee on Alcoholism - Hakalau Halfway House	HTH 401	HTH	[30,000] <u>49,760</u>
Saint Francis Hospital - Women's Alcohol Treatment Center	HTH 401	HTH	[81,047] <u>91,744</u>
YMCA of Honolulu - Detached Counselors Program	HTH 401	HTH	102,624
Catholic Social Service-Integrated Alcohol	HTH 401	HTH	[24,948] <u>110,000</u>
The Salvation Army - Addiction Treatment Facility	HTH 401	HTH	[229,748] <u>650,228</u>
Hawaii Alcoholism Foundation - Halfway House Sand Island	HTH 401	HTH	[15,522] <u>77,618</u>
John Howard Association - Waianae Rap Center	HTH 401	HTH	[86,339] <u>117,037</u>
Kalihi YMCA - Alternatives for Youth	HTH 401	HTH	[58,375] <u>78,968</u>
Alcoholic Rehabilitation Services of Hawaii - Hina Mauka Residential Program	HTH 401	HTH	[44,907] <u>77,765</u>
Lanakila Rehabilitation Center - Mental Health Program	HTH 401	HTH	[14,901] <u>25,897</u>
Volunteer, Information and Referral Service - Suicide and Crisis Intervention Center	HTH 401	HTH	[54,000] <u>61,244</u>
Child and Family Service - Hale O'Ulu	HTH 401	HTH	[23,000] <u>29,226</u>
Kapiolani-Children's Medical Center-Sex Abuse Treatment Center	HTH 401	HTH	[189,000] <u>204,120</u>
Hawaii Island YWCA - Sexual Assault Support Service	HTH 401	HTH	[25,000] <u>61,313</u>
Catholic Social Service - Bilingual/Bicultural	HTH 401	HTH	[26,203] <u>38,812</u>
Maui Kokua Services, Inc. - Helpline	HTH 401	HTH	10,000
Serenity House, Inc. - Serenity House	HTH 401	HTH	[15,000] <u>18,496</u>
Society for Crippled Children and Adults of Maui County - Child Development Program	HTH 500	HTH	[34,500] <u>37,605</u>
Variety Club School	HTH 500	HTH	90,000

<u>Organization</u>	<u>Program I.D.</u>	<u>Expending Agency</u>	<u>Amount</u>
Easter Seal Society of Hawaii - Infant/Child Development Service	HTH 500	HTH	[118,000] <u>128,620</u>
Hilo Association to Help Re- tarded Citizens - Deaf/Blind Multi-Handicapped Program	HTH 500	HTH	35,000
Hilo Association to Help Retarded Citizens - Respite Care	HTH 501	HTH	[10,000] <u>10,800</u>
Easter Seal Society of Hawaii, Inc. - Respite Services	HTH 501	HTH	[37,000] <u>39,960</u>
Hilo Association to Help Retarded Citizens dba Hilo Vocational Rehabilitation Center - Voca- tional and Social Rehabilitation	HTH 501	HTH	82,892
Goodwill Industries of Honolulu - Title XX	HTH 501	HTH	30,552
Brantley Center - Work Activity	HTH 501	HTH	[48,110] <u>60,620</u>
Maui Rehabilitation Center - Social Rehabilitation	HTH 501	HTH	[60,875] <u>66,551</u>
Maui Assn. for Retarded Citizens - Respite Care	HTH 501	HTH	[10,000] <u>11,600</u>
Opportunities for the Retarded - Pre-Vocational Agricultural Training Program	HTH 501	HTH	[82,000] <u>89,100</u>
Lanakila Rehabilitation Center - Day/Work Activity Program, Honolulu and Wahiawa	HTH 501	HTH	[100,000] <u>136,273</u>
Research Center of Hawaii - Haleiwa - Waialua Prevoca- tional Project for Adult Developmentally Disabled	HTH 501	HTH	32,626
Hawaii Association for Retarded Citizens - Ruger Center	HTH 501	HTH	[212,364] <u>261,769</u>
Kona Association for Retarded Citizens, dba Kona Krafts - Title XX Work Activity/ Sheltered Employment	HTH 501	HTH	[25,575] <u>34,000</u>
Kona Association for Retarded Citizens dba Kona Krafts - Pre-Vocational	HTH 501	HTH	[15,143] <u>16,354</u>
Rehabilitation Unlimited Kauai - Day/Work Activity	HTH 501	HTH	42,893
Lanakila Rehabilitation Center - Day/Work Activity Program/ Title XX	HTH 501	HTH	67,884
<u>County of Kauai - Kauai Outreach Program</u>	<u>HTH 401</u>	<u>HTH</u>	[0] <u>22,775</u>

<u>Organization</u>	<u>Program I.D.</u>	<u>Expending Agency</u>	<u>Amount</u>
			[0]
<u>Palama Settlement - In-Community</u>	<u>HTH 401</u>	<u>HTH</u>	<u>1,592</u>
Kapiolani-Children's Medical Center - Hawaii Family Stress Center	HTH 801	HTH	[100,000] <u>108,000</u>
Waianae Coast Day Care Centers, Inc. - Infant Development	HTH 801	HTH	[27,000] <u>29,430</u>
Child & Family Service - Hale Lokahi	HTH 801	HTH	[14,000] <u>15,120</u>
Parent and Child Center of Kalihi, Inc. - Hana Like Home Visitor Program	HTH 801	HTH	[70,000] <u>75,600</u>
Child and Family Service - Shelter for Abused Spouses and Children	HTH 801	HTH	52,000
The Family Crisis Shelter - Pu'uhonua	HTH 801	HTH	52,090
YWCA - The Shelter	HTH 801	HTH	65,000
Women Helping Women, Inc. - Hale Loko Maika'i Crisis Shelter for Battered Women & Their Children	HTH 801	HTH	40,000
Protection and Advocacy Agency of Hawaii -Services	HTH 907	HTH	[66,000] <u>95,000</u>
Saint Francis Hospital - Northern Koolau Health Education Program	HTH 907	HTH	[50,000] <u>54,000</u>
Hemophilia Foundation of Hawaii	HTH 151	HTH	[110,000] <u>120,500</u>
Arthritis Center of Hawaii - Arthritis Clinic and Education Services	HTH 151	HTH	[90,000] <u>97,200</u>
Kapiolani-Children's Hospital - Hawaii Poison Center	HTH 170	HTH	[68,000] <u>100,000</u>
Hale Ho'ola Hou	HTH 185	HTH	[24,034] <u>26,269</u>
Hawaii Planned Parenthood - Family Planning	HTH 185	HTH	[404,654] <u>431,075</u>
Kapiolani-Children's Hospital - Family Planning Services	HTH 185	HTH	[39,040] <u>41,772</u>
Waianae Coast Comprehensive Health Center - Emergency Room	SUB 601	HTH	35,375
<u>Social Problems</u>			
<u>Catholic Social Service - CPS/Group Service</u>	<u>SOC 111</u>	<u>SOC</u>	[0] <u>20,000</u>
<u>Catholic Social Service - CPS'Para- professional Program</u>	<u>SOC 111</u>	<u>SOC</u>	[0] <u>19,061</u>

<u>Organization</u>	<u>Program I.D.</u>	<u>Expending Agency</u>	<u>Amount</u>
Catholic Social Service - Small Group Homes Services for Older Adults	SOC 111	SOC	[52,000] <u>104,038</u>
County of Maui/Department of Human Concerns - Maunaolu Youth Residential Shelter	SOC 111	SOC	79,522
The Salvation Army - Hilo Interim Home	SOC 111	SOC	81,750
<u>Kapahulu Senior Center</u>	<u>GOV 602</u>	<u>GOV</u>	[0] <u>65,400</u>
Susannah Wesley Community Center - Immigrant Services	GOV 803	GOV	38,150
Hawaii County Economic Opportunity Council - Transportation	GOV 860	GOV	116,238
Maui Economic Opportunity, Inc. - Transportation	GOV 860	GOV	[53,363] <u>62,000</u>
Hale Opio Kauai, Inc.	SOC 111	SOC	[43,342] <u>50,000</u>
<u>Boys Club of Honolulu</u>	<u>SOC 111</u>	<u>SOC</u>	[0] <u>15,000</u>
<u>Kaneohe Community Senior Citizens' Council - Kaneohe Senior Citizens' Center</u>	<u>GOV 602</u>	<u>GOV</u>	[0] <u>6,000</u>
<u>Kauai Economic Opportunity, Inc. - Community Services Admin.</u>	<u>GOV 860</u>	<u>GOV</u>	[0] <u>70,200</u>
<u>Maui Economic Opportunity, Inc. - Chore Service</u>	<u>GOV 860</u>	<u>GOV</u>	[0] <u>60,000</u>
<u>Formal Education</u>			
Maui Hui Malama, Inc.	EDN 108	EDN	[10,000] <u>10,800</u>
Pacific and Asian Affairs Council	EDN 207	EDN	43,200
<u>Palama Interchurch Council</u>	<u>EDN 108</u>	<u>EDN</u>	[0] <u>62,516</u>
<u>Culture and Recreation</u>			
Bernice P. Bishop Museum	AGS 881	DAGS	[150,000] <u>250,000</u>
Friends of Waipahu Cultural Garden Park	AGS 881	DAGS	48,600
Hawaii Council on Portuguese Heritage	AGS 881	DAGS	[20,000] <u>21,600</u>
Hawaii Multi-Cultural Center	AGS 881	DAGS	[20,000] <u>21,600</u>
Hawaii Performing Arts Company	AGS 881	DAGS	10,800

<u>Organization</u>	<u>Program I.D.</u>	<u>Expending Agency</u>	<u>Amount</u>
			[0]
<u>Hawaii Youth Symphony Association</u>	<u>AGS 881</u>	<u>DAGS</u>	<u>25,000</u>
Hawaiian Islands Public Radio	AGS 881	DAGS	54,000
<u>Home Na'auao O Ka'u</u>	<u>AGS 881</u>	<u>DAGS</u>	<u>27,000</u>
Honolulu Symphony Society	AGS 881	DAGS	200,000
Honolulu Theater for Youth	AGS 881	DAGS	90,000
			[15,000]
Kalihi-Palama Culture and Arts	AGS 881	DAGS	<u>16,200</u>
Waianae Coast Culture and Arts	AGS 881	DAGS	45,000
			[0]
<u>Fetu Ao Organization</u>	<u>AGS 881</u>	<u>DAGS</u>	<u>10,000</u>
<u>Public Safety</u>			
John Howard Association of Hawaii	SOC 404	SOC	84,000
<u>Government-Wide Support</u>			
<u>Neighborhood Justice Center of Honolulu, Inc.</u>	<u>ATG 100</u>	<u>ATG</u>	[0] <u>100,000</u>
<u>Economic Development</u>			
<u>DPED - Office of Tourism</u>	<u>PED 113</u>	<u>PED</u>	[0] <u>100,000"</u>

Senator O'Connor moved that the amendment be adopted, seconded by Senator Campbell.

Senator O'Connor then stated as follows:

"Mr. President, the amendment before us has to do with the grants-in-aid which are contained in Section 6 of the budget document. In reviewing the grants-in-aid, which are contained in the Senate version of the House bill, one finds that there are approximately \$2 million which has been cut from the grants-in-aid which were proposed by the House. A few of the grants-in-aid were increased, but the vast majority of them were cut.

"In looking through some of these programs, which were terminated and/or substantially cut, one finds many, many deserving and worthwhile programs in this community for which there are no comparable state programs. For that reason, this particular amendment has been generated and the total dollar figure for the amendment is approximately \$2 million.

"As I read it in the newspaper, the entire budget, which is before us, is approximately \$2 million below the ceiling established by the statutory formula, therefore, there is no reason why these programs cannot be returned to the amounts as suggested in the House. These amounts generally are not the amounts each of the programs would want, but nevertheless, they are amounts which would allow them to proceed and operate."

"I'm sure each of the individual members of this body, as they go through this document, will find specific programs which have to do with their individual districts. I was appalled, personally, to discover that in my district, something that many of us had worked assiduously for, the Kapahulu Senior Center, was cut out entirely from a proposed amount of some \$75,000 by the House, down to zero. Other areas of concern in the community, particularly in the area of drug and alcohol related care facilities, have been cut so badly that they would be incapable of continuing if this budget, in fact, is enacted and put into operation over the next year.

"I received a call this morning from a facility which has operated on Sand Island for at least 20 years that I know of and which has provided maximum alcoholic care for certain people in this community. The particular budget for that facility has been cut to a point where they will not be able to operate if this becomes law. And on and on. . . .

"Our telephones have been buzzing with these items, Mr. President, because the money is there; because it would be cruel not to utilize it for these people. Therefore, we offer this amendment which reinstates, for each of the organizations outlined, the amounts suggested by the House. Thank you."

Senator Kawasaki rose to speak against the amendment as follows:

"Mr. President, I am in support of a resounding defeat of the amendment proposed by the Senator who just spoke. I can't seriously believe that the insertions that are contained in this amendment, substantially what the House proposed, is something that the good Senator from the Seventh District, as well as other proponents of the amendment, really examined closely.

"I don't think any member supporting the amendment has given the time and the scrutiny that some of us have to these grants-in-aid requests. If I had my way, I'd have more agencies contained in the bill and some of the other amounts cut even further. Some would be restored like that of the Kapahulu Senior Center that the Senator mentioned because I believe that over on the House side, the vice chairman of the Finance Committee happens to be a strong supporter of the bill, and after the conference committee deliberations, some inclusions will be put in the final conference bill. I support funding of that program.

"In regard to other programs that he mentioned, particularly in the drug and alcohol rehabilitation program, we find that there's more boondoggle in this category of human services programs than in any other that you can think of in the grants-in-aid entire spectrum of programs, and I can't believe that the proponents of the amendment put in the kind of time, the kind of effort in scrutinizing some of the budget requests relative to staff salary increases, staff increases, travel allowances--some of these things.

"Had the grants-in-aid standards

bill, which we passed over to the House last year, that we again passed over to the House this year, had that been enacted into statute, a lot of these requests and a large portion of the numbers that are contained in the amendment here would be reduced drastically, very drastically, because they would not be able to stand up to the scrutiny of a well designed grants-in-aid standards bill that we sent over to the House.

"So, I am asking that the amendment be defeated in a resounding way, as I put it, because I think what is reflected in the budget bill is somewhat of a compromise, but we hope to refine it further. I can't believe, seriously, that they want to adopt the House position because the House position is reflective of some programs, some appropriations that are totally unjustified in terms of spending taxpayers' money wisely."

Senator Uwaine then rose to ask:

"Would the good Senator from the Seventh District yield to a question?"

Senator O'Connor answered in the affirmative.

At 5:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:29 o'clock p.m.

Senator Uwaine continued:

"Mr. President, if the good Senator from the Seventh District can refer to page 5, the third item, Hana Like Home Visitor Program. The present bill, as it stands now, appropriates \$70,000; the good Senator's amendment offers a change to \$75,600; a difference of \$5,600. Could the Senator explain to me his justification for this difference of \$5,600?"

In answer thereto, Senator O'Connor noted:

"The reason is obvious. In its wisdom, logic, knowledge and thought process, the Finance Committee of the House decided that \$75,600 was necessary for this program and in our review of the matter, it's obvious that the additional money can well be used. As a matter of fact, it appalls me that one would not go along with the additional \$5,600 for this worthwhile organization."

Senator Uwaine then added:

"Please thank the good Senator for his great wisdom. Thank you."

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

"I'm a little mixed up. Would the Senator from the Seventh District answer a question, please, on the amendment? In your amendment, sir, to H.B. No. 1, H.D. 1, S.D. 1, it states: 'Section 63 is amended to read as follows:' and then you amend Section 85. Section 63 has to do with \$100,000 for litigated tax claims. Could that be a typographical error?"

Senator O'Connor replied:

"That's the same type of typographical error, Mr. President, that occurred on the original bill when we had the two pages screwed up."

Senator Cayetano then remarked:

"Mr. President, I note the amendment covers a great deal of the grants-in-aid in the health area, and I'd like to ask the Senator from the Seventh District whether he had the opportunity to go through each grant application."

Senator O'Connor answered:

"No, I have not gone through every-one, but most of these speak for themselves. The context, the organization, the request for the monies, all these matters have been before this body many times, and I would suggest that they are well known to all people who have been here for any length of time."

Senator Cayetano questioned further:

"Mr. President, the good Senator from the Seventh District mentioned an alcohol treatment facility on Sand Island, and I notice that his amendment would increase the appropriation from \$15,522 to \$77,618. Can he state for us the reasons for this difference?"

In answer thereto, Senator O'Connor noted:

"Yes, that half-way house on Sand Island functions primarily as a facility for holding businessmen, labor people, a variety of people from the community who are inflicted, unfortunately, with the disease of alcoholism. The capacity at the facility is approximately 25; the in-house stay is anywhere from 10 to 20. This includes these unfortunates who are victims of alcoholism and in addition certain staff people who are required to come and aid them."

"The amount which is suggested in the Senate budget is totally inadequate for that house to function; totally inadequate for the professional aid that is

necessary for the poor people that are there. The amount that is suggested by the House is less than adequate but sufficient to keep them going, and that's why the change is suggested."

Senator Cayetano continued:

"Mr. President, the fact of the matter is that this particular organization, if my memory serves me right, was not even funded by the Legislature last year. As a matter of fact, one of the reasons it was not funded was because it was a very inefficient organization. It got a lot of money from the federal government, and finally the federal government wised up and the money has dried up this year."

"So, for us here in the Senate, the question was--when we considered their appropriation--should they go into the private sector and try to raise more money for themselves, which they had not done with any degree of effort because they had the federal government to go to, they had the State to go to, or should we make up the loss in federal funds?"

"It's very, very simple. Last year we didn't fund this organization. It's a very wasteful organization. My recollection is that the salaries are quite high, double in fact to that of an organization called Liliha House in which the people running the place were working for about half the money. Their travel costs were high. My recollection is that they had a bill of about \$4,000 or \$5,000 for repairs and gas for one car."

"These things are all just coming from the top of my head, but this particular organization which Senator O'Connor happened to single out made such an impression on us in Ways and Means (committee) last year that we deleted the funding for it. Now, this year they're getting \$15,000. I consider them lucky."

Senator O'Connor then noted:

"Mr. President, that particular organization is the oldest alcoholic control organization in Hawaii, founded by the Acoholics Annonymous organization, and seven years ago that particular house saved the life of one of my law partners."

Senator Uwaine then rose to ask:

"Will the good Senator from the Fifth Senatorial District, who seconded the motion for this amendment, yield to a question?"

Senator Campbell answered in the affirmative.

Senator Uwaine continued:

"Mr. President, if the good Senator could answer for me, why--on page 7, the fourth item--Kaneohe Community Senior Citizens Council--there's a zero appropriation as proposed by the original bill and this amendment offers \$6,000 increase from zero. Will the Senator justify that for me?"

At 5:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:45 o'clock p.m.

Senator Campbell then stated:

"Mr. President, I served with the good Senator on the House side. I was vice chairman of the Youth and Elderly Committee and I had an opportunity to learn first-hand what happens in the senior citizens' centers around the state. When the Senator suggests why restore \$6,000 for this senior citizen center in Kaneohe, I'm inclined to say, really, why not much more, but I'm more concerned about getting on with the voting, therefore, I will not ask the Senator, why zero.

"I will say, in closing, simply that the senior citizens of this state are facing a tremendous problem, which includes inflation, and any help that we can give them, they deserve. Thank you very much."

Senator Uwaine remarked:

"Mr. President, although the Senator from the Fifth Senatorial District did not ask me that question, I'll be more than happy to answer it.

"I also believe in the senior citizens program, Mr. President, but I do draw lines in distinguishing between helping the program and providing funds for things that are unnecessary, and things that could be used by other programs.

"For example, the Kaneohe Community Senior Citizens Council, through their \$6,000 application for grant money, was requesting the money for a chain-link fence and for building an additional room to the building for the live-in caretaker. Because of the distinction between providing for a chain-link fence and providing services that are needed by all the agencies, your Committee on Human Resources decided to give zero funding. Thank you."

Senator Yamasaki rose to speak against the amendment as follows:

"Mr. President, I rise to speak against the amendment for this reason. The staff and members of the Ways and Means Committee have reviewed the requests of the various special agencies that have come before the committee for funding. The committee and also the staff have not compared the requests of the agencies with what the House has given; therefore, we have made an independent review of the requests by the agencies and in the judgment of the committee, we felt that it was best to go into conference with the figures that appear in H.B. No. 1, on these grants-in-aid proposals. Therefore, I urge the members of this body to vote down the amendment."

Senator Abercrombie inquired as follows:

"Mr. President, I have a question for the chairman of the Public Utilities Committee. If you will have him refer to page 7 of the amendment, the fifth item from the top, I wonder if he could give me an opinion as to whether he agrees with the new figure for that particular item."

Senator Soares answered:

"Page 7, Senator Abercrombie? Item five you say? I was just about to speak to that. I was delighted and at the same time concerned as to whether I should vote for or against the amendment because when I see \$1,600 more for the Hawaii Council on Portuguese Heritage, I begin to realize that there has to have been a lot of research done by members of the minority of this body to come up with this difference in figures. I will have a difficult time making a decision either for or against the amendment, to tell you the truth, Senator Abercrombie, because it does indicate the talent and the foresightedness that we have in this body."

Senator Abercrombie continued:

"Mr. President, on a more serious note, my question was directed not entirely for the purpose of diversion. It illustrates the difficulties that are involved here. I'm speaking against the amendment. Everyone is quite aware that we now face a conference in the Legislature between the Senate and the House. Everyone is quite aware that these figures can be fluid. One need only refer on the same page, for example, to an organization under formal education, of which I have a particular interest. There is an \$800 difference between the figure

put forward by the Ways and Means Committee and that suggested in the amendment for an organization on the Island of Maui, which is the home island of the chairman of the Ways and Means Committee.

"I don't think this is the time for disputing these figures with these kinds of differentiation, but rather it should be stated for the public record that we are passing this budget with the clear understanding that we have a conference to attend to, and that we have put these figures forward in good conscience and in good faith and that the members of the committee who voted on these were not entirely in agreement on every single item that went in. Some of us were disappointed; some of us were elated; this is part of the legislative process.

"We have to take these grants-in-aid in context of the overall state budget. I could stand here and lecture somewhat at length on the difficulties involved in trying to arrive at a reasonable conclusion in terms of the education budget. I could make an emotional plea, if you will, which would resonate in the community, probably to my benefit, in the sense of the approbation of the citizenry where education is concerned. But, at this particular juncture, it would be a rhetorical device; it would not serve the function of the passage, it would not serve the function of dealing properly in terms of legislation at this stage of considering the budget.

"So, I urge that this amendment, at this time, be voted down because the budget before us is a well considered result of many, many days and nights of consideration, and that it forms a solid basis for negotiation with the House, and a position for the Senate from which we may conclude our deliberations somewhere around the 23rd of April, in a manner which will do not only this Senate proud, but make sure that the citizens of this state can be rest assured that they have been well served by the budget process."

Senator Anderson stated:

"Mr. President, I'd like to add to that serious vein of discussion because I think it's important and I speak to voting down the amendment. We don't vote down the subject matter or the details in dollars. Nobody wins, as has been said for many, many years, in a budget; nobody is ever totally happy.

"We spent the other night in the

Ways and Means Committee from 1:30 in the afternoon until 8:30 the next morning--a nonstop marathon--on the budget and many hours were spent in discussing the grants-in-aid.

"The good Senator said earlier, for the proponents of the amendment, that there's a \$2 million margin, therefore fill it. Well, we do have a ceiling put on us by the people and I don't think it will be very prudent, even though my learned colleague thinks different, to spend the \$2 million at this point. We have no idea, as we sit here today, how many dollars are going to be approved by the House and the Senate for those dozens and dozens of appropriation bills floating around on subject matters that we are unfamiliar with at this point--whether the House and the Senate are going to agree on how much it's going to cost. We don't know, as we sit here tonight, the differences between the House and the Senate budget and their potential in proposed cuts because the worksheets haven't been exchanged between the two bodies at this point, and therefore we may find ourselves above the ceiling if those worksheets don't overlay more accurately.

"So, at this time, while it's publicly very wise, of course, to offer amendments of this type, these agencies will have another go-around in the conference. When we better understand the worksheets and the differences between the House and the Senate, when the bills before us begin to fall into place that have appropriations in it, when we see what the Governor may or may not do with the collective bargaining, when all of the other figures are put to the table, Mr. President, we will be in a better position to possibly up these grants-in-aid. So, at this time, I don't think it's lost. I think the amendment and the proponents are sincere in their concerns for these agencies. I can only say, for one, that I hope that we take another round on them."

Senator George then remarked:

"Mr. President, I would like a ruling from the Chair. I am a director of the Hawaii Planned Parenthood whose budgetary request appears on page 6 of the amendment and also within the bill."

The Chair replied: "No conflict."

Senator O'Connor stated:

"Mr. President, I would reply in a serious vein to those senators who just spoke concerning this amendment.

"This amendment is not offered in a political nature. It is offered seriously; it is offered because some of the programs contained in the amendment do need the funds which are stated there. I appreciate some of the comments concerning conference and concerning positioning, but I do not believe that the programs that are stated in this amendment and in Part 6 of this budget are political animals nor should they be positioned politically for any sort of conference situation. There are some of these items which I trust and hope my colleagues, who will be in the conference committee, will look at and do something about because some of them desperately need funding.

"I would point out that it is appalling to, for example, cut back the Salvation Army Addiction Treatment Facility by a half a million dollars. It is appalling, also, to me that the Neighborhood Justice Facility at Makiki, which is serving a tremendously worthwhile situation in this community, taking a load off the courts and simultaneously taking care of hundreds of cases, does not get the \$100,000 that was asked for.

"I could go on and on through each of these items. I will not do that, but I am sincere and serious in offering this particular amendment. If we have the money to do it, then these particular programs, in areas where the State offers nothing, offers no comparable service, should get State help."

Senator Cobb then asked:

"Will my colleague from the Seventh District yield to a question? Does my colleague from the Seventh District feel that we should, if necessary, exceed the State spending limit in order to take care of these grants?"

In answer thereto, Senator O'Connor noted:

"Mr. President, there's no requirement to exceed the State spending limit if we're keeping a cushion of \$2 million and the proposal before us comes within that cushion, which it does. That's why the amendment is offered, and at this juncture I offer it because there is that money and it can be expended for these worthwhile causes."

Senator Cobb continued:

"Mr. President, in recognizing that in conference items are probably going to be added from both sides,

I would repeat, whether or not the Senator favors, if in conference it becomes necessary to exceed the State spending ceiling in order to grant full funding to all of these projects."

Senator O'Connor replied:

"My personal position at this juncture is no. I do not personally favor exceeding the limit, and as I understand this bill and the House bill, neither go that route. I would hope that our conferees come back from that budget conference with a bill which is within the spending limit."

Senator Holt then rose and stated:

"Mr. President, I've been receiving a lot of phone calls today from people in my district and outside my district, concerning this budget--the cuts that were made. As one glaring example of particular interest to me--I'm not sure which one of you individuals who stayed up from 1:30 in the afternoon until 8:30 the next morning is responsible for it--it has something to do with the Palama Interchurch Council, page 7. I'm wondering if someone here could explain why they wiped the whole program out."

Senator Yamasaki replied:

"Yes, Mr. President, it is our information that the Palama Settlement..."

Senator Holt continued:

"Excuse me, it's not that one, it's the Palama Interchurch Council--the appropriation of \$62,000--our budget doesn't have any money at all."

Senator Yamasaki commented:

"It is our information that the Palama Interchurch Council has adequate funds in their budget, and therefore it was the feeling of the committee that we could proceed to the conference with zero."

Senator Holt added:

"Mr. President, the \$62,000 is for the immigrant-youth program of the Palama Interchurch Council. It is the only program which has Visayan and Ilocano speaking workers in the Honolulu area. What this essentially does is wipe them out. They do not have funds available for these workers. Thank you."

The motion to adopt the amendment was put by the Chair and Roll Call vote having been requested, failed

to carry on the following showing of Ayes and Noes:

Ayes, 7. Noes, 18 (Abercrombie, Ajifu, Anderson, Carpenter, Cayetano, Cobb, George, Henderson, Kawasaki, Kobayashi, Kuroda, Saiki, Soares, Uwaine, Yamasaki, Yee, Young and Wong).

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

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

"Mr. President, I rise to speak in favor of H.B. No. 1, H.D. 1, S.D. 1, 'Relating to the State Budget and Making Appropriations for the Fiscal Biennium, 1981 to 1983.'

"Mr. President, your Committee on Ways and Means has attempted, in this budget, to adhere to funding basic government operations and for programs and projects determined to be urgent and necessary, which directly affect the people of this state.

"The budget before us provides for an expenditure of \$2.3 billion in the biennium, in general funds. As the committee report indicates, the state budget is normally looked upon as the instrument for routine provision of government goods and services. However, it is also the proper place for the development of needed new policies and programs which address the state's most urgent problems.

"'Crime and Delinquency in Hawaii, Prospectives for the '80s' a paper prepared by the Youth Development and Research Center, School of Social Work, University of Hawaii, clearly identified crime and delinquency as the major social problem throughout our nation and Hawaii. Social and economic costs of delinquency are increasing rapidly at an alarming rate. Seriousness and urgency of the problem is reflected in current over-crowded institutions and its corresponding problems.

"The Center for Law and Justice of the University of Washington, after studying 600 or more delinquency and control programs, concluded that specific strategies and approaches have the most promise for delinquency prevention. Judge David L. Bazelon, Senior Circuit Judge for the U.S. Court of Appeals in Washington, D.C.,

on February 28, 1981, in his comments on Chief Justice Warren Burger's recent call for 'swift and certain consequences' against criminals said: 'It is a short-term solution that would not end street crime. The real roots of crime are associated with a constellation of suffering so hideous that, as a society, we cannot bear to look it in the face.' He continued on to say that 'The threat of prison may be a meaningless deterrent to one whose urban environment is itself a prison.'

"Therefore, in addressing this problem, your committee has included a sum of \$1,400,000 for a major pilot project to be installed at the Castle High School complex covering approximately 4,500 students in eight elementary, one intermediate and one high school, with grades 6 to 12 being in the target population. The alternative education program, with various components, is designed in accordance with specifications of the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of Justice.

