

THIRTY-FIFTH DAY

Wednesday, March 17, 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 the Reverend Dean Zenei Okimura of the Koboji Shingon Mission, after which the Roll was called showing all Senators present.

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

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

Senator Uwaine introduced Mr. Lex Brodie, director, and members of the Small Business Association of Hawaii. Senator Uwaine added that the group's presence indicate their appreciation to all the Senators for the concern they show through legislation for the small businessmen.

Senator Carpenter, on behalf of the Senators from the First Senatorial District, introduced a group of 19 Big Island high school student-lobbyists representing Hilo, Waiakea, Konawaena, Honokaa, Laupahoehoe, and Kohala High Schools and their student coordinators, Mrs. Beth Fujimoto and Miss Luann Aki; faculty advisors, Ms. Helen Kobayashi and Mr. Rob Banashek; and the Department of Education personnel specialist Mr. Wally Aki. Senator Carpenter added: "The students are here on a two-day legislative experience program, touring the Capitol, and lobbying the Big Island legislative delegation on their concerns which were developed at a student lobbying workshop held in Hilo recently."

Senator Anderson then introduced a group of 35 members of the Ka Lima Hana O Lono and Crane Jolly Senior Citizens Clubs.

Senator Saiki recognized and introduced Mrs. Eleanor (Richard) Henderson who was sitting in the gallery.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 181), transmitting copies of a report, "Feasibility of Hilo Land Reclamation Using Reclaimed Soil from Pepeekeo Mill," dated March 4, 1982, prepared by W.A. Hirai & Associates, Inc., for the State of Hawaii, Department of Agriculture, in response to Senate

Resolution No. 54 (1981), was read by the Clerk and was referred to the Committee on Agriculture.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 167 to 174) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 167), transmitting House Bill No. 2205-82, which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2205-82, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 168), transmitting House Bill No. 2327-82 which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2327-82, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading and was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 169), transmitting House Bill No. 2398-82 which passed Third Reading in the House of Representatives March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2398-82, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION, PURCHASE AND SALE OF LIQUOR," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 170), transmitting House Bill No. 2400-82 which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2400-82, entitled: "A BILL FOR AN ACT RELATING TO THE INHERITANCE TAX," passed First Reading and was referred to the Committee on Ways

and Means.

A communication from the House (Hse. Com. No. 171), transmitting House Bill No. 2682-82 which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2682-82, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," passed First Reading and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 172), transmitting House Bill No. 3125-82 which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3125-82, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICE CORPORATIONS," passed First Reading and was referred to the Committee on Health, then to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 173), transmitting House Bill No. 3137-82, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3137-82, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REDEVELOPMENT OF THE KAKA'AKO COMMUNITY DEVELOPMENT DISTRICT AND AUTHORIZING THE ISSUANCE OF BONDS," passed First Reading and was referred to the Committee on Housing and Hawaiian Homes, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 174), transmitting House Bill No. 3198-82 which passed Third Reading in the House of Representatives on March 16, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3198-82, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed First Reading and was referred to the Committee on Human Resources.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions

(S.C.R. Nos. 37 and 38) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 37), entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING STUDENTS, FACULTY AND STAFF MEMBERS, AND MEMBERS OF THE COMMUNITY TO SUBMIT TESTIMONY ON HIGHER EDUCATION ISSUES BEFORE THE LEGISLATURE," was offered by Senators Cobb, Saiki, Abercrombie, Kobayashi, Uwaine, George, Kawasaki, Carpenter, Ushijima and Machida.

By unanimous consent, S.C.R. No. 37 was referred to the Committee on Higher Education.

A concurrent resolution (S.C.R. No. 38), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," was offered by Senator Uwaine.

By unanimous consent, S.C.R. No. 38 was referred to the Committee on Human Resources.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 52 and 53) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 52), entitled: "SENATE RESOLUTION ENCOURAGING STUDENTS, FACULTY AND STAFF MEMBERS, AND MEMBERS OF THE COMMUNITY TO SUBMIT TESTIMONY ON HIGHER EDUCATION ISSUES BEFORE THE LEGISLATURE," was offered by Senators Cobb, Saiki, Abercrombie, Kobayashi, George, Kawasaki, Carpenter, Ushijima, Uwaine, Yee and Machida.

By unanimous consent, S.R. No. 52 was referred to the Committee on Higher Education.

A resolution (S.R. No. 53), entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," was offered by Senator Uwaine.

By unanimous consent, S.R. No. 53 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. 521-82) informing the Senate that Senate Concurrent Resolution Nos. 37 and 38 and Senate Resolution Nos. 52 and 53 have been printed and distributed

to all members of the Senate.

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

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MARCH 15, 1982

Senate Bill No. 2138-82, S.D. 1:

By unanimous consent, S.B. No. 2138-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2178-82, S.D. 1:

By unanimous consent, S.B. No. 2178-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INDUSTRIAL LOAN COMPANY GUARANTY ACT," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2235-82:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2235-82, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, LANDSCAPE ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2696-82, S.D. 1:

On motion by Senator Ajifu, seconded by Senator Cobb and carried, S.B. No. 2696-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER COOPERATIVE ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2509-82, S.D. 1:

By unanimous consent, S.B. No. 2509-82, S.D. 1, entitled: "A BILL FOR AN ACT TO AMEND THE HAWAII WATER CARRIER LAW," was recommitted

to the Committee on Public Utilities.

Senate Bill No. 2377-82:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2377-82, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2565-82, S.D. 1:

By unanimous consent, action on S.B. No. 2565-82, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2566-82, S.D. 1:

By unanimous consent, action on S.B. No. 2566-82, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2181-82, S.D. 1:

On motion by Senator George, seconded by Senator Kawasaki and carried, S.B. No. 2181-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2334-82:

On motion by Senator George, seconded by Senator Kawasaki and carried, S.B. No. 2334-82, entitled: "A BILL FOR AN ACT PROVIDING PENALTIES FOR VIOLATIONS OF CHAPTER 290 RELATING TO ABANDONED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2146-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2146-82, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI OF THE HAWAII CONSTITUTION RELATING TO THE APPOINTMENT OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2575-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2575-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURES BY JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2831-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2831-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 68:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 68, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 786:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, H.B. No. 786, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2602-82:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2602-82, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2890-82, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2890-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing

of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Carpenter and Yamasaki).

Senate Bill No. 2913-82, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2913-82, 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, 25. Noes, none.

Senate Bill No. 2528-82:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2528-82, 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, 19. Noes, 6 (Carpenter, Cayetano, George, Henderson, Kawasaki and Yee).

Senate Bill No. 2879-82, S.D. 1:

By unanimous consent, S.B. No. 2879-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST ON CREDIT CARDS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2477-82:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2477-82, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2418-82, S.D. 1:

By unanimous consent, S.B. No. 2418-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2398-82:

By unanimous consent, S.B. No. 2398-82, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DISPENSING OPTICIANS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2397-82, S.D. 1:

By unanimous consent, S.B. No. 2397-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2237-82, S.D. 1:

By unanimous consent, S.B. No. 2237-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2234-82:

By unanimous consent, S.B. No. 2234-82, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2231-82:

By unanimous consent, S.B. No. 2231-82, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FROM THE PUBLIC," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2878-82, S.D. 1:

By unanimous consent, S.B. No. 2878-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRANCH BANKS," was recommitted to the Committee on Consumer Protection and Commerce.

Standing Committee Report No. 348-82 (S.B. No. 2382-82, S.D. 1):

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.B. No. 2382-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 349-82 (S.B. No. 2144-82, S.D. 2):

On motion by Senator Cobb, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.B. No. 2144-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2872-82, S.D. 1:

By unanimous consent, S.B. No. 2872-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BANK ACT OF 1931," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2353-82, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Kuroda and carried, S.B. No. 2353-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2858-82, S.D. 1:

By unanimous consent, S.B. No. 2858-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLARIFICATION OF THE DEFINITION OF STANDARD BAR," was recommitted to the Committee on Government Operations and Intergovernmental Relations.

Senate Bill No. 2435-82, S.D. 1:

By unanimous consent, S.B. No. 2435-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," was recommitted to the Committee on Agriculture.

Senate Bill No. 2908-82:

On motion by Senator Henderson, seconded by Senator Yee and carried, S.B. No. 2908-82, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON THE YEAR 2000," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2914-82:

By unanimous consent, action on S.B. No. 2914-82 was deferred to the end of the calendar.

Senate Bill No. 2531-82, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Abercrombie and carried, S.B. No. 2531-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIPS," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Yamasaki).

Senate Bill No. 2593-82, S.D. 1:

By unanimous consent, S.B. No. 2593-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," was recommitted to the Committee on Human Resources.

Senate Bill No. 2236-82:

By unanimous consent, S.B. No. 2236-82, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS LICENSE LAW," was recommitted to the Committee on Consumer Protection and Commerce.

Standing Committee Report No. 359-82 (S.B. No. 2143-82, S.D. 2):

On motion by Senator Cobb, seconded by Senator Uwaine and carried, Stