

THIRTY-FOURTH DAY

Tuesday, March 16, 1982

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Mrs. Wenonah Kamakawiwoole, Lay Minister of Waianae Protestant Church, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

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

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

Senator Anderson, on behalf of the Senate, introduced a group of 25 fifth grade students from Liholiho Elementary School.

Senator Mizuguchi, on behalf of the Senators of the Fourth Senatorial District, introduced a group of immigrant students from Waialua High School, accompanied by their teachers, Marina Ulep, Lydia Daquidag and Cora Joaquin.

Senator Soares then rose and stated:

"Mr. President, sitting in the gallery this morning is one of our most famous athletes in the history of Hawaii, or the greatest football player ever to grace the King Street 'Termite Palace,' the Honolulu Stadium, and probably before that, the old Moiliili Field, and certainly, the leader among any candidates that have been inducted into the Hawaii Hall of Fame.

"He was once Sergeant-at-Arms in the 60's when you and I were in the House, Mr. President, and I am very, very proud this morning to recognize the 'Black Grange,' Mr. Hiram Kaakua."

Senator Kuroda then rose and introduced a former staff member of Senator Saiki, Ms. Barbara Ricketts, accompanied by a group of her friends.

Senator Campbell then rose and introduced Mr. Erlene Piko of the Drug Prevention Branch of the Department of Health.

DEPARTMENTAL COMMUNICATION

A communication from the Office of the Auditor (Dept. Com. No. 14), transmitting a report entitled: "Study of the State of Hawaii's Expenditure Ceiling,"

was read by the Clerk and was referred to the Committee on Ways and Means.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 94 to 166) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 94), transmitting House Bill No. 791, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed First Reading and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 95), transmitting House Bill No. 1042, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1042, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILING OF FINANCING STATEMENTS BY CONSIGNORS AND LESSORS UNDER THE UNIFORM COMMERCIAL CODE," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 96), transmitting House Bill No. 2010-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2010-82, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," passed First Reading and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 97), transmitting House Bill No. 2071-82, H.D. 1, which

passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2071-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION; AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 98), transmitting House Bill No. 2095-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2095-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE NUMBER PLATES," passed First Reading and was referred to the Committee on Government Operations and Intergovernmental Relations.

A communication from the House (Hse. Com. No. 99), transmitting House Bill No. 2096-82, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2096-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NONRESIDENT VEHICLE PERMITS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 100), transmitting House Bill No. 2147-82, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2147-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 101), transmitting House Bill No. 2155-82, H.D. 2, which passed Third Reading in the House of Represent-

tatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2155-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed First Reading and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 102), transmitting House Bill No. 2158-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2158-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 103), transmitting House Bill No. 2169-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2169-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BLOOD SAMPLES OF PREGNANT WOMEN," passed First Reading and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 104), transmitting House Bill No. 2176-82, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2176-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 105), transmitting House Bill No. 2177-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B.

No. 2177-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 106), transmitting House Bill No. 2178-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2178-82, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 107), transmitting House Bill No. 2203-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2203-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 108), transmitting House Bill No. 2167-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2167-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPHYLAXIS FOR THE PREVENTION OF BLINDNESS IN THE NEWBORN," passed First Reading and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 109), transmitting House Bill No. 2206-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2206-82, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 110), transmitting House Bill No. 2210-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2210-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 111), transmitting House Bill No. 2230-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2230-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY GENERATED FROM NON-FOSSIL FUELS," passed First Reading and was referred to the Committee on Public Utilities.

A communication from the House (Hse. Com. No. 112), transmitting House Bill No. 2241-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2241-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF MONEY OWED TO THE STATE," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 113), transmitting House Bill No. 2243-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2243-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 114), transmitting House Bill No. 2244-82, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2244-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERAN'S RIGHTS AND BENEFITS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 115), transmitting House Bill No. 2271-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2271-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASES OF PUBLIC LANDS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 116), transmitting House Bill No. 2332-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2332-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES FOR AGRICULTURAL USE," passed First Reading and was referred jointly to the Committee on Agriculture and the Committee on Economic Development.

A communication from the House (Hse. Com. No. 117), transmitting House Bill No. 2348-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2348-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO METAL AND GEM DEALERS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 118), transmitting House Bill No. 2355-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2355-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 119), transmitting House Bill No. 2358-82, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B.

No. 2358-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed First Reading and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 120), transmitting House Bill No. 2367-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2367-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 121), transmitting House Bill No. 2404-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2404-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USURY," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 122), transmitting House Bill No. 2407-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2407-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 123), transmitting House Bill No. 2408-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2408-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT UNIONS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 124), transmitting House Bill No. 2573-82, which passed Third Reading in the House of Represent-

tatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2573-82, entitled: "A BILL FOR AN ACT RELATING TO LAND USE WITHIN AGRICULTURAL DISTRICTS," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 125), transmitting House Bill No. 2585-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2585-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 126), transmitting House Bill No. 2629-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2629-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 127), transmitting House Bill No. 2627-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2627-82, H.D. 1, entitled: "A BILL FOR AN ACT TO AMEND THE HAWAII WATER CARRIER LAW," passed First Reading and was referred to the Committee on Public Utilities.

A communication from the House (Hse. Com. No. 128), transmitting House Bill No. 2669-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2669-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 129), transmitting House Bill No. 2697-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2697-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 130), transmitting House Bill No. 2822-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2822-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 131), transmitting House Bill No. 2890-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2890-82, entitled: "A BILL FOR AN ACT RELATING TO THE INDUSTRIAL LOAN COMPANY GUARANTY ACT," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 132), transmitting House Bill No. 2902-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2902-82, entitled: "A BILL FOR AN ACT RELATING TO SAFETY DEPOSIT BOXES," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 133), transmitting House Bill No. 2933-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded

by Senator Anderson and carried, H.B. No. 2933-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON CREDIT CARDS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 134), transmitting House Bill No. 2934-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2934-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 135), transmitting House Bill No. 2971-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2971-82, entitled: "A BILL FOR AN ACT RELATING TO STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES," passed First Reading and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 136), transmitting House Bill No. 2980-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2980-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL CORPORATIONS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 137), transmitting House Bill No. 3016-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3016-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIRTH CERTIFICATES," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 138), transmitting House Bill No. 3030-82, which passed Third Reading in the House of Representatives on March

15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3030-82, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 139), transmitting House Bill No. 3053-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3053-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 140), transmitting House Bill No. 509, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 509, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 141), transmitting House Bill No. 1653, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1653, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REQUIREMENTS FOR AMENDMENT OF THE DECLARATION AND BYLAWS OF CONDOMINIUM ASSOCIATIONS UNDER THE HORIZONTAL PROPERTY ACT," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 142), transmitting House Bill No. 2029-82, H.D. 2, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2029-82, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BILLIARDS AND BOWLING ALLEYS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 143), transmitting House Bill No. 2208-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2208-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF QUALIFIED STATE APPRAISERS AS WELL AS INDEPENDENT APPRAISERS TO DETERMINE THE VALUE OF REMNANTS," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 144), transmitting House Bill No. 2097-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2097-82, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING," passed First Reading and was referred to the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 145), transmitting House Bill No. 2247-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2247-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 146), transmitting House Bill No. 2264-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2264-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEMOPHILIA," passed First Reading and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 147), transmitting House Bill No. 2318-82, which passed Third Reading in the House of Representatives on March

15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2318-82, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS," passed First Reading and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 148), transmitting House Bill No. 2349-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2349-82, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," passed First Reading and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 149), transmitting House Bill No. 2540-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2540-82, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 150), transmitting House Bill No. 2560-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2560-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 151), transmitting House Bill No. 2564-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2564-82, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CREATION OF SPECIAL HANDLING FEES FOR REVIEW OF CORPORATION AND PARTNERSHIP DOCUMENTS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 152), transmitting House Bill No. 2624-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2624-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES," passed First Reading and was referred jointly to the Committee on Ecology, Environment and Recreation and the Committee on Economic Development.

A communication from the House (Hse. Com. No. 153), transmitting House Bill No. 2667-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2667-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed First Reading and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 154), transmitting House Bill No. 2799-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2799-82, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF AQUACULTURAL ACTIVITIES," passed First Reading and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 155), transmitting House Bill No. 2814-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2814-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES AS IT PERTAINS TO PUBLIC AUCTIONS," passed First Reading and was referred to the Committee on Government Operations and Intergovernmental Relations.

A communication from the House (Hse.

Com. No. 156), transmitting House Bill No. 2848-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2848-82, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVE EXCEPTIONS," passed First Reading and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 157), transmitting House Bill No. 2917-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2917-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOOD COUPON PROGRAM," passed First Reading and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 158), transmitting House Bill No. 2935-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2935-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRANCH BANKS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 159), transmitting House Bill No. 2969-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2969-82, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 160), transmitting House Bill No. 3072-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B.

No. 3072-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 161), transmitting House Bill No. 3091-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3091-82, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION FOR THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 162), transmitting House Bill No. 2139-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2139-82, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW," passed First Reading and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 163), transmitting House Bill No. 2339-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2339-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD," passed First Reading and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 164), transmitting House Bill No. 2811-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2811-82, entitled: "A BILL FOR AN ACT RELATING TO THE COMPOSITION OF THE BOARD OF TRUSTEES FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," passed First Reading and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 165), transmitting House Bill

No. 2838-82, H.D. 1, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2838-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 166), transmitting House Bill No. 2930-82, which passed Third Reading in the House of Representatives on March 15, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2930-82, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading and was referred to the Committee on Human Resources.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 520-82) informing the Senate that Governor's Message No. 180, and Standing Committee Report Nos. 363-82 to 519-82 have been printed and have been distributed to the members of the Senate.

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

ORDER OF THE DAY

THIRD READING

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

MATTERS DEFERRED FROM MARCH 15, 1982

Senate Bill No. 2255-82, S.D. 1:

By unanimous consent, S.B. No. 2255-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

Senate Bill No. 2256-82:

By unanimous consent, S.B. No. 2256-82, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was

recommitted to the Committee on Ways and Means.

Senate Bill No. 2257-82, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, S.B. No. 2257-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2258-82:

By unanimous consent, S.B. No. 2258-82, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was recommitted to the Committee on Ways and Means.

Senate Bill No. 2321-82, S.D. 1:

By unanimous consent, action on S.B. No. 2321-82, S.D. 1, entitled: "A BILL FOR AN ACT AMENDING SECTION 46-6, HAWAII REVISED STATUTES, RELATING TO PARKS AND PLAYGROUNDS FOR SUBDIVISIONS," was deferred until Wednesday, March 17, 1982.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senate Bill No. 2871-82, S.D. 1:

On motion by Senator Ajifu, seconded by Senator Cobb and carried, S.B. No. 2871-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Standing Committee Report No. 271-82 (S.B. No. 2187-82):

By unanimous consent, Stand. Com. Rep. No. 271-82 and S.B. No. 2187-82, entitled: "A BILL FOR AN ACT RELATING TO BRANDS AND AMENDING SECTION 142-41, HAWAII REVISED STATUTES," were recommitted to the Committee on Ways and Means.

Senate Bill No. 2311-82:

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, S.B. No. 2311-82, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2312-82, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, S.B. No. 2312-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT OF STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2456-82:

By unanimous consent, action on S.B. No. 2456-82 was deferred to the end of the calendar.

Senate Bill No. 2891-82, S.D. 1:

Senator Yamasaki moved that S.B. No. 2891-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Abercrombie.

At this time Senator Henderson rose to ask for a ruling of the Chair as to a possible conflict of interest.

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and S.B. No. 2891-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENTS BY GENERAL MOTORS DEALERSHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Cayetano, Cobb, O'Connor and Soares). Excused, 2 (Anderson and Holt).

Senate Bill No. 2452-82, S.D. 1:

By unanimous consent, action on S.B. No. 2452-82, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2527-82, S.D. 1:

On motion by Senator Uwayne, seconded by Senator Abercrombie and carried, S.B. No. 2527-82, 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, 22. Noes, 1 (O'Connor). Excused, 2 (Anderson and Holt).

Senate Bill No. 2895-82:

By unanimous consent, S.B. No. 2895-82, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVE EXCEPTIONS," was recommitted to the Committee on Human Resources.

Senate Bill No. 2643-82, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2643-82, 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, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2600-82, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2600-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kawasaki). Excused, 2 (Anderson and Holt).

Senate Bill No. 2530-82:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2530-82, 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, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2249-82:

By unanimous consent, S.B. No. 2249-82, entitled: "A BILL FOR AN ACT RELATING TO VISITATION AND SUPPORT," was recommitted to the Committee on Human Resources.

Senate Bill No. 103:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 103, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2183-82, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2183-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2350-82:

By unanimous consent, action on S.B. No. 2350-82 was deferred to the end of the calendar.

Senate Bill No. 2825-82, S.D. 1:

By unanimous consent, action on S.B. No. 2825-82, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2214-82:

By unanimous consent, S.B. No. 2214-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Economic Development.

Senate Bill No. 2217-82:

By unanimous consent, S.B. No. 2217-82, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," was recommitted to the Committee on Economic Development.

Senate Bill No. 2218-82:

On motion by Senator Henderson, seconded by Senator Yee and carried, S.B. No. 2218-82, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2260-82:

By unanimous consent, S.B. No. 2260-82, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF

QUALIFIED STATE APPRAISERS AS WELL AS INDEPENDENT APPRAISERS TO DETERMINE THE VALUE OF REMNANTS," was recommitted to the Committee on Economic Development.

Senate Bill No. 2233-82, S.D. 1:

By unanimous consent, S.B. No. 2233-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2646-82:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2646-82, entitled: "A BILL FOR AN ACT RELATING TO PATIENTS' COMPENSATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2211-82:

By unanimous consent, S.B. No. 2211-82, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 2958-82:

On motion by Senator Kobayashi, seconded by Senator George and carried, S.B. No. 2958-82, entitled: "A BILL FOR AN ACT RELATING TO FISHING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Machida and Toyofuku). Excused, 2 (Anderson and Holt).

Senate Bill No. 2765-82, S.D. 1:

On motion by Senator George, seconded by Senator Kawasaki and carried, S.B. No. 2765-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2333-82:

By unanimous consent, S.B. No. 2333-82, entitled: "A BILL FOR AN ACT RELATING TO THE TOWING OF ABANDONED VEHICLES," was recommitted to the Committee on Transportation.

Senate Bill No. 2326-82, S.D. 1:

By unanimous consent, S.B. No. 2326-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," was recommitted to the Committee on Transportation.

Senate Bill No. 642:

By unanimous consent, S.B. No. 642, entitled: "RELATING TO INHERITANCE AND ESTATE TAXES," was recommitted to the Committee on Ways and Means.

Standing Committee Report No. 300-82 (S.B. No. 2201-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, Stand Com. Rep. No. 300-82 was adopted and S.B. No. 2201-82, 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, 23. Noes, none. Excused, 2 (Anderson and Holt).

Standing Committee Report No. 301-82 (S.B. No. 2202-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 301-82 and S.B. No. 2202-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE DEPARTMENTS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 302-82 (S.B. No. 2205-82):

By unanimous consent, Stand. Com. Rep. No. 302-82 and S.B. No. 2205-82, entitled: "A BILL FOR AN ACT RELATING TO COUNTY/STATE HOSPITAL SYSTEM," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 303-82 (S.B. No. 2246-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 303-83 and S.B. No. 2246-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE AND NEGLECT," were recommitted to the Committee on Ways and Means.

Senate Bill No. 2319-82, S.D. 1:

By unanimous consent, S.B. No. 2319-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE," was recommitted to the

Committee on Ways and Means.

Senate Bill No. 2514-82, S.D. 1:

By unanimous consent, action on S.B. No. 2514-82, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 306-82 (S.B. No. 2523-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 306-82 was adopted and S.B. No. 2523-82, S.D. 2, 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, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2548-82, S.D. 1:

By unanimous consent, action on S.B. No. 2548-82, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 308-82 (S.B. No. 2627-82, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 308-82 and S.B. No. 2627-82, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 2799-82:

By unanimous consent, action on S.B. No. 2799-82 was deferred to the end of the calendar.

Standing Committee Report No. 310-82 (S.B. No. 2866-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 310-82 be adopted and S.B. No. 2866-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Abercrombie.

At this time Senator Kawasaki rose to speak against the bill stating:

"Mr. President, I am voting against this bill primarily because this sets up a \$75 million mortgage fund for the purpose of helping to provide financing for property owners who today own leasehold properties, which are to be purchased on a fee basis.

"I would support this bill had it not been for the fact that in my judgment, there is a need for mortgage money for many people who are the first-time buyers, who do not own today either a leasehold property or residential fee simple property.

"I would like to have a mortgage fund of this nature, amounting to \$75 million, set aside first of all for people who are not fortunate enough to even be able to reside in their first owned homes, and I would think after we have enough mortgage money for this category of first-time buyers, then we should think about setting up a mortgage fund for people who today own leased homes which they hope to purchase from the big land owners in fee.

"For that reason, I vote against this bill."

Senator O'Connor then rose to ask for a ruling of the Chair as to a possible conflict of interest stating:

"Mr. President, I must declare a conflict on this bill. I represent an excess of 5,000 lessees going through this process."

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 310-82 was adopted and S.B. No. 2866-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kawasaki). Excused, 2 (Anderson and Holt).

Senate Bill No. 2903-82, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, S.B. No. 2903-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2983-82, S.D. 1:

By unanimous consent, S.B. No. 2983-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," was recommitted to the Committee on Ways and Means.

House Bill No. 2319-82, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 2319-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

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

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2280-82, S.D. 1:

Senator Carpenter moved that S.B. No. 2280-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Abercrombie rose to speak against the bill stating:

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

"The purpose of this bill is to provide for a mandatory minimum prison term of two years stated for the cultivation of marijuana having a weight of 2.2 pounds or 20 or more marijuana plants.

"The Committee then heard testimony and amended the bill.

"We have now before us, 'promoting a detrimental drug in the first degree.'

"If the members will be kind enough to look at the second page of the bill, you will find the following: 'cultivates, plants, harvests, grows or dries twenty or more marijuana plants or processes or manufactures one or more preparations, compounds, mixtures, or substances of any aggregate weight of two and two-tenths pounds or more containing any marijuana.'

"Mr. President, I submit to you that while this bill started out as an attempt to address the question of people who are growing marijuana, that is to say, the cultivation of marijuana, to the degree that it would constitute 2.2 pounds, which as you may know, Mr. President, or possibly not know, as I am sure you have no direct knowledge of the matter, is a considerable amount of marijuana...that is to say in terms of size, just like a pound of feathers or a pound of something else.

"If we had stuck with that, then there might be some rationale because it would be directed at those areas where I think the public still has some questions, especially with respect to stories, somewhat notorious in nature, of people guarding marijuana patches in the hills...of people being accosted in various rural areas, not only on the Island of Oahu, but in other areas of the state, with respect to the cultivation of marijuana--in other words, people who are in business.

"But that is not what Section (f) says, and what I submit to you, ladies and gentlemen, is that some of you may in fact, have your children arrested under this section if they attend a party at which marijuana is served in the form of cookies and/or fudge, and/or spaghetti sauce, and/or any other preparation, compound, or mixture, or substance, which can come to 2.2 pounds and contain any marijuana at all. That is to say, if it contains a seed of marijuana, if it contains the slightest trace of marijuana, you may be arrested for a Class C felony!

"Now that clearly is not the intent, it would seem to me, with respect to catching the people who are cultivating marijuana for sale as a business.

"Now the trouble with this bill, as it exists right now, is it does what so often happens when we take up the question of drugs, whether it has an intoxicating effect or a toxicological effect which can be detrimental to one's health. It is in our zeal to establish a framework of law enforcement. We go far beyond that which is required to accomplish it, or worse, we actually end up doing something we didn't care to do in the first place.

"Now, if the object is to send a message to the prosecutors that the police are to search our house parties all over the state, and if they can find or have reason to believe that there is the slightest amount of marijuana...as I say, a trace...because that's what the bill says and I know very well when we pass laws based on what the language says, not what we would have liked to have meant, what we should have done, what we really like to say, but what is actually there. That's going to be the effect.

"If that's what we want the police to do, the narcotics officers and the National Guard or whoever we're sending around these days to apprehend the marijuana, inasmuch as we never apprehend the marijuana growers. I don't think any of these 'green harvest' numbers have apprehended anybody but marijuana, and the marijuana is just sitting there, or standing there. It doesn't complain; it just grows back again.

"Now, if that's the idea, then we should do it and say so. But that's not what the purpose of the bill was and that's not what you really want to accomplish, friends. This bill should be voted down because it doesn't do what it says it does, and it does do something that it shouldn't do,

and that's an excellent reason to vote the bill down.

"Thank you."

Senator Carpenter then rose and spoke in favor of the bill stating:

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

"Mr. President, the bill and its original intent when submitted by the Administration was to require that for this offense, listed under Item (f), a mandatory two-year penalty. The Committee, after some deliberation, determined that this more appropriately fits in the statutes relating to promoting a detrimental drug in the first degree, and if you will read as the previous speaker suggested, you will find that the language 'preparations, compounds, mixtures or substances of an aggregate weight of two and two-tenths pounds or more containing any marijuana' is consistent with the language in the previous item, Item (e), which says 'Possess one or more preparations, compounds, mixtures or substances of an aggregate weight of two and two-tenths pounds or more containing any marijuana.' And, essentially, this item would speak to an addition of 'cultivating, planting, harvesting, growing, or drying 20 or more marijuana plants.' So it is consistent with the existing statute, it is consistent with the intent to ameliorate the 'growing conditions' and including that as an offense which presently is not in the Hawaii Revised Statutes.

"Thank you."

Senator Abercrombie then rose and stated:

"Mr. President, in rebuttal, really what is being said then is we're going to compound the mistake that we've already made. I guarantee you that with this in here--the cultivating, planting, the harvesting, and growing, drying and so on--the police are going to do the same thing they've been doing right straight along, which is to get headlines with 'green harvest' and go try and put informants into house parties so that they can arrest somebody at a house party.

"The day you find that somebody has been arrested under this other kind of statute, the only way that that's going to happen...mathematically, I suppose it will happen some day, if somebody really owes a lot of money or is selling out their friend for some reason on another offense, but what is happening here when we pass a bill like this is we're telling the public that we're actually

doing something about that other problem of cultivation and all the rest of it, and we're not.

"All we're doing is adding another element to that area which will have the enforcement aspects of the police department and/or whoever else gets involved in it from a law enforcement point of view, all it does is say to them, 'we're not really serious about it, what we want you to do is to go bust a lot of house parties.' And I'll tell you a good reason why some of those house parties aren't going to be busted...there are too many policemen at them."

The motion was put by the Chair and carried and S.B. No. 2280-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTIVATION OF A DETRIMENTAL DRUG," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Abercrombie).
Excused, 2 (Anderson and Holt).

Senate Bill No. 2376-82:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2376-82, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused,
2 (Anderson and Holt).

Standing Committee Report No. 317-82 (S.B. No. 2401-82, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 317-82 was adopted and S.B. No. 2401-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused,
2 (Anderson and Holt).

Senate Bill No. 2668-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2668-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAILABLE OFFENSES," having been read throughout, passed Third Reading on the following showing

of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2615-82, S.D. 1:

On motion by Senator Soares, seconded by Senator Yamasaki and carried, S.B. No. 2615-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT OF UTILITY SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Standing Committee Report No. 230-82 (S.B. No. 1390, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 230-82 was adopted and S.B. No. 1390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEIZURE OF UNLICENSED DOGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Senate Bill No. 2196-82, S.D. 1:

By unanimous consent, S.B. No. 2196-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," was recommitted to the Committee on Ways and Means.

Senate Bill No. 2198-82:

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, S.B. No. 2198-82, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COMPENSATION CLAIMS ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

Standing Committee Report No. 233-82 (H.B. No. 798, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 233-82 and S.B. No. 798, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON UNDERPAYMENTS AND OVERPAYMENTS," was deferred until Wednesday, March 17, 1982.

Standing Committee Report No. 234-82 (H.B. No. 804, H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 234-82 was adopted and H.B. No. 804, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE, ESTATE TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson and Holt).

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

The Senate reconvened at 12:26 o'clock p.m.

Standing Committee Report No. 235-82 (H.B. No. 1100, H.D. 1):

Senator Yamasaki moved that the report of the Committee be adopted and H.B. No. 1100, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Abercrombie.

At this time, Senator Campbell rose to speak against the bill stating:

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

"The purpose of this bill is to increase the statutory fee for an identification certificate from \$2 to \$6. I signed the committee report with reservation and I agree, Mr. President, that there was a good case made for an increase in the statutory fee, but my feeling is that to increase the fee from \$2 to \$6 is somewhat excessive. Therefore, I'm going to vote against the bill."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 235-82 was adopted and H.B. No. 1100, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEE FOR CIVIL IDENTIFICATION CERTIFICATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Abercrombie, Campbell and O'Connor). Excused, 2 (Anderson and Holt).

Senate Bill No. 2572-82, S.D. 1:

By unanimous consent, S.B. No. 2572-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," was recommitted to the Committee on Judiciary.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senate Bill No. 2456-82:

Senator Yamasaki moved that S.B. No. 2456-82, having been read throughout, pass Third Reading, seconded by Senator Abercrombie.

At this time, Senator O'Connor rose to speak against the bill and stated:

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

"This bill requires owners of real property who rent in the state, or people who rent on behalf of owners, to file with the Department of Taxation a copy of the rental collection agreement with the tenant.

"The burden of doing this in this state will be phenomenal. It will impose upon the Department of Taxation a fantastic burden, but moreover it will lead in my belief to people renting without written agreements because landowners and agents of owners are simply not going into the hassle of having to file these written agreements with the Department of Taxation.

"So, we're going to compound a situation that's bad already with a worse situation for no apparent good that I can see at all in filing rental agreements with the Department of Taxation. This bill will create a bureaucratic furor in the Department and simultaneously will serve no purpose at all for the owners or the people who rent, and finally the people who will take it on the chin are the tenants who will be in tenancy without written agreements.

"I would urge all members to vote against this. This is a bad bill."

Senator Soares then rose and stated:

"Mr. President, I also rise to speak against this bill, and I could not resist taking the opportunity to, for the first time in 17 years, to join my 'minority' member...and I'm a majority member--that's to be in the Journal....

"But, I should join my colleague from the Seventh District in his comments, and have that placed in the Journal as well, because I fully agree with him.

"I think this is going to be a fantastic responsibility that the Department does not want, or should be burdened with. I don't know where this bill originated from but I just can't understand the logic with it and I ask my colleagues to vote this bill down."

Senator Cayetano then rose to speak in favor of the bill stating:

"Mr. President, I support this bill.

"The purpose of this bill, as it started out, was to help the Tax Department in identifying the out-of-state owners of rental property who are not now paying the required general excise tax to the state. That's how this bill started out.

"Now, I grant you that the way the bill is worded now, there are some problems. Certainly, the problem that Senator O'Connor referred to as to the burden on the Tax Department does appear to be one of a very serious nature. However, I doubt very much that if you will find a reduction in written agreements; our landlord-tenant code is much too explicit in terms of the rights of a landlord and tenant for any person in his right mind to do that.

"I'm voting for this bill despite the reservations I have because I don't think we have a vehicle. I think it addresses a good thing in terms of trying to identify out-of-state rental owners. If we don't pass this, we don't have a vehicle.

"I think the concerns raised by the previous speakers can be brought to the attention of our counterparts in the House."

Senator Yamasaki then rose and stated:

"Mr. President, the Tax Department has spoken in favor of the bill. The Tax Department testified that it is in favor of the bill and that this will assist in the compliance program as there are a lot of people who are renting, and the Tax Department is not aware of who they are. These rental agreements will give them a clue as to who is renting properties and it will assist in the rental collection program.

"I also think that we will have additional revenue derived as a result of the Department being able to go after these people.

"Thank you."

The motion was put by the Chair, and Roll Call vote having been requested, S.B. No. 2456-82, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 12. Noes, 11 (George, Henderson, Kobayashi, Machida, Mizuguchi, O'Connor, Saiki, Soares, Toyofuku, Ushijima and Yee). Excused, 2 (Anderson and Holt).

Senate Bill No. 2452-82, S.D. 1:

Senator Kawasaki moved that S.B. No. 2452-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ajifu.

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

"Mr. President, I rise to speak in favor of this bill and because I realize, understandably, that very little, very few of us here and certainly in the entire population recognize or understand the problem and the processes involved in the cause of earthquakes and the probability of earthquakes occurring in certain areas of this state. I will of necessity have to beg the intelligence... the indulgence--that was a Freudian slip, incidentally--of this body because I consider this particular issue a very important one.

"Certainly, I think we, as Senators, have the responsibility to our constituents to avail ourselves of a reasonable knowledge of information on an issue that is so important to the health and welfare of the citizens of this state.

"So, if I may... incidentally, I want to say at the outset, that Adjutant General Ishimoto, who is of course in charge of natural disasters and civil defense, testified very favorably on behalf of this bill. Also, I'd like to point out at the outset that the state government officials very wisely, years ago, recognized the probability of serious earthquakes in this state and what might result. They now require that all state buildings conform to what they call 'Zone 3' requirements, and this is what the bill is advocating, that the Island of Oahu be placed in 'Zone 3' category to safeguard the health and welfare of our people.

"Let me, of necessity, as I said, indulge in perhaps a little lengthy discussion here because I think this information should be known to all of us.

"Mr. President, I rise to speak in favor of S.B. 2452 and urge its passage as a demonstration of the Hawaii Senate's

concern for the safety and welfare of Honolulu's residents, about this body's desire to minimize the casualties and property damage which may result from the serious possibility of earthquakes of 6.5 or higher Richter scale intensity occurring in inhabited areas of Hawaii.

"The urgency of this matter is emphasized in the testimonies of Hawaii's leading seismologists... Dr. Augustine Furumoto and Dr. Mansfield Adams, professors of geophysics, University of Hawaii... Dr. Norby Nielsen, civil engineer, Environmental Center, U. H.... Dr. William Phillips and Dr. Nielsen co-authors with Dr. Furumoto of a study entitled, 'A Study of Past Earthquakes, Ioseismic Zones of Intensity and Recommended Zones of Structural Design for Hawaii.' General Ishimoto, in charge of natural disasters and civil defense, also favors this bill.

"In this publication first published in 1973 and since updated, Dr. Furumoto says:

"The process of estimating seismic risk and of adopting measures for disaster mitigation prevention, is an evolving process. As we seismologists at the University carry on our duties by ploddingly gathering data, day by day, year by year, decade by decade, we acquire new insight and a better grasp of the earthquake processes and mechanisms around Hawaii. The situation changes year by year, if not month by month. So I state categorically that the report published in 1973 by N. N. Nielsen, W. R. Phillips and myself have become obsolete and should be updated.

"In the ten years since that report was written, there have been three developments which are significant to our present discussion:

1. Use of ocean bottom seismographs around Hawaii;
2. Developing of computer software for processing and displaying large amounts of earthquake data;
3. Occurrence of Magnitude 5 to 5.5 earthquake a year ago, on March 5, 1981, North of Molokai.

"For the first time, ocean bottom seismographs were deployed at sea, north of Molokai during October 1977. These instruments recorded earthquakes that were occurring in the area North of Molokai and East of Oahu. The data became part of the huge bank of data on Hawaiian earthquakes.

'In 1979, R.E. Estill, as part of his doctoral dissertation, wrote computer programs to process and display earthquake data. One of the maps resulting from his work was an epicenter map for the area from Oahu to Maui.

'An inspection of the map shows a line of earthquakes extending from Diamond Head Eastnortheast; to a point about 100 miles North of Maui. Some of these earthquakes were located by ocean bottom seismographs. In my own fieldwork, in 1975 when I deployed some portable seismographs in the Hawaii Kai area, the instruments recorded earthquakes at sea East off Makapuu Point. However, because of insufficient number of recorders, I was unable to locate the epicenters. The display by Estill confirmed my suspicion that there was a seismically active area just East of Makapuu point.

'In a 1980 report to state civil defense, "A Study of Earthquake Losses in Honolulu Area: Data and Analysis," I identified the line of earthquakes as the Diamond Head Fault. Then on March 5, an earthquake of magnitude 5 to 5.5 occurred North of Molokai. The epicenter was determined by the Pacific Tsunami Warning Center to be in the Diamond Head Fault. I checked their work and my results were the same as the Center's. Nature conveniently provided strong evidence that the Diamond Head Fault is active.

'In examining the epicenter map, there are so many earthquakes in the Molokai to Maui area that one cannot draw any fault line. So the whole area should be designated as one active seismic zone.

'Our earthquake knowledge has come to a point that we see Honolulu astride an active fault and the Islands of Molokai, Maui and Kahoolawe in an active seismic zone. It is only reasonable that precautions be undertaken, that is upzoning as the bill recommends.

'There were 13 earthquakes in the range of magnitude 6 since 1929. (Magnitude calculations only got started in 1929). And there were 3 earthquakes with magnitudes greater than 7 since 1850. The concentration of that many large earthquakes in so small an area makes Hawaii comparable to any other seismic region in the world.'

"Mr. President, Dr. Furumoto is more fearful of a large earthquake occurring in Hawaii than in California with it's San Andreas Fault. He continues:

'Of these large earthquakes, half are related to volcanic processes and half are not. We still do not understand the underlying tectonic process of Hawaii;

a topic we are pursuing in our research at the University.

'In Hawaii, there are two types of geological disturbances that cause earthquakes. There is a tectonic process going on and a volcanic process going on. The two processes are related, but the source of energy of the processes are distinct.'

"The great majority of earthquakes are volcanic, but there are a minority of earthquakes that are tectonic. These tectonic earthquakes, Mr. President, are the concern for Oahu, Molokai, Maui and Lanai.

"The University of Hawaii seismologists have been concerned, individually and in groups, with tectonic earthquakes in the region from Oahu to Maui. Much data on this region are lodged with the University rather than with the volcano observatory in Hilo.

1. The Molokai Fracture Zone is non-volcanic, but so are the earthquakes we are addressing. The earthquakes are tectonic. The fracture zone has been active, as demonstrated with a March 5, 1981 earthquake of magnitude 5.5.

2. There have been three major earthquakes in Hawaii. By a major earthquake, I mean of a magnitude greater than 7. One of these earthquakes last occurred in the Molokai-Maui area in 1871. This devastated Molokai, Maui and Lanai. This earthquake, by itself, justifies the bill. If this earthquake is repeated, and it will, we will have yet another disaster on Maui, Molokai, Lanai and yes, maybe even Oahu!

3. From 1977 to 1979, ocean bottom seismographs have been deployed around Hawaiian waters and epicenters have been located. The Diamond Head Fault became evident because of ocean bottom seismographs. Even earthquakes at sea have been located.

"One important aspect of scientific inquiry is display of data. Without proper display, one can easily fall into the error of non-recognition. Most of the earthquakes on the epicenter map of Oahu-Maui are in the data bank of the Hawaii Volcano Observatory. But, without proper display of the data, Mr. President, I submit to you that one can very easily fall into the dangerous state of recognizing only volcanic earthquakes.

"It is most important that we undertake a discussion of tectonic earthquakes

in the area from Oahu to Maui. Earthquakes occur there. Historically, the 1871 earthquake ravaged Molokai, Maui and Lanai and did some damage on Oahu. The 1871 earthquake was a major event with magnitude greater than 7. Currently, Mr. President, we now know that the Molokai Fracture Zone is active... as demonstrated on March 5, 1981 with an earthquake of magnitude 5 to 5.5. This earthquake occurred on the Diamond Head Fault, which is part of the Molokai Zone.

"With all this information, failure to recognize the high seismic activity of Oahu and Maui and the possibility of danger is incomprehensible! Recorded history is only a very small window in geological time. Recorded history shows that the Molokai Fracture Zone is active. What large earthquakes that occurred outside of this short and I emphasize short, history window, we don't know. But within this this brief time frame, we have had a magnitude 7 or greater earthquake. An earthquake of this intensity occurring in Honolulu, Mr. President, would create devastation!

"Should we not, in the interest of saving as many lives as possible, prudently plan for a future occurrence as responsible government officials?

"William Mansfield McAdams, a seismologist and professor of geophysics, wrote to me as follows:

"My interest in earthquake-resistant design and related seismic activity is one of long standing. I have been a member of the Seismological Society of America, the American Geophysical Union, and the Society of Exploration Geophysicists for more than twenty-five years; and I was on leave from the University of Hawaii during 1970-1971 to serve UNESCO at the International Institute of Seismology and Earthquake Engineering as an expert in seismology.

"The State of Hawaii lies athwart the Molokai Fracture Zone. The behavior of the Molokai Fracture Zone must be considered on a geological time scale-- hundreds of thousands or millions of years--not on a mankind time scale of a few decades. Lacking seismological data of adequate time duration, we must estimate the seismic activity of the Molokai Fracture Zone. I believe it to be significant to the earthquake hazard in Hawaii and to justify upgrading the seismic zones stated in the Uniform Building Code at least one number for the areas between Kauai and the Big Island, possibly two.

"Any decision on the matter of zoning must consider the related costs or utilities.

To include earthquake-resistant features in the structural design is estimated to add only a few percent to the cost of the structure and ADD NOTHING TO THE LAND COSTS. Thus, the incremental cost to a real estate development is only about two percent -- three percent at most.

"There is one very important point relating to this Bill 2452-82, viz, the implementation. Many thousands of buildings have been built since the passage of laws imposing building codes for earthquake-resistant design. Yet, invariably when a survey is conducted after an earthquake, the buildings are found to have been built in a manner NOT conforming to the code. I urge you to include in this bill a portion relating to the dissemination of relevant information and procedures. Developers, insurers, inspectors, as well as architects and engineers should be informed of the benefits to be derived from practicing earthquake-resistant design in the State of Hawaii.

"I congratulate you all on your concern for the appropriate earthquake-resistant design for Hawaii and I urge you not to delay in passing this Bill 2452-82 THIS session. The next session just might be too late."

"I think with these words of caution, unanimous words of caution from the experts, the seismologists from the University of Hawaii and elsewhere, I think it would be foolhardy for this body not to enact something in the interest of the future of Hawaii and in the interest of the safety of our citizens.

"This is one issue, one bill, that I would hope that I would never have the occasion to refer to, or to face you and say, 'I told you so.'"

Senator Campbell then rose and stated:

"Mr. President, I rise in support of this bill and I would like to endorse many of the statements made by the previous speaker.

"Mr. President, before I was elected to public office, I felt that government should do something about this very serious problem, which is the 'sleeping giant,' the earthquake. Therefore in 1979, I introduced Senate Resolution No. 225 and again in 1981, I introduced Senate Resolution No. 90, both of which requested data that could be effectively used in implementing many of the segments of the bill referred to by the previous speaker.

"I strongly support the intent of Senate Bill No. 2452-82, S.D. 1, but the bill in its present form, Mr. President, is lacking, in my judgment, in one major respect. It needs a section providing for earthquake prediction.

"Dr. Gus Furumoto, who was referred to by the previous speaker, who is at the University has indicated that this can be done. Therefore, I strongly recommend that this bill be amended to provide that the Hawaii Institute of Geophysics be commissioned to set up an effective earthquake prediction program. And, on the basis of that I urge all of my colleagues here to support the bill.

"I hope that it can be amended before this Legislature adjourns. Thank you."

Senator O'Connor then rose and stated:

"Mr. President, I'm going to vote in favor of this bill, but I do so with some reservation. It's never been the position of this Legislature to get into the county building codes and with all due respect to the Chairman of the Committee, who has done an admirable job in this area, we are again bailing out the counties, who should actually be doing this work and should have considered raising the requirement for lateral force into that of the seismic probability Zone 3 from where it is today.

"The problem I have with this bill is, the minute we get into attacking certain portions of building codes, we then get into all sorts of other problems in our statutes. For example, and only for one example, what is a story? This bill calls for buildings three stories or more in height.

"The word 'story' is defined in the Uniform Building Code and is defined in the County Building Codes. Other words of art used in this particular section are also defined in those codes. I would hate to see us get into a situation where we continually--and I'll talk more about this when we come to this sort of 'firecracker' situation later on--we continually get into the counties' areas and bail out the counsels that should be working on this.

"However, I do appreciate the work done by the Committee and therefore will vote in favor of this measure."

Senator Abercrombie then rose and stated:

"Speaking in favor, briefly, not so much in rebuttal, but it's kind of an addendum to remarks just made previously.

"I think that the catastrophic aspect

here makes it a statewide concern as opposed to counties, per se. I think the points about the codes, maybe, should be incorporated, but there's no question in my mind that this kind of disaster, the magnitude of the disaster potential here is something that is simply beyond the counties, per se.

"Also, from the point of view of precedent, whether for good or ill, this Legislature has carved out Kakaako away from the county on Oahu, and has taken away Barber's Point Harbor from the county having anything to say about it now. Whether that was a good idea or not, good ideas are not to be debated at this point, but clearly, when this Legislature--within the time that I served in the Legislature--the Legislature as a whole has decided that something is of interest that the county should be superseded, it has done so. And this, I believe, is one of those instances."

The motion was put by the Chair and carried and Roll Call vote having been requested, S.B. No. 2452-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARTHQUAKES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 7 (George, Henderson, Kobayashi, Mizuguchi, Saiki, Ushijima and Yee). Excused, 3 (Anderson, Holt and Soares).

Senate Bill No. 2350-82:

Senator Abercrombie moved that S.B. No. 2350-82, having been read throughout, pass Third Reading, seconded by Senator Kuroda.

At this time, Senator Campbell rose and spoke against the bill stating:

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

"The purpose of this bill is to require any pupil found to be responsible for an act of vandalism...or rather that pupil's parent or guardian...to make monetary restitution for the full amount of damages caused. I agree with the laudatory intent of this bill but I have some strong concerns about the results if this bill were fully implemented.

"In homes where the relationship between the youngsters and their parents is not good, this bill, fully implemented, is subject to aggravate this condition and really, make it worse. You can imagine what would happen in a situation where the parent

believes in corporal punishment. If such a parent is told that he or she will have to pay for broken windows, marked up walls and other vandalism at school caused by their youngster, I can see that we could have a serious case of child abuse on our hands.

"Furthermore, Mr. President, there is something, in my judgment, something basically wrong with the concept of making a person responsible for the acts of someone else. Therefore, I'm going to vote against this measure.

"Thank you."

Senator Ushijima rose and stated:

"Mr. President, I just want to have one matter clarified. Perhaps the Chairman of the Committee can answer this.

The President then asked:

"Mr. Chairman, would you yield to a question?"

Senator Abercrombie replied:

"I don't know yet."

Senator Ushijima then continued:

"There is a definition of vandalism; it's a 'mischievous or malicious destruction of property.' Then they limit it to breakage of windows, et cetera. I was just wondering, will arson be included in the definition of vandalism in this respect?"

Senator Abercrombie replied:

"It would depend on what the law says."

Senator Ushijima then stated:

"What is the answer?"

Senator Abercrombie replied:

"It depends on what the law says. I don't have the law in front of me."

Senator Ushijima then continued:

"Well, you have a definition of vandalism, that's why I want to have it clarified here. Does it include arson here, under destruction of property?"

Senator Abercrombie then replied:

"I assume so.

"Mr. President, I can't answer it more clearly than that, as I expect it...there's varying degrees...you can have malicious destruction. I'm not sure whether burning something under a certain amount of money might be considered arson.

In another incident, it might be considered as something else, but I can't conceive that arson wouldn't be considered under one degree or another. That's why I said, 'it depends on the law.'"

Senator Cayetano then rose and stated:

"Mr. President, it seems to me that one must separate the criminal aspects of this bill.

The President then interjected:

"Excuse me, Senator Cayetano, are you speaking in favor of this bill?"

Senator Cayetano replied:

"Yes, I'm speaking...excuse me...I'm speaking in favor of this bill.

"In response to some of the questions that have been directed to the Chairman, the question of arson is a criminal matter. This bill deals with the question of vandalism as a civil matter, if I read the bill correctly. Additionally, I think we should point out that the bill, with respect to the liability of the parents for the actions of their children, does not do any more than restate what is in the existing law. Under our law today, our civil law, parents are responsible for the torts of their children, whether it be through vandalism or whether it be through automobile accidents, et cetera.

"The parts of this bill which are meaningful, or maybe which makes the situation in the school different from other circumstances is that in this case, the authorities are directed to bring an action against the students and the parents involved and the law requires that a student who is found responsible for an act of vandalism shall--it is a mandatory matter--shall make monetary restitution for the full amount of damage caused.

"That, I think is the significant part of this bill as it differs from the ordinary situation involving the responsibility of parents for the torts of their children."

Senator Campbell then rose and stated:

"Mr. President, in response to the previous speaker, I was certainly under the same impression that what this bill was doing was making an amendment to an existing law. But I read the committee report which somewhat indicated something differently, and I read the second paragraph which says, 'Under the present law, pupils,

parents, or guardians may, 'not shall, 'may agree in writing to be monetarily responsible, for up to two thousand dollars, for an act of vandalism.' And I interpreted 'may' in this particular instance to be that they did not necessarily have to abide by that regulation.

"Thank you."

Senator O'Connor then rose and stated:

"Mr. President, on re-reading this bill, I, with reluctance, am going to have to vote against it.

"The law, as it presently stands, was structured to allow for a hearing for the pupil, or parent, or guardian and require the principal of the school to make a finding whether or not there was vandalism and then allowed for conferences and other matters, and allowed for certain appellate rights, if you would call it that, to the district superintendent, and then beyond that if necessary.

"All of that portion of the law has been taken away, and what remains in this section, if we pass it, is the statement that 'any pupil found to be responsible for an act of vandalism' and then it goes on to restitution and the parents and so forth, but there's no provision as to who makes the finding, and there's no provision for fact-finding.

"There's no provision for any of the matters which we put into this law when it passed last year, I believe, or the year before at a time when it was allowed for the bill to have some constitutional basis. Without a hearing and without the ability to present both sides of the situation, I would suggest that the bill lacks any teeth at all.

"There's no ability at all for...in fact, we don't know who must make the finding, if the bill passes in its present form that the pupil's responsible for the vandalism. I appreciate the changes made to Section (a) of the section, but because the other sections have been removed, I must with reluctance, vote against the bill."

Senator Abercrombie then rose and stated:

"Mr. President, the Board of Education is currently having just exactly the kind of hearings that are being referred to with respect to discipline and what can, and should be done and in what sequence and in what order and under whose auspices with respect to violation of either criminal law or discipline code in the schools.

"That's why we have the vandalism

bill before us now in its present form because of the follow-up to the anti-violence bill which we passed last year, which if the Board had been able to get its hearings over with we would have had before us the very things that Senator O'Connor is inquiring about now.

"The reason that I can't give him an exact answer as to what they will be is that the Board has only promulgated at this juncture its proposed regulations for this. The reason that the sections on the principals having all the conferences and so on is being taken out is that the new rules will supersede all this in any event, and we wanted to take out this conference aspect as to whether or not something would be collected because in the past, when this practice was done, nothing gets collected. The conference will become pro forma. The law may be there, but in practical terms, nothing has happened, and then vandalism has thus been encouraged in the schools.

"The reason for passing this bill in its present form is to see to it that the new rules which will, I assume, be before us probably within the month...probably before the session is out...will provide for the methodology to deal with anybody who has been found guilty of disobeying the rules with respect to school are found guilty of criminal offense with respect to school.

"So, we will have plenty of time to...if they are not adequate, if it's deemed by the Legislature inadequate, that is to say the rules promulgated by the Board of Education, we will have plenty of time before the end of this session to readdress and amend this bill."

Senator O'Connor then rose and stated:

"Mr. President, I'd like to ask the Chairman to yield to a question....

"If this bill becomes law, who will make the finding that the pupil is responsible for an act of vandalism against the school. Who would make that finding?"

Senator Abercrombie then replied:

"As it stands, as Chapter 19 stands, Section 19, the rules in the Board of Education, the proposal that they have right now, it is the school principal. The school principal is referred to in this bill...excuse me, not in this bill, but in the old law. The problem is that after all this is done, under the old law the principal then goes through

a new rigamarole, where he sits down with somebody that's already, for example, been in the family court or somebody that has already been caught in the act at the school with some degree of culpability, either criminal or otherwise, in the school and then judged to be the perpetrator, and then sits down and starts to negotiate with the parents is something.

"One of the reasons we passed the anti-crime violence bill is to get principals out from under this kind of thing. I don't think it's the principal's business to sit there and negotiate. Now if the Board wants to promulgate rules along the lines, or if other members in the Legislature want to further explore the question of liability and whether it can be paid and under what circumstances, I'm perfectly willing to do it. But unless and until we remove this ambiguity that exists right now, what is in effect at this point is a law which exists only on paper and has the teeth of the proverbial 'paper tiger' we won't get anywhere."

At 1:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:25 o'clock p.m.

Senator Abercrombie then continued:

"Mr. President, I think some of the remarks that have been made are well taken. I think that obviously some of the aspects in terms of implementation have to be looked into. On the other hand, all of the comments have indicated that they think the idea behind the bill is a good one that needs to be fleshed out. I guess that's the reason we don't have a one house legislature.

"With that in mind, if the members would agree that the idea is a good one that needs to be pursued and with my assurances that the points that have been raised will be taken into account so that we can flesh out this idea to an acceptable degree so that the idea is not lost, I ask the members' assent to this bill."

The motion was put by the Chair and carried, and S.B. No. 2350-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 1 (Campbell). Excused, 5 (Anderson, Holt, Soares, Uwaine and Yee).

Senate Bill No. 2825-82, S.D. 1:

Senator Abercrombie moved that S.B. No. 2825-82, S.D. 1, having been read

throughout, pass Third Reading, seconded by Senator Kuroda.

At this time, Senator O'Connor rose and stated:

"Mr. President, I'm going to vote in favor of this bill with reservations.

"This bill was introduced, as I understand it, to clarify the situations that exist between certain of our high schools and the neighbors that surround those high schools.

"Certain of our high schools have, for longer than you and I have been alive, Mr. President, had very loud sport rallies and sporting events in their gymnasiums. They've had dances and things of that nature, and unfortunately, with the suburban increase... suburbia has blossomed around these high schools... and today with our new general noise ordinance, people living close to the high schools have major complaints about these sports activities and the dances.

"I am assured by the Chairman of the Committee on Education that the reason that this bill is being put forward in its present form is to straighten out and to insure that each of the groups with competing interests in noise has its own prerogatives when the Board of Education puts together the rules that are talked about.

"I rise to speak though because I am not too happy with the fact that we entitled the section 'Noise Prevention' and we talk in terms of preventing, controlling and abating. To my way of thinking, most of these high schools were there first and the people moved in around them. They moved in with the foreknowledge that the high schools would be noisy. They moved in with the full knowledge that the high schools provided jogging tracks, open space, green areas and other amenities which they enjoy.

"Instead of taking the good and sometimes accepting the bad, they would have the good and do away with the bad. I find nothing in the bill that addresses this particular point, and I trust that the Department of Education, when they consider this matter, will address that point."

The motion was put by the Chair and carried, and S.B. No. 2825-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE PREVENTION IN PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes 1 (George). Excused, 5 (Anderson, Holt, Soares, Uwaine and Yee).

Senate Bill No. 2514-82, S.D. 1:

Senator Yamasaki moved that Senate Bill No. 2514-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Campbell then rose and spoke in favor of the bill stating:

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

"The purpose of this bill is to exempt from the general excise tax, amounts received by corporations, trusts, or societies organized and operated exclusively for religious, charitable, scientific, or educational purposes.

"At the present time, 'the activities of non-profit organization such as hospitals, fraternal organizations,' and so on and this continues, 'social welfare purposes are exempt from taxation under the general excise tax law.'

"Mr. President, I look upon this bill as the 'Girl Scout cookie' bill in my judgment and in order to keep the door-to-door cookies coming, I urge my colleagues to vote unanimously in favor of this bill."

Senator Cayetano then rose and stated:

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

"I'm not against Girl Scouts, but I am against this bill.

"Mr. President, by Wednesday, maybe by Thursday morning, you'll probably see an elderly Portuguese man, white haired and gaunt, maybe about five feet-six, 140 lbs. maybe, looking absolutely defeated, and that person will be Senator Abercrombie's constituent and the state's Tax Director, Mr. Freitas, who has been running around, wondering if the world has gone mad.

"I have here a summary of all the bills that have been introduced by both the Senate and the House relating to tax credits, tax exemptions, et cetera, and they total millions of dollars. For example, Senate Bill No. 2340-82, which is amending the conveyance tax law to provide for county housing funds, would cost the state \$16 million. House Bill No. 2034-82, which would cost the state \$2.6 million for energy tax credit relief, and so on and so on.

"Just here today, we passed the bill

which involves alleged overpayments of taxes that will cost us \$3 million. We have another bill later today expanding the exemptions on inheritance taxes that would cost us \$1.7 million. Tomorrow we'll be hearing a bill which gives pineapple growers a break on the 4% general excise tax for five years.

"Don't ask me what that'll cost. I'm sure that will cost a big bundle if we pass it. My big complaint on all of this is that there really has been no comprehensive approach by us, both House and Senate, to this matter of tax credits and tax exemptions. And when you take in to account the state's fiscal situation, we do have a surplus now but I think there is no disagreement that if revenues continue to come in the way they have been coming in, and if this Legislature spends up to the expenditure ceiling, which is very, very likely, because the other house is talking about breaking the ceiling, then by fiscal '84 we will be about \$63 million in the red and by fiscal '85, \$137 million in the red.

"If you compound that by the fact that we will be losing federal money as a result of President Reagan's New Federalism and Reaganomics, if you add to that the unstable sugar situation, and if you look at some of the things that we are trying to do here such as, a state lottery, which I understand is to generate additional revenue...there was a tourist tax bill we sent over last year--the idea was to generate additional revenue, it doesn't make sense for us to act in a manner of taking away with one hand and giving back with the other.

"It really, really, in my view does not make much sense. The House, I think, has shown an inclination to be quite liberal and generous with these tax exemptions and tax credits. This summary that I mentioned earlier reads like a horror story when you look at the bills coming over from the House.

"It seems to me that it is imperative for the Senate to make some sense out of this situation and hold the line, at least until we can put everything on the board, so to speak. We should get everybody in a room and put all the stuff on the board and add up the figures to see where we're coming out.

"As it is right now, we're approaching this business of relief on a piecemeal basis, and in my view it is absolutely foolish to do so and we're going to pay for it in the end."

Senator Campbell then rose and stated:

"Mr. President, a very short response to the previous speaker.

"I share his concern about the fiscal problems of our state and that we should be prudent as we try to pass measures affecting the financial status of our state. I think, in reference to this bill, we must take into account that the kind of agency we're talking about is not one that has come in requesting an appropriation to do a job for us. It's just asking for an exemption from a tax on their major fund raising activity, which is held only once a year.

"Now, when one thinks of the fact that an organization similar to the Girl Scouts is contributing significantly to the reduction of vandalism, violence in our community, which we will be responsible for paying for, it seems to me it's a small price to pay to give them this kind of tax exemption.

"Thank you, very much."

Senator Abercrombie then rose and stated:

"Speaking against the bill, Mr. President, every one of these... let me start over again, because you're going to hear Senator Cayetano get up probably over and over again, and he'll bear the brunt for all of us and the problem with it is that most everybody in the room agrees with him, but not every one is going to stand up and say so, because every one of these bills, in and of itself, has a good reason for passing.

"Now, we're talking about Punahou School, we're talking about people I support--Hale Mohalu, still in existence despite the efforts of the Attorney General to get rid of them after four years, leprosy patients are doing pretty damn good against the organized Department of Justice that we have in this state; they have to pay.

"So each one of us has one, two or a dozen organizations that are deserving. As Culture and Arts Chairman, I can tell you that I can run off a whole string of groups of people who are trying to raise money and they all do a good job of it and are perfectly honest and forthright and all the rest of it. Each one of these bills, whether it is this one or the inheritance bill, which I'm going to try and make up my mind on in the next couple of minutes, which I support; I've signed it; and I put in a bill before trying to get rid of it.

"I think the rich already have their trusts to take care of it and the average

person maybe just has a house left, or something like that which may have appreciated in value after years and years of paying, and the only thing to leave to their children and so on, is unfairly taken now, and I grant all that.

"What Senator Cayetano or the previous speaker, excuse me, the previous speaker before the last one was saying was that we haven't put all of this on the board yet. We're passing it in a fashion that leaves us wide open to having tens of millions of dollars go out of the treasury when tens of millions of dollars are needed to go in the treasury, if not this year, certainly, in the immediate future, not in the long future.

"So, I think that the Senator from the Fourth District is saying that we need to postpone these things until we have a better understanding of where we are, possibly next year, and a game plan that can be worked out, legislatively speaking. And that's why I think that even though each one of these bills will no doubt have champions that can stand up and make a good case in its own context within the overall context of our tax liabilities, our revenue liabilities and our revenue picture, we're in very, very serious difficulty.

"For that reason, I believe that we have to vote 'no' on this and on similar bills even though I'm sure I'm going to get caught and have been caught so far as I know already at least once today voting 'yes' on one of these bills that affects us in this way. But in the course of the discussion here already this morning had to keep on re-examining the way my thinking has been running and I'm asking everyone else to do the same. I don't think we can deal with this honestly until next January."

Senator Kawasaki then rose and stated:

"Mr. President, I did not intend speaking on this measure. I did sign the committee report 'I do not concur,' but it just occurred to me that if we could restrict the tax exemption benefits for little organizations like Girl Scouts and Boy Scouts, it would be fine except that this language in the first five lines of the bill is too generalized so that it includes the whole spectrum of organizations, notwithstanding the language that says that it be charitable and educational and scientific in nature. I think the chance of abuse under this bill's exemption provision is going to be too great.

"I could think of one ostensible human services organization that might qualify under this particular bill in its annual drive of one month, that as I recall, pays its director \$65,000 a year, sets aside another \$16,200 a year for his retirement benefit to which he makes no contribution, unlike any other government employee, and provides generous housing allowance, automobile allowance, first-class travel allowance and the like. This organization might even qualify for this and I just wonder if we intend to broaden this bill and its benefits to such organizations of dubious administrative merit."

Senator O'Connor then rose and stated:

"Mr. President, I also am concerned about the wording of the bill. I find it very difficult to believe that it could be so discriminatory to limit itself to annual sales of one month's duration providing the sale is not held at the place occupied by the organization to carry out its functions.

"In other words, I lend credence to the earlier remarks by the previous speaker, the Habilitat telethon qualifies but the Punahou carnival doesn't. I find that extremely difficult to swallow under the circumstances, and I think 'swallow' is the right word because the Girl Scout cookies qualify whereas the kim chee at Lolani does not.

"Therefore; I suggest that this is a bad bill."

Senator Cayetano then rose and stated:

"Mr. President, just to give the members more examples of the bills coming over from the House. House Bill No. 1947, relating to an excise tax credit for agricultural producers--\$2.2 million dollar loss; House Bill No. 1973, relating to tax credit for drug and related purchases--\$3.3 million dollar loss; and there is another bill... I don't know if it's going to come over, but... House Bill No. 2430-- this will delete the requirement that the taxpayer must have physically resided in the state for nine months to qualify for the tax credit, tax rebate, \$19 million. It goes on and on. This summary is about 6-7 pages and I'd be glad to pass it on to the other members."

At 1:42 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:46 o'clock p.m.

Senator Campbell then rose and stated:

"Mr. President, may I ask a question of the Chairman of the Ways and Means

Committee?"

The question was posed and Senator Yamasaki having answered in the affirmative, Senator Campbell continued:

"Mr. President, I would appreciate your asking the Chairman of the Ways and Means Committee approximately how much revenue is lost to this state if this bill were passed?"

Senator Yamasaki then replied:

"According to the Tax Director's information, on Senate Bill No. 2514-82, there is no estimate available in his office and he does not know what the implication is. As far as the Girl Scouts are concerned, their testimony has indicated that it amounts to \$20,000."

The motion was put by the Chair and carried, and S.B. No. 2514-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 6 (Abercrombie, Cayetano, Kawasaki, Mizuguchi, O'Connor and Toyofuku). Excused, 4 (Holt, Soares, Uwayne and Yee).

Senate Bill No. 2548-82, S.D. 1:

Senator Yamasaki moved that S.B. No. 2548-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Cayetano rose and stated:

"Mr. President, I won't repeat what I said earlier, but I'll incorporate my remarks on the previous bill.

"The last bill benefited the Girl Scouts and not too many people can be against the Girl Scouts. This one goes to the people who are engaged in computer services or the field of computer services. I don't know what special interest we are trying to help here, but it seems to me that the arguments made against the second bill at least do not have the sympathetic ring or factor when it comes to this bill.

"Computer services are like legal fees. If I represent someone on the Mainland and I do legal work for that person and he pays me, I pay a 4% general excise tax on my fees. Why are we doing this? It doesn't make sense. Who are we trying to help?"

Senator Yamasaki then rose and stated:

"The question raised was who are we trying to help in this bill. I have no conflict of interest; I have no technology business. This is to attract more technology business in the State of Hawaii.

"I think that the Department of Planning and Economic Development has asked the Legislature to do everything it can in its power to allow for programs to be located here in Hawaii, especially high technology business, and this is one means of attracting more technology business here in Hawaii."

Senator Cayetano then rose and stated:

"I apologize to the Chairman. I certainly didn't mean to cast disparagement on him.

"There are certainly many pieces of legislation which come before us which are being pushed by groups for their own self-interest.

"I got a little carried away. I apologize, Senator Yamasaki. But I'm still going to vote against this bill."

Senator O'Connor then rose and stated:

"Mr. President, I'm going to vote against this bill and I rise to speak against it.

"This bill is clearly discriminatory. The computer services referred to in the bill are those sold only to people in other states where those people pay a sales tax in the other state. However, if a similar sale were made to someone in Hawaii the tax would be levied against the computer service organization and would also be levied in concurrence with our system of excise tax against the person buying from the computer service organization when that person in turn, turned and sold its services, as is true of every single tax in our excise tax system, whether it be wholesale tax or a retail tax.

"In this circumstance, we are carving out a special interest situation only for sales in other states, allowing those states to charge sales tax on the resale but not charging the tax here locally on the computer service which we will charge when that computer service is sold to Hawaii residents.

"If that isn't the most discriminatory thing that ever existed, I have never heard of another one. We are discriminating against our Hawaii residents and we are cutting off an income source which certainly should be retained in our revenue system. I urge all to vote against this bill."

Senator Abercrombie then rose and stated:

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

"Part of the reason that we have this bill before us is that we have very unwisely, in the past, taken different kinds of category of people and started mixing up what products and services and what can be passed on and what cannot be passed on.

"The Ways and Means Committee has had quite a lesson from the... I won't say the elderly Portuguese gentleman from Manoa, but perhaps he's aging rapidly... as I think he was characterized by the Policy Leader. Mr. Freitas of the Tax Department has been diligent in his instruction of the Ways and Means Committee, individually and collectively, at committee hearings and in our offices and in the halls, everywhere he can confront us, if you will, and as part of the sense of the term, explaining to us how in fact our tax system works or how it should work and what has been fair and not fair.

"I'm not going to get into a long discussion of our sins and errors in the past with respect to the question of passing on the excise tax and to whom--we always know the customer gets it in the end--but rather concentrate on what is service and what is product. It is stretching the boundaries of credulity to say that a service is not being provided here, and that it should not be taxed.

"The argument is that it is a special kind of service. The product is programs. The product is no more tangible than is for other products which have an intermediary element in this state. I think you will find, and I will support if we are going to continue to do this and as long as we're going down the primrose path, I'm going to start looking for other groups who will be coming in here and have come in, this session to the Ways and Means Committee saying, 'Why are these people being let off the tax hook, and we're not? We're in exactly the same kind of situation.' How do you explain to them why they don't get the tax break? Why, you don't have the votes, someone else has it.

"Now, if the idea here is that this technology business will be more attracted here, believe me, that is really an extremely naive point of view, if you think that this is going to attract this kind of business to Hawaii.

What attracts people to Hawaii with this particular kind of business is a base of people in the community who are capable in terms of their intelligence, their education and their technical qualification for producing it.

"The way the University of Hawaii is being run right now, I doubt we will be able to have that. What you have to have is a climate in terms of personnel, in terms of training available. This particular aspect is a substitute, and by the way, I might say that the previous speaker's remarks about who will be taxed and where, is exactly the argument that has been made virtually word for word by some of the rest of us here.

"This is not in the same category by any stretch of the imagination as Senate Bill No. 2514-82, the general excise tax bill, or the inequity, the bill that was passed previously with respect to the General Motors dealers. What we have here is an entirely different proposition of special interest legislation based ostensibly on a good thought, namely, it will attract more business, but which in fact runs against all logic and runs against any kind of business sense with respect to what we in fact attract a business here."

The motion was put by the Chair and carried and S.B. No. 2548-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX OF SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 8 (Abercrombie, Carpenter, Cayetano, Cobb, Kawasaki, Kobayashi, O'Connor and Toyofuku). Excused, 4 (Holt, Soares, Uwayne and Yee).

Standing Committee Report No. 308-82 (S.B. No. 2627-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 308-82 be adopted and S.B. No. 2627-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator O'Connor rose and stated:

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

"This bill extends the use of the organized crime chapter to the prosecuting attorneys of the counties. The chapter, as originally drafted, allowed the civil remedies contained in this measure only to the Attorney General. It has been rarely used since enacted.

"However, I feel that it's much more appropriate that the civil remedies contained in this chapter be reserved to the Attorney General and not placed with the prosecuting attorneys. The prosecuting attorneys' job is to prosecute crime and to do it in every way they can. It is not to get involved in civil actions, having to do with injunctive relief and other measures which are contained in this chapter. That is the job of the Attorney General of the state, and the two should work together, hand in glove, if injunctive relief or any of the measures contained in this chapter on organized crime are desired for utilization.

"Evidently, this has not happened over the past year. There's been one celebrated case where the prosecutor attempted to use this statute and was not allowed to by the presiding judge. He did not ask the Attorney General to do it for him, and I think that's the appropriate relief under the circumstances. Therefore, I would vote against this bill."

Senator Cayetano then rose and stated:

"Mr. President, I am going to support this bill.

"I'd like to point out something that is significant, I think, in this bill. The previous speaker referred to a somewhat celebrated case in which the prosecutor of the City and County of Honolulu attempted to use the civil remedies contained in this law for enjoining some criminal activities, and if the members of this body recall, the judge at that time was the Honorable James Wakatsuki, and he was pestered and pilloried by the Prosecutor's Office. I believe he was called a jackass and everything else.

"The point of the judge's ruling is that there was no statutory basis for the prosecutors using civil remedies. And this is the final proof; the prosecutor in that case was wrong because the prosecutor came in to the Legislature and asked that we change the law to allow him to use civil remedies. I just want to point out that as a matter of historical perspective."

Senator Carpenter then rose and stated:

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

"Mr. President, the Attorney General's Office, as alluded to by the previous speaker, testified in favor of this bill.

In fact, the Attorney General's Office has only several prosecutorial units within it, one being the Antitrust Division and the other being the Medicaid Fraud Unit. They have, as indicated previously, rarely used this section of statutes.

"At the present time, the Attorney General's Office, aside from being in favor of it, has really relegated the responsibility of that office in terms of allowing or acquiescing, if you will, the prosecution to the individual county prosecutor's offices since they are in fact, the lead prosecutorial agencies and the Attorney General is not. This is an appropriate bill to allow them to access this statute which was designed to address organized criminal activities within this state."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 308-82 was adopted and S.B. No. 2627-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME. CHAPTER 842, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 4 (Abercrombie, O'Connor, Toyofuku and Ushijima). Excused, 3 (Holt, Uwaine and Yee).

Senate Bill No. 2799-82:

Senator Yamasaki moved that S.B. No. 2799-82, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Abercrombie then rose and stated:

"Mr. President, trying to salvage what little is left of my conscience today, I am going to have to vote 'no' against something that I feel should be done on the grounds previously stated."

Senator Cayetano then rose and stated:

"Mr. President, I am opposed to this bill and having already cast my lot against the Girl Scouts and computer service businessmen, I now include the dead, surviving spouses and children. Tomorrow I think I will include pineapple growers and some other people."

The motion was put by the Chair and carried and S.B. No. 2799-82, entitled: "A BILL FOR AN ACT RELATING TO THE INHERITANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Abercrombie and Cayetano). Excused, 3 (Holt, Uwaine

and Yee).

At 2:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:06 o'clock p.m.

At this time, Senator Kawasaki rose and stated:

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

"I realize the hour is late, but I would like to offer some congratulations to a well-deserving member of the Senate. It just makes me feel good to learn of some recognition being given... some deserved recognition, to one of our Senators.

"In this case, I understand because of his tendency for modesty that the good Senator from the Sixth District, Senator Neil Abercrombie, was designated at a dinner of the American Federation of the Blind, Hawaii Chapter, as the 'Outstanding Legislator.'

"I think this is a well deserved recognition. I trust that someday some organization would also place on him the title of being the 'Outstanding Dresser' in the Senate. Because of the nature of the subject matter, I would hope it will not be the Federation of the Blind that makes this award."

Senator Abercrombie then rose and stated:

"Mr. President, my friends at the State Federation of the Blind indicated to me with a perfectly straight face that I got that award as a result of their keen insight."

The President then stated:

"The Chair would like to make this observation. The hour is long, but I thought the debate was very healthy. I know tomorrow will be a longer day and I hope the debate will be just as healthy."

At 2:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:09 o'clock p.m.

ADJOURNMENT

At 2:10 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m.,

Wednesday, March 17, 1982.