"Other supplemental appropriations for programs in the prevention of crime efforts are contained in the budget document. A brief description of other programs in the budget are elaborated in the committee report, and the programs of the Senate for the people of this state are embodied in the budget as well as in separate legislation emanating from the various subject committees.

"Mr. President, I urge the unanimous vote of this body on the budget before us, and I would like to, at this time, take this opportunity to thank the members of the Ways and Means Committee for their participation in the many deliberations and to the subject committee chairmen for their recommendations and cooperation--last, but not least, to the entire staff of the Ways and Means Committee for a job well done within our allocated time frame. Thank you."

Senator Campbell rose to speak against the measure as follows:

"Mr. President, I rise to speak against the budget which is before us today.

"This budget has many good points, and as the previous speaker has indicated and I know that other senators are going to emphasize the good points of this budget, therefore, I would not take up the time of the Senate to enumerate some of those points. I feel I'm called upon to point out some

of the problems.

"Mr. President, when you read the budget statement on crime, and the previous speaker has emphasized the crime prevention aspects of the budget, but when you read that budget statement, one is bound to get a good feeling concerning the prospects of getting on with the business of seriously fighting crime in this state.

"This is the way it reads in part: 'In recognizing that the budget can and should be used as an instrument to develop and execute policy to address the most urgent problems, your committee has focused on what must certainly be the most urgent and critical problem in Hawaii: the problem of crime and delinquency.' The budget statement continues: 'The urgency of the problem suggests the need for action....'

"When one notes, Mr. President, the optimism which exudes from this budget statement concerning crime prevention, and when one reads the press accounts which convey that optimism to the people of this state, one is bound to conclude that our people are going to get their hopes up a little too high. I think our people have been plagued with the most serious rash of crimes recently, and I think this makes them ready prey for 'pie-in-the-sky' proposals. This, I think, we should avoid at all cost.

"Mr. President, let's have a brief but closer look at what this budget proposes to accomplish in the area of crime prevention. I know that the previous speaker emphasized this, but let's have a close look at what the budget has to say in this area, which is not being done at the present time. In other words, what new or innovative programs for crime prevention are provided in this budget? In addition to adding considerable funds to ongoing programs, the budget provides, as the chairman just mentioned, one pilot program at one high school complex. This seems to be the extent of programs in the budget designed to depart from the abominable status quo. To throw money at old programs has not worked in the past. I doubt it would work in the future, and when I say this, I refer to money in the budget which is going to programs that are ongoing.

"Mr. President, I think at this point, I might want to digress for a moment to say something about the pilot program funded by this Legislature since there's been such emphasis on that by the previous speaker. Pilot programs

are limited in scope, geographically, as well as persons they are designed to help. Pilot programs are almost always funded for too long a period of time. This three-year Castle program is funded for two years, but Mr. President, I predict that the Legislature will be positioned, in two years, to extend this pilot so that the pilot becomes not an exploratory tool, as it should be, but an ongoing program, and if it is successful, slow to be applied to the rest of the community.

"I think most of us senators here remember the school health aide program was a pilot program for ten long years; at least it was a pilot until some of us insisted that we had learned enough about the simple need for a health aide to be on duty in a health room at all schools at the time school was in session.

"So much for that digression. Now, in my judgment, one of the major flaws in the budget strategy was to cut spending for some of the effective programs designed to curb juvenile delinquency and juvenile crime, and we've talked about it quite a bit in a discussion on the amendment. What has happened is that we have applied a large part of those funds to the Department of Education. But what this has done is of some concern. It has left the Department of Education without some critically needed support services in the community to help it prevent youth crime. Large sums were cut from some private agencies, as we mentioned before, whose programs in the area of crime prevention are well known. I had planned to list some of these programs but I think we've listed most of the programs that have been cut and I think that it's an unnecessary waste of your time to do that--that list goes on and on.

"Now, it's been pointed out that this budget is going to conference. This does give us an opportunity to make some important changes related to the crime prevention area.

"Mr. President and members of the Senate, I have some suggestions which I would hope the Senate conferees on the budget will take into account.

"The first suggestion--along with the increases in the DOE budget for school violence and vandalism, by proviso, I think, we should mandate that the DOE come back with a timetable indicating when the people of this state can expect the rate of violence on our campuses and vandalism to

school property will begin to take a downward turn. There is something seriously wrong with the fact that a youngster can enter a school system in the kindergarten or first grade and by the time that youngster gets to the upper grades in high school, he or she has a string of arrests for criminal activity. Without a doubt we lost track of that youngster on his way to an education.

"The DOE has the capability of keeping this youngster on track. It has diagnostic services capable of identifying a troubled youngster as early as kindergarten. It has referral services and alternative programs to meet that youngster's needs. The only thing that seems to be lacking or missing is the proper coordination of the resource capability of the DOE. With some program revision, with some personnel shifts, and probably additions in personnel, the current referral and alternative program of the DOE can meet the needs of our teenagers.

"Mr. President, these are some considerations which must be made if we are to avoid the tragic incidents that are getting us worldwide negative attention, and I refer to such incidents as the hijacking of a tour bus during school hours by two teenage boys.

"The second suggestion--it goes without saying that much of the teenage crime is drug related. Here is a report which should make my point. According to the Hawaii State Survey on Substance Abuse, Hawaii has a significantly greater percentage of persons who have used cocaine and heroin than the Mainland. This Senate, in conference, should give serious consideration to this problem.

"The third suggestion--this budget has supplied well over \$2 million to expand the child abuse program. We learned that after a child abuse report is made, it could be two weeks before it is responded to. The budget statement should mandate that this situation be corrected.

"The fourth suggestion--the budget gives a substantial amount of money to counties to fight crime and rightfully so. When the counties appeared before the Ways and Means Committee, I asked Mayor Tavares of Maui, 'what kind of flexible timetable for turning the corner on crime can the people of our state expect from our counties?' The Mayor replied, 'Maui County will turn the corner in fighting crime by 1983 or 1984, and if not, I would feel that somewhere along the line I have

failed.' The Mayor of Maui supports a position I have held for a long time, Mr. President, and that position is that the people of this state deserve to know when the crime rate is going to take a downward trend. I think the budget statement should request, of our counties, a flexible timetable, nothing etched in granite, but a flexible timetable related to the problem of crime.

"My concluding statement on school violence has to do with the appearance of the Department of Education before the Ways and Means Committee. Mr. President, when they came before the Committee they said school violence and vandalism was on the decline. I was surprised at the statement, but I had to take the word of the Department. I picked up the newspaper a day or so later and was shocked to read the headline 'Violence Rampant in State Schools.' In the future, I hope greater emphasis will be placed on responsible reporting to all committees of this Legislature on the part of the Department of Education.

"In closing, may I simply say this, and this is in a different vein. As reflected in the language of the committee report, the Ways and Means Committee was under great strain in trying to fund needed programs and at the same time staying within the spending limits. It is difficult for the people of this state to understand why this Legislature does not adequately fund needed programs when we have a hefty surplus. This is a case where the surplus is not a surplus. This Legislature must address the problem of this synthetic surplus, and we should do it as soon as possible. Thank you very much."

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

"Mr. President, I rise to speak in favor of the bill. I am at a loss to understand the position taken by the previous speaker, because if he had his way and this bill is defeated, then there'd be no basis upon which the Senate can get into conference to improve the bill in the manner he suggests.

"I am in somewhat the same type of dilemma. I reflected, in the last 48 hours, on how I was going to vote for this bill because to say that I am unhappy with this budget bill is putting it very mildly, but voting it down or voting 'no' for it would not particularly enhance the probability of my serving on the conference committee to sincerely try to improve the bill. I will vote for the bill. However, I do have very

definite reservations that I hope could be resolved in the conference committee with hopefully very rational people on the other side of the rotunda.

"My reservations, just to enumerate the more important ones, are that this budget does not reflect any change in helping to bring about some equity to the taxpayers of this island in the way we apportion our grants-in-aid. We've known for decades now that the bulk of the revenues raised by our state treasury is derived from the Island of Oahu; roughly about 85% of the total revenue derived by the state comes from the Island of Oahu. However, in the reapportionment of the grants-in-aid monies, Oahu has been receiving roughly in the neighborhood of 42% of the total appropriations. This is a gross inequity. This results in the taxpayers of Oahu, who already bear the very high burden of living in the county that has the highest cost of living, the county that has the highest priced residential lots--these people have to bear the cost in addition of helping to subsidize the cost of operating the outside county governments. I've tried my earnest best for a decade now, and particularly in this session, to have language put into the grants-in-aid portion of the bill that will bring about some equity.

"The counties, meeting among themselves, also came about with some resolution to this problem. They have come up with a formula that improves a bit this inequitable apportionment of the grants-in-aid funds to the counties. These efforts on the part of the counties and the efforts of my committee, apparently went for naught because I see that there's nothing reflected in the budget that brings about a little more equity to bring some relief to the Oahu taxpayers. Hopefully, in the conference committee some of these concerns could be understood, and then shared by the conferees both from the Senate and the House.

"I find it rather hard to accept a budget bill that appropriates, as I have mentioned in the caucus, some \$110,000 for a program that's been going on for many, many years called 'Ethnic Studies Oral History Project.' This is merely a project that tape-records some old-timers so that we can get a bit of history perspective from these people. This program has probably been going on for years and in the budget bill we allocate \$110,000 for it. Someone from the caucus room talked to me right afterward, saying: 'You know, I did a program like this for Governor Burns

when he was alive, and it only cost me \$2,500, and I think I did a rather good, complete job.' \$110,000 is appropriated for this ongoing program--of many years--another \$110,000 for next year. I asked the person who is involved in this project, Chad Taniguchi, 'how long would it take you to complete this project,' and very seriously he told me, about two years ago, he thinks about 15 years. I said: '15 years...this is nonsense. What kind of projects are involved in it; how many people are you taping?' In any case, this is the kind of waste of money, which I think is reflected in this bill.

"I find also, much to my unhappiness, an appropriation of almost a million dollars, \$907,000 to be exact, for the Legal Aid Society. Again, I feel this little program that started out with about a \$65,000 appropriation a number of years back, now getting a million and another million next year. It's getting out of hand. I would like to see some changes made in the apportionment of taxpayers funds for this program so that we would allow monies to be spent from the taxpayers' funds for programs trying to provide legal counsel for the poor, only for the family services type of cases, not the class action type of suits that cost enormous amounts of money according to the breakdown of figures I obtained from the Attorney General's office.

"Other projects have been either misappropriated, over-appropriated, or under-appropriated. In regard to grants-in-aid that was alluded to a while back, I'm very unhappy with the very superficial, very arbitrary kind of allocation that's been granted to these requesting agencies, some over-appropriated, some under-appropriated, some not funded at all, as I said before.

"I would hope that all of these things could be resolved in the grueling hours that we know we're going to experience in the conference committee between the House and the Senate. For this reason, as I said, to enhance the possibility by my serving on the conference committee I will have to vote 'aye' for this bill very reluctantly. Thank you."

Senator Abercrombie commented:

"In very brief rebuttal to some of the principal thrusts of the speaker just previous to the last, the principal element lacking in public education, as far as the Legislature is concerned,

has been leadership. That has been remedied with my chairmanship."

Senator Mizuguchi then rose to speak against the measure:

"Mr. President, I speak against the bill before us and I object in the strongest possible terms to the shameful deceit which is being perpetrated through this bill in the guise of seemingly selecting a general aviation site at Wheeler Air Force Base. This eleventh-hour sham will do nothing for aviation safety. Nothing even remotely suggests that Wheeler Air Force Base will be available for general aviation use. Even if Wheeler were available it is the wrong site to pursue.

"In the only comparative site analysis that has been done, 'The Oahu General Aviation Master Plan Study of 1978,' Wheeler's overall ranking was 12th out of 16 sites. It ranked 15th in air safety, 13th in environmental noise impact; 15th in the environmental safety impact. It ranked 11th in the key measure as to whether it could provide any relief for Honolulu International Airport. If joint use of a military airfield were a policy this body seriously wants to pursue, why should it be limited to one field which is flatly unavailable and unsuitable; why not Kaneohe Marine Air Corps Station; why not Bellows, which at least was once offered to the state and ranked much higher.

"I can only conclude that this is a smoke-screen for what the State Administration is determined to do. It is a disguise for the construction of an airport at Poamoho and for which this body has been sucked in as a shameful partner. How else can there be an explanation for the curious proviso which appears on page 46 of this budget?

"Take a look at what the proviso says in Section 12a, a section which wasn't in the House draft or even in the bill as introduced by the State Administration. I quote from the proviso on page 46: 'Provided that the funds expended for Airport Planning Statewide (TRN 195/F04) shall include the ongoing Environmental Impact process for a general aviation airport on Oahu.'

"I ask these questions of whomever wants to take credit for that proviso. Where else has there been an environmental impact statement going on except at Poamoho; why has this proviso been slipped in against the statewide planning program when it is properly chargeable against the general aviation

program? I can only read this as a signal to the Administration that it can continue to proceed with the preliminaries at Poamoho while making the futile gestures toward Wheeler.

"This is deceitful, Mr. President, and I cannot abide by it; neither would the communities of Mililani, Wahiawa, Waipio, Waialua, Haleiwa, who deserve, from their senators, a lot better than this piece of trickery.

"Mr. President, I will vote 'no' on this bill because I will not be a party to any action which will break faith with the people that I represent, and I will not be a party to any action which will bring shame to the Senate. Thank you."

Senator Uwaine rose to inquire as follows:

"Mr. President, will the previous speaker yield to a question? Mr. President, if you could ask the previous speaker where does he favor putting the second general aviation airport."

In answer thereto, Senator Mizuguchi noted:

"In my district, Dillingham."

Senator George remarked as follows:

"Mr. President, I wonder if I might respond to the good Senator from the Fourth District in his concerns about this proviso, which appears on page 46 of this bill.

"The language is there as an explanation of an ongoing process. As the good Senator is probably aware, given his previous responsibilities in the area of transportation, the Department of Transportation has undertaken its environmental impact discussions and searches for an appropriate site given this particular budgetary number. This Transportation 195 designation refers to statewide planning, and that's the way they've conducted these studies previously.

"Given this selection, in the wisdom of the Ways and Means Committee of a renewed exploration of joint use of Wheeler Air Force Base, it seemed important to me that this not be construed as a signal to the Department to stop all work in progress while the new exploration was being made. Therefore, the proviso simply enables the Department, quite explicitly, to keep on doing what they already have the capability of doing. It's just a signal that they don't have to stop, given the new direction toward Wheeler. Thank you, Mr. President."

Senator Cayetano responded:

"Mr. President, in response to my colleague from the Fourth District, first of all I find it regrettable that he uses words like trickery, deceit. I really find it regrettable that the same mouth that uttered these words, uttered the word Poamoho last year or the year before, I forget when.

"Let me say to all members of the Senate, and I think I speak for my two other colleagues from the Fourth Senatorial District, that Poamoho will not be in the final version of this Legislature's budget."

Senator Yamasaki stated:

"Mr. President, I rise to speak on the subject of the general aviation field which appears in the budget--namely, Wheeler Field, as the Oahu general aviation airport.

"Mr. President, the Senate draft of the budget names the site of the general aviation airport on this island as Wheeler. The State Administration's proposal to construct the airport at Poamoho has been thoroughly debated. The financial plan for the development of Poamoho anticipates federal participation of over \$3.5 million over the next three fiscal years to assist in the financing of the airport. However, the recently enunciated national policy makes the assumption of federal participation extremely tenuous. The President's program for economic recovery calls for the elimination of subsidies for airports and will propose an increase in aviation use taxes beginning in 1982. Therefore, subsidy for the construction of an entirely new airport that will cost more than \$20 million will never become a reality.

"On the other hand, with the emphasis of the new National Administration on shifting control and responsibilities to local state control, the possibility of joint use of Wheeler Field should be actively pursued with a plan of construction with state funds only.

"I realize that the military has consistently said, in their communications, that a military airfield in no way can be jointly used with civilian aircraft. The state should continue to pursue it as did the Hawaiians and the fishermen on the use of the Island of Kahoolawe.

"The Navy was just as tough in 1964, Mr. President, when Senate Concurrent Resolution No. 8 and House Concurrent Resolution No. 13 were introduced in the Senate and the House

in which Congress was requested to enact legislation for the transfer of Kahoolawe to the State of Hawaii. The result of the fishermen's request was granted to allow fishing to be conducted in surrounding waters of Kahoolawe during certain open periods, and this arrangement is working well. Also, you are aware that the entire Island of Kahoolawe has been included as an archeological and historical site although the military bombing is still continuing.

"A case in point is also made of Puerto Rico's defeat of the U.S. Navy in the battle over Culebra Islands, a 6,000 acre island on the east coast of Puerto Rico. A spokesman for the Navy had told Congress that this island is essential to American security and a fitting target for bombing and shelling. Sixteen-inch shells and thousand-pound bombs shook the inhabitants of Culebra, but since national security is at stake, such things had to be accepted. The Puerto Ricans didn't buy this, and in about 1971, the Navy agreed to surrender control over the eastern two-thirds of the island and to halt firing of missiles near inhabited areas, and also to cease efforts to acquire more territory on the island.

"In addition, Mr. President, it is my preliminary calculation that the land use burden placed by the military on the people of this State of Hawaii, as compared to the people of the other 49 states, appears to be much greater. We are not asking that these lands be returned to the state. We are only requesting that joint use of our former state land be allowed for the safety of aircraft at Honolulu International Airport. Therefore, Mr. President, there is precedent established by the military, represented by the Department of Defense, and the request for joint use of Wheeler Field is not an unreasonable representation to be made in behalf of the people of this State of Hawaii.

"It is recommended to the State Administration that the specific proposal for the proposed development of Wheeler Field be developed for presentation to the National Administration and to secure Congressional support at the earliest date possible. Thank you very much."

Senator O'Connor then remarked:

"Mr. President, at the resounding comments of our Ways and Means chairman, the eagle upon the standard of the United States flag is turned around and sails off in the opposite direction, as opposed to the eagle upon the Hawaiian flag which flies forward, indicating obviously that Wheeler Field will be ours in the future,

except I would have one other statement for the good and learned chairman. Just last year we lost the battle of Barbers Point. In the battle of Barbers Point, fought by the good chairman sitting directly in front of me at this time, the Navy wiped us out and we don't have Barbers Point. So, rather than getting into this wrangle in the Fourth District, I would address some other things.

"I rise to speak against the bill. I had a series of clever questions I was going to ask the chairman. Rather than asking them, in the essence of time, I will simply comment on some things I feel are very important in this measure.

"First of all--and I'm sure there'll be some comments on my comments--I will point out, in this bill, that there is a sterling comment on the top of page 2 of the committee report which says: '...the creation of various new special funds which would allow state spending to be pushed to higher levels...' and talks about loopholes in these funds. Mr. President, I would point out that on page 16 of the measure, in the operating budget, we create a new special fund for the emergency medical services organization and we push \$1.2 million into it this year, and \$2.4 million into it next year. That special fund, therefore, is not counted against the budget total.

"I will go on.

"I am very concerned, and I will speak at some length on this eye-wash having to do with crime and crime prevention. I am very concerned and I would ask the chairman to take note of the provision on grants to the counties in this measure, where there is contained the anti-crime provision of \$1.2 million for prosecutors and police officers. I direct the chairman's attention to Article VIII, Section 5, of the Constitution which says: 'If any new program or increase in the level of services under an existing program shall be mandated to the political subdivision by the Legislature, it shall provide the state's share in the cost.'

The provision in this measure, cleverly drafted, mandates that the police and prosecutors not use this money for established programs; not use the money for anything that is in the county budget, but use the money for new programs--obviously, a county mandate pursuant to the

Constitution. It will not take much, I'm sure, for the drafter of the final measure to change that and at least the state's share should be set out and the counties' share should be set out so that in ensuing years we're not stuck with putting this money year after year after year, into whatever programs the prosecutors and police decide they desire to establish with it.

"Further, I am concerned about the program at Castle High School--the \$1.4 million. A small check at the University of Hawaii indicates, in the School of Sociology, this is a brand new, flat-off-the-rack measure, never been really debated in this body, not advocated by any committee that I know of, except the Ways and Means Committee. The \$1.4 million is for essentially 4,500 students. It doesn't take a clever mathematician to figure out that that's \$310 per student, and if that program works out, we are looking at \$310 times 200,000 equalling \$62 million per year for such a program, statewide.

"I would suggest that we really, carefully look at that, and we really, carefully look at some of these concepts and ideas that the School of Sociology is putting out because, as opposed to the idea that crime might be prevented by this program, it might be a crime to have the program in the school system.

"We learned our lesson, I hope, with the 3-on-2 program. We learned that the Legislature was not the proper body to put this kind of program into the schools without a lot of work, debate, effort and expert advice by those in the field, and I don't consider those necessarily, I may be wrong, that the advocates of this program, the School of Sociology, today are ready to implement this, even as a pilot program.

"I was tickled pink to hear the chairman of Ways and Means quote good Judge Bazelon in his initial comments. Judge Bazelon is an outstanding jurist; he was a moot court judge for our class when I went to law school. But the quote of Chief Justice Burger, I think, is apt. Chief Justice Burger has this year advocated the swift and certain conclusion of criminal actions as being the keynote, the keynote of any kind of criminal justice system or approach to handling the crime problem in the United States.

"There's nothing in this budget that even begins to address that problem.

There's nothing concerning speedy trials; there's nothing to beef up the system. As a matter of fact, the budget puts down that part of the system, and does not address it at all in any way. I cannot believe that athletic directors, that alternative learning centers, that additional vice principals in the schools are really going to turn this criminal problem around.

"In the particular situation that we are in right now in this state... we are faced with major problems that this budget simply doesn't address in the area of crime. Last year we passed a Juvenile Justice Master Plan--a great effort. In that plan, we advocated the establishment of child shelters, the renovation of the Koolau facilities, wayward youth correctional facility, the study for a new correctional facility at Koolau, intake service centers for the juveniles, and a new detention home.

"We are in violation of the federal law--we were then and we are today--in the detention home area, where we mix status offenders with hardcore juvenile criminals. Last year we advocated \$3.5 million for Koolau, \$900,000 for the study for a new Koolau, \$365,000 for child shelters, more money for the intake service centers and the detention home.

"Last year, in its wisdom, the then Ways and Means Committee decided not to fund any of these things. Again, this year, we have but one cottage at Koolau funded in the budget. We need money for the other three cottages that are not only in need of repair and maintenance; they're in such disrepair that most people wouldn't use them for a garage. It's not in the budget. We need additional classrooms because the money in the budget is to renovate the Maunawili cottage which is today the school facility for that school, and there's no money for classrooms, temporary class buildings to handle the situation when that cottage is renovated. That amounts to an awful lot of money required in the juvenile area.

"In the adult area, there's been work going on in this community for the last year and a half in the corrections area; a lot of it by a committee of the Chamber of Commerce on crime, some of it by myself and others, having to do with what should be done at the various prisons.

"In the budget, we have two items--

\$3.3 million for the acquisition of land in Halawa, potentially to be used for a prison site, and simultaneously on page 4-38, for the chairman, a request for a study to determine where that site should be.

"Now I say, Mr. President, it's kind of ridiculous to pinpoint the money for a particular site and simultaneously still study where that site would be. In actuality, the only place on this island that is available for a continued corrections facility enlargement is Halawa Valley, and there's land available there. There should be at least \$8 million to \$12 million in this budget for that. It's not here.

"Basically, it is simply discouraging that more specific crime prevention measures aren't in this budget. I don't deny that it is encouraging to see those specific programs outlined that are labelled crime prevention. They are going to do a lot for the Department of Education.

"I know that my good friend, the Senator from Manoa, will be just tickled pink to have additional school counselors, school securities, student activities, athletic directors and vice principals. All of those things have been advocated for several years and the school system needs them badly. However, I take issue, and I think the community will be deluded to believe, that those items are anti-crime measures when we so desperately need money and programs in other areas, and we so desperately need to follow up on the work that's been done over the last year and a half by many people in this community, in this area.

"In toto, the budget needs a lot of work. There are areas that simply cry out for more things.

"For example, I do take issue with my good friend, the Senator from Manoa, after saying that he's gotten many of the things that he wanted, I disagree entirely with the proviso that he put into the budget, or someone put into the budget, moving the whole DAGS repair and maintenance system from DAGS into the Department of Education. I know that some would raise their hands and shout and yell with joy on this measure. Some feel that perhaps DAGS should be kicked a little bit and made to do their job, and that would solve whatever problems existed in the past. I can't help but believe that this is going to cost us an awful lot more money in duplicated people, machines, effort, and work over the years, when we take away from DAGS and put into other government agencies,

the duties that DAGS has carried out for many, many years.

"I take issue with the fact that in order to balance the budget, somehow more than a million dollars has been taken from that area which addresses safety from criminal actions and crime involvement outside the criminal justice system. I refer specifically to page II-31 and all of the programs listed thereon--a million dollars has been taken from that. I would urge that the chairman look at that and hopefully put some of it back. There are some good programs that have been cut in that area.

"All in all, we could go on page by page through the budget. Each of us has our own pros and cons, each one of us has the areas we've been concerned about, fought over, and worried about. Taking the whole matter together and particularly the cuts in grants-in-aid, which this budget presents, unfortunately I'm going to have to vote against it."

Senator Yamasaki responded as follows:

"Mr. President, I'd like to respond to the previous speaker.

"The previous speaker did say that in the appropriations made to the various counties, that we have a state mandate and therefore we may be saddled with additional costs as the result of the appropriation. However, I would like to refer the previous speaker to page 130 of the budget, to Section 93 which states: 'No appropriation authorized in this Act shall be considered to be a mandate, under Article VIII, Section 5 of the State Constitution, for a political subdivision to undertake new programs to increase the level of services under existing programs of that political subdivision.' So this is the catch-all phrase which saves us."

Senator O'Connor remarked:

"I appreciate, dramatically, the prior speaker's comments, but I need not be saved.

"I would suggest that it's not going to take any of the Corporation Counsels of any of the counties very long to disregard that entirely and look at the actual wording on page 68, which I know can be changed, but does set up a new program,

does mandate the counties to use these funds in special ways, and does track right down the line with Article VIII, Section 5, of the Constitution.

"You can't say something is an elephant, and I use that word advisedly, and disregard the fact that it has a trunk."

Senator Yamasaki then stated:

"I would also like to point out that during the years we have spent money in our efforts to reduce crime in Hawaii, we have been spending millions and millions of dollars to apprehend, to adjudicate, to build facilities, and this cost is going to grow from year to year. The rate of crime is going to increase unless we have preventive programs in our school system and in the family structure, to see whether or not we can change the attitudes of the family, as well as our children, toward prevention so that these children will become law abiding citizens of tomorrow.

"The pilot project that we have referred to in the budget is not a project that we have dreamed up. It is a project that has been submitted to the U.S. Department of Justice with the invitation of LEAA, competing for funds with nationwide school districts and states. However, Hawaii was not granted federal funds for this project. We felt that if we are to reduce the cost of government in building more facilities--which will continue to grow somewhere, some day--we ought to have the beginning to reduce the incidents of crime, and the only way we can do it is to teach our children good behavior, within their school instruction so that they will become better citizens for tomorrow.

"It is in this vein that we have appropriated funds to prevent crime in Hawaii. We know that it's not going to be an instant answer to the prevention of crime. It is a pilot project; it's going to continue for two or three years at the most, and we are going to evaluate this program with community input to find out whether this program in the Castle complex is going to work or not. If it does, then, we hope that we can, with your assistance, be able to expand further.

"I think that we have to reach the 160,000 school children in the State of Hawaii, and make some beginning, make some start in teaching these kids, these youngsters, who will be the citizens of tomorrow and who may become the statistics in the newspapers 10 or 15 years from now. It is in this vein that we have attempted to try

and pilot a program in the prevention of crime.

"Also, for your information, we have an appropriation of \$20,000 to have the Governor of the State of Hawaii call a conference of not only school people, not only the police, not only the mayors, but also community people so that they can all participate and place their input in our efforts, in our try to see whether we can approach the problem of crime by really going after the youngsters to see that they are trained properly.

"As the previous speaker has said, we have provided for 32 additional athletic directors in our public school system. When these public school athletic directors came before the committee, we said to them that we are interested not only in having a first class team or building all-star teams or having all-star individuals, but we are interested in the boys and girls who are not able to make the first string or the second string in all sports activities in the schools or in the community. We want to have all of the youngsters participate in some sports so that we can have everyone busy attending to something after their school hours. We hope that with this kind of approach, we will be able to have the youngsters become useful citizens of tomorrow.

"I think that the approach that we have taken is a correct one. It's going to take a long while before we see any results, and the payoff is going to come when we may no longer be around and I'm sure that the youngsters who are going to benefit from such an approach are going to appreciate that we have done our best to reduce the incidents of crime in the State of Hawaii."

Senator Abercrombie commented:

"Mr. President, just in the interest of the record, for the good Senator from the Seventh District, the disaster that he anticipates from the pilot project at the Castle complex will be the result of work done by the School of Social Work, not by the Department of Sociology where I hold a masters degree."

At this time, Senator Toyofuku rose to speak against the measure:

"Mr. President, I speak against the bill. In doing so, I'd like to bring to the attention of the Senators that there is an item in the budget providing for monies for administrative

operational expenses for the Division of Disability Compensation from the Special Compensation Fund rather than from the General Fund. This amounts to \$8 million for the first year and \$9 million for the second year, a total of \$17 million for two years.

"The Special Compensation Fund is revenues derived from special assessment to insurers of employers and the self-insured. The self-insured includes all of the plantations and the large companies. The Special Compensation Fund is used to pay for second injuries.

"If the desire is to have this Special Fund pay for administrative operational costs, there must be specific legislation. This legislation must be passed to permit the Special Fund to pay for administrative operational cost. Of course, the cost to employers will be increased and this cost will naturally be passed on to the consuming public.

"Also, Mr. President, there are several hospitals that have been cut drastically in their operations. Hilo has been cut \$542,000; Kona has been cut \$474,000; Maui Memorial has been cut \$310,000; Kauai has been cut some \$107,000. Some of these hospitals recently completed extensions to their facilities and in order to continue operation these funds must be restored, otherwise they will not be able to open their facilities and provide the additional health care services to our communities. Thank you very much."

Senator Ushijima asked:

"Will the previous speaker yield to a question? What was the cost to Hilo Hospital?"

Senator Toyofuku replied:

"Hilo Hospital, \$542,000."

Senator Ushijima then questioned further:

"In the Senate budget?"

Senator Toyofuku replied in the affirmative.

Senator Ushijima thanked Senator Toyofuku for his answers.

Senator Holt rose to inquire as follows:

"Mr. President, since I believe that maybe someone was sleeping when we were passing out grants-in-aid money to Palama Interchurch Council, I have a question as to whether the

funding designation for emergency medical services is correct, where it provides for special funding.

"Can someone answer that question, perhaps the chairman--on page 16."

The Chair called upon Senator Cayetano as subject matter chairman to answer the inquiry.

Senator Cayetano replied:

"Mr. President, the funding designation was put in there in anticipation of a bill which provides for an emergency medical services special fund to be enacted this year.

"Very briefly, we're doing this to provide an emphasis to the Department of Health to pass the regulations which are necessary to permit charges for services performed by the emergency medical services. B&F informs us that the state, to date, has lost approximately \$4 million over the past two years, and so we have approached it in this way to try to get them to move along."

Senator Holt questioned further:

"Can I then ask a follow-up question--what happens if the enabling legislation for the special fund should die, then what?"

Senator Cayetano replied:

"Well, Mr. President, if that happens, I think the idea is eminently a reasonable one. I think my contacts with the subject matter committee chairman on the House side seems to indicate that he also feels that it's a good idea and that the idea will be well received in the House. But, if that happens, then obviously we may have to make some adjustments in the budget in conference. Certainly, before such adjustments are made, we're going to feel out the House as to their thoughts on the passage of the bill which sets up the special funds for those services."

Senator Holt then remarked:

"Thank you, Senator Cayetano.

"Now, Mr. President, I'd like to make my point. The creation of new special funds this year subverts the intent and purpose of the expenditure ceiling. When the Committee on Taxation and Finance of the 1978 Con Con met to establish some form of limitation on state government spending, it was in response to a genuine concern of taxpayers that the cost of government should not consume an increasing

proportion of their income. They felt that discipline was needed in the development and execution of spending policies and thus expressed wide support for a ceiling that would prevent state spending to be pushed to higher levels.

"The committee report of this bill states that the committee has followed several principles in developing the budget, including one which I quote: '...those constitutional provisions adopted by the people in 1978 which impose limitations on state expenditures from the general fund or through long-term borrowing are to be faithfully respected. Although loopholes exist, such as the creation of various new special funds which would allow state spending to be pushed to higher levels, there will be no circumvention of the restrictions directed by the Constitution.'

"Mr. President, your Ways and Means Committee has just utilized one of these so-called loopholes with the creation of this EMS special fund just to stay within the spending ceiling. They have done so at the expense of many other needed social programs. The establishment of this special fund has, in effect, set up a pick-and-choose funding precedence with no rationale for which people-oriented programs will be saved and which will be abandoned.

"The expenditure of general fund monies derived from general excise tax revenues count for the constitutionally established expenditure ceiling. Special funds, by definition, exist on monies earned by the program as it relates to fees charged, or a formula of earmarking general fund monies, or tax imposed on persons affected by and who use services provided under the special fund program.

"While special fund expenditures would not count against the expenditure ceiling, the impact upon users, especially for the first time, is a fee assessment. Without this we are not talking about a special fund. It must derive income from a source other than the general fund, although what most people also fail to mention is oftentimes special funds are supplemented by general fund appropriations, like what we are trying to do with our highway fund.

"It seems that the first thing that must be done for the EMS special fund, to be self-sufficient, is the development of a fee schedule, and as we have heard from the previous speaker, the Department of Health has not established that fee schedule as yet. I assume that the Department of Health is aware

that the users of EMS services will have to be charged for services if we adopt this budget. EMS is a service that can hit any of us indiscriminately; it is not confined to any particular classification of people--rich or poor, we will be paying higher fees for emergency services.

"Mr. President, the same logic applied to the establishment of an EMS special fund can be applied to other needed social programs. These could be placed as special funds so that needed services can be continued.

"For example, there's no reason why a program like the Progressive Neighborhoods Program should be cut a total of \$1.3 million for fiscal year 1982-83, as they provide a very important, necessary service, such as...well, we know we have the Waianae Community Service Center, Kam-Kaahumanu Community Service Center, Waimanalo Community Service Center, Molokai Community Service Center. I can go on and on, and all these agencies will be affected by this \$1.3 million cut. Perhaps we should create a special PNP special fund and start charging fees and save the program. At the same time, Mr. President, other ongoing programs which receive income and collect fees for services rendered could be established in special funds, such as traffic fines.

"If the true special funds are established, a good \$100 million in general fund revenues could be realized to fund the several social programs which were left out of this budget and the expenditure ceiling could be maintained. In other words, either convert all programs which don't fit the expenditure ceiling into special funds like this EMS example, or convert all state programs which truly fit special funds status, because of income generated to special funds. We're either going to subvert the ceiling all the way, or not subvert it at all by setting up special programs which truly qualify as such. However, Mr. President, your Ways and Means Committee has decided to take the pick-and-choose approach just to stay within the expenditure ceiling. It's unfortunate for the many people who worked so hard to develop their proposals for a fair, consistent review by the committee.

"I am not afraid to exceed the expenditure ceiling. People's needs are more important than trying to maintain an arbitrary limit. The Constitutional Convention took this into consideration by allowing for such an alternative through a two-thirds vote of the Legislature.

Too many individuals and groups have expressed preference for programs and services, rather than a rebate or a tax credit, if a choice comes out to this and it has, people of this state are much smarter, more compassionate, and willing to sacrifice for the programs which are being cut out.

"It makes no sense to take pride in remaining under an arbitrary expenditure ceiling at the price of cutting out too many people programs. We exist to serve, not to impose additional hardship on our constituents by cutting off human services, and even worse, imposing additional assessments on the users of needed services.

"Therefore, Mr. President, I strongly urge all my colleagues to vote 'no' on this bill."

Senator Saiki then stated:

"Mr. President, I'd like to address some of the comments made by the previous speaker.

"First of all it's most unfortunate that he used the EMS special fund as an example, or called it a sort of loop-hole, catch-all special fund that we were creating, because if the good Senator will check the statutes, back in 1978 this Legislature enacted Act 148 which set up a statewide emergency medical services system. Within that same law, we included a mandate that thereafter the state shall be able to charge individuals for their ambulance calls. The reason we did it, of course, is that no one would really have to put out-of-pocket costs for these ambulance calls.

"We learned that 96% of the people in this state have private or group medical insurance. We were appalled that the state, heretofore, was not able to collect from third party payors for the ambulance calls that were being made. Of course, we know that this must be corrected; it's money that should have been coming into the state in the first place. So, by creating this special fund, we allow for the calls to be charged to the third party payors, and then this money will go into the special fund and help to relieve the cost for the emergency medical services system that we want to develop.

"Now, it is true that the Department of Health, since the law was enacted in 1978, has not as yet developed or adopted, rules and regulations with the specific fees involved, so that we do not know yet, exactly how we

are going to implement this. The chairman of the Committee on Health is absolutely correct, and I support him wholeheartedly, in that perhaps the creation of this fund will spur the administration to do what they should have done back in 1979.

"We are losing some \$2.3 to \$3 million a year from the third party payors whose medical charges could be recouped by the state for which, of course, all of us who are participants in medical plans are actually paying. Therefore, this special fund that the good Senator is discussing is not at all a loophole kind of fund, nor is it going to cost our people any extra money, nor is it going to deplete the state general fund, because it's money that's out there that we should have been collecting all these years.

"Therefore, Mr. President, I would say that the special fund for emergency medical services is especially needed; it is desirable and it is one of those kinds of areas that should have been on the books a long time ago, and I'm glad we are pursuing it this year. Thank you."

Senator Holt responded as follows:

"Mr. President, I'd just like to respond to the previous speaker. I believe also that our law says that we are charged for marriage licenses, but that doesn't necessarily mean the revenues or income that we collect says for us to create a special fund."

Senator Saiki commented:

"Mr. President, I'm sorry he picked on marriage...it's the most unfortunate analogy, Senator; however, I would like to respond to that.

"When you get married you're going to pay for the license. Begrudgingly so, maybe, but you would have to pay it out of out-of-pocket costs, your own cost, and I think the investment is very much worthwhile, Senator Holt, and I would recommend it highly.

"However, I think the analogy here with the EMS fund is not true because the monies for the EMS fund are being paid by us as medical participants in insurance plans anyway, therefore, it would not involve out-of-pocket costs. But, I would recommend that you try marriage."

Senator Holt noted:

"I would just say, Mr. President, that we are setting a precedent that we will be able to use as an example

from now on when we decide to go out and create special funds."

Senator Cayetano stated:

"Mr. President, Senator Saiki is right. This is truly a very poor example of special funds used to create a loophole. Actually, this idea of a special fund was dreamed up, if you will, for want of a better term, to try to save general funds for use for other projects.

"For example, if this bill passes and if we are successful in enacting a law which establishes this special fund, then the programs talked about by Senator O'Connor and Senator Holt--maybe we can fund them fully. Perhaps a better example of the kind of special fund, the pick-and-choose special fund talked about, is the \$10 million OHA Trust Fund.

"Mr. President, there is a special fund that truly gets around the expenditure limit. But, as was stated in the committee report, I think that there were overriding considerations which this Senate, as I recall, voted something like 23 to 2 to pass that bill and create that \$10 million special fund, and my recollection is that the Senator who is talking about this emergency medical services special fund voted for that special fund.

"So, it's true we have to pick and choose, but when we pick and choose I think we take into consideration factors which perhaps outweigh the problem of creating a special fund to get around the expenditure ceiling."

At this time, Senator O'Connor asked:

"Mr. President, I'd like to direct a question to the chairman of the Committee on Economic Development. The question has to do with water.

"In looking at the executive budget, it was obvious that water was one of the major items of consideration this year. Wells were proposed in that budget for Haena, at Honokaa, Laupahoehoe, at Piipihonua, the Waimea Water System, Koloa Water System, Lihue, Wailua-Kapaa--none of these emerged in the Senate budget.

"I wonder if the good chairman could enlighten us, since we don't seem to have much water legislation floating around this year, as to what happened to the water budget."

Senator Henderson asked:

"I'd like to ask the Senator from the

Seventh District what page he is referring to in the budget?"

Senator O'Connor replied:

"I'm looking at the Governor's proposed budget on pages Roman IV - 4, Et. Seq., and I'm looking at our budget which doesn't have any of those pages in it, and it refers to... maybe I should be addressing this question to the good chairman on Agriculture, except that the headnote in this area is Economic Development."

Senator Yamasaki, then rose on a point of information as follows:

"Is the Senator's question directed to the 1981-82 budget, or is it in the 1982-83 column?"

Senator Henderson then stated:

"Mr. President, we took it out of the Governor's budget for our own reasons and we intend to address the problem in conference. Thank you."

Senator O'Connor commented:

"That's a superb answer."

Senator Holt stated:

"Mr. President, I would like to respond to Senator Cayetano's comment about the \$10 million special fund for OHA."

"I believe that if that bill was under consideration with this budget and all these cuts had been made to some needed programs in the community, I believe I might have voted against that special fund creation."

Senator Yamasaki stated:

"Mr. President, I believe that we have debated extensively on the budget, I move for the previous question."

The Chair remarked:

"It's the policy of the Chair to allow every member of the Senate to speak as long and as eloquently on issues before this body. I would like to entertain discussion on the motion. If anyone else cares to address the budget at this time, please inform the Chair. If not, the Chair will ask for a roll call."

The motion was put by the Chair and carried and H.B. No. 1, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout,

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

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

House Bill No. 206, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, H.B. No. 206, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Abercrombie, Cayetano, Holt, O'Connor, Ushijima and Uwayne).

House Bill No. 588, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 588, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICES IN GUARDIANSHIP PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 597, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 597, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 739, H.D. 2, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 739, H.D. 2, 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, 25. Noes, none.

House Bill No. 1931, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1931, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WORK RELEASE PLAN," having been read throughout,

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

Ayes, 25. Noes, none.

House Bill No. 934, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, H.B. No. 934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING HOME ADMINISTRATORS ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ushijima).

House Bill No. 1292, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 1292, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Uwayne.

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

"Mr. President, I'd like to speak briefly against this bill. This bill is so heavily weighted, particularly in the areas where there's going to be repairs. We debated this at the time the Landlord-Tenant Code was passed. One of the areas of debate that raged most furiously was how many days, logically, could a landlord have within which time the landlord could logically complete some of these repairs that a tenant would demand; and we made the ability to the tenant to demand them under the code.

"To take some of these repairs and reduce them to a period of three business days, just doesn't make common sense. There's no way in this town that you can get a plumber to your house and have something done within three days, or an electrician, or some of these things that this bill mandates. It's just simply impossible.

"For that reason, I'm going to vote against the bill."

Senator Cobb remarked:

"Mr. President, on page 5, line 11, of the bill it says: '...the landlord shall commence affirmative good faith efforts to make repairs within three business days of receiving oral or written notification.'

"We had a discussion in the committee of approximately an hour and a half on this very point; and if the landlord picks up the telephone or makes any effort at all to commence those repairs, that constitutes a good faith effort."

Senator O'Connor commented:

"Mr. President, I agree with the good chairman except that he doesn't read the next part of the sentence which says: '...provided further that any case involving repairs....,' and it goes on to say: '...electrical, plumbing, or other facilities, including major appliances....'

"My wife's been trying to get Sears & Roebuck to come out and fix our refrigerator for weeks, and the bill only gives three days. The sanctions for this are tremendous. The landlord gets the sanctions when the electrician or the plumber, or Sears or Penny's or somebody else can't get there within three days; it is irrational."

Senator Cobb noted:

"He must be reading from a different version of the bill because page 5 ends there and goes on to Section 4."

At 7:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:35 o'clock p.m.

The motion was put by the Chair and carried and H.B. No. 1292, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

House Bill No. 357:

By unanimous consent, H.B. No. 357, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC OFFICERS AND EMPLOYEES," was recommitted to the Committee on Human Resources.

House Bill No. 358:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, H.B. No. 358, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE LAW ON FILING NOTICES OF CERTAIN PERSONNEL ACTIONS WITH THE DIRECTOR OF PERSONNEL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 431:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 431, 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, 25. Noes, none.

House Bill No. 605, H.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 605, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 743, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 743, 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, 25. Noes, none.

House Bill No. 744, H.D. 1, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 744, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 746:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 746, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 747:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 747, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 749, H.D. 2, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 749, H.D. 2, S.D. 1, 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, 25. Noes, none.

House Bill No. 956, H.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 956, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1101, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 1101, S.D. 1, 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, 25. Noes, none.

House Bill No. 71, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 71, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," was recommitted to the Committee on Judiciary and the Committee on Human Resources.

House Bill No. 1310, H.D. 1:

Senator Carpenter moved that H.B. No. 1310, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Carpenter then offered the following amendment:

House Bill No. 1310, H.D. 1, is amended by amending page 2, line 3, to read:

"(a) He knowingly"

Senator Carpenter moved that the amendment be adopted, seconded by

Senator Cobb.

The motion to adopt the amendment was put by the Chair and carried.

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. 1310, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE."

House Bill No. 1341, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1341, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1522, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1522, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF LEASED OR RENTED PERSONAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1530, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1530, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT PROMOTION AND MARKET DEVELOPMENT," was deferred until Monday, April 6, 1981.

MATTER DEFERRED FROM
EARLIER ON THE CALENDAR

House Bill No. 804, S.D. 1:

By unanimous consent, action on H.B. No. 804, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE, ESTATE TAXES," was deferred until Monday, April 6, 1981.

At 7:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:23 o'clock p.m.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

Standing Committee Report No. 848 (H.B. No. 1511, H.D. 1, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 848 be received and placed on file, seconded by Senator Uwaine and carried.

Senator Anderson then offered the following amendment:

1. SECTION 1. H.B. No. 1511, H.D. 1, S.D. 1, is amended by adding two new SECTIONS on pages 3 and 4 to read as follows:

SECTION 3. Section 478-11, Hawaii Revised Statutes, is amended to read as follows:

"§478-11 Interest; credit cards. Notwithstanding any other provision to the contrary, the maximum rate of interest chargeable on indebtedness incurred under a credit card agreement shall not exceed [eighteen] twenty-one per cent per year. For purposes of this section, credit card means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, on credit. This section shall remain in effect until June 30, [1985] 1984."

SECTION 4. Chapter 476, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§476- Interest; credit cards. Nothwithstanding any other provision to the contrary, the maximum rate of interest chargeable on indebtedness incurred under a credit card agreement shall not exceed twenty-one per cent a year. For purposes of this section, credit card means any device, whether known as a credit card, credit plate, or by any other name issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, on credit. This section shall remain in effect until June 30, 1984."

2. Renumber SECTION 3 on page 3 as SECTION 5.

3. Renumber SECTION 4 on page 3 as SECTION 6.

4. Renumber SECTION 5 on page 3 as SECTION 7 and to read as follows:

"SECTION 5. This Act shall take effect upon its approval, provided that SECTIONS 1 and 2 of this Act shall not affect any rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act. This Act shall not increase the maximum legal rate of interest, discount, charges or other consideration permissible under Hawaii or federal law on any indebtedness agreed to before the effective date of this Act. This Act shall not increase the rate of interest, discount, charges, or other consideration agreed to in any commitment entered into before the effective date of this Act; provided that if any commitment for a wraparound loan entered into before the effective date of this Act was conditioned in effect on the fact that the interest, discount, charges, or other consideration agreed to would not be usurious at the time of closing of the loan then the provisions of this Act will apply if the loan so committed to is closed after the effective date of this Act."

Senator Anderson moved that the amendment be adopted, seconded by Senator Cobb.

The motion to adopt the amendment was put by the Chair and carried.

Senator Cobb moved that H.B. No. 1511, H.D. 1, S.D. 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Anderson.

At this time, Senator Kawasaki rose to speak in favor of the measure:

"Mr. President, I will support the amended bill. I would like, in conference if possible, some language to be incorporated into this newly amended bill so that lending institutions, while they have a ceiling of 21% ostensibly to take care of their high cost of borrowing money to carry on the credit card program, when the interest rates come down and the costs to the bank are decreased, that same reduction in the cost of borrowed monies to the banks, that same lowering of the cost, will also be passed on to the card holder, or the consumer.

"I would like some language to that effect incorporated in the final version of the bill."

Senator Cobb noted:

"One final observation in response to that, Mr. President.

"The amendment has a 'drop dead' clause of 1984 on it, and I can assure you that if I don't see that kind of practice and competition taking place, this will drop 'deader' than a doornail."

The motion was put by the Chair and carried, and H.B. No. 1151, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," 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, 17. Noes, 1 (Abercrombie).
Excused, 7 (Holt, Machida, Mizuguchi, O'Connor, Toyofuku, Ushijima and Yee).

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. 1151, H.D. 1, S.D. 2.

Standing Committee Report No. 872
(H.B. No. 733, S.D. 1):

On motion by Senator Anderson, seconded by Senator Cobb and carried, H.B. No. 733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," 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. 733, S.D. 1.

At 9:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:27 o'clock p.m.

At this time, Senator Anderson rose on a point of personal privilege:

"Mr. President, I'd like to make an observation, if I may.

"At this point, the budget has moved two days early, which I think is very significant. It gives the staff--the Ways and Means and House Finance--the weekend to exchange worksheets.

"I think the Senate, if you check the bills which we passed today and are clocking for Monday, are House bills, many of them without Senate drafts. I think the Senate here demonstrated and will continue to demonstrate a good faith with the House. There has been no shenanigans, and there has been

no games in holding House bills back deliberately or for strategy purposes. Many of these bills will go back to the House and straight to the Governor.

"In closing, I would just like to say that I'm really happy to be in this house."

ADJOURNMENT

At 9:29 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., Monday, April 6, 1981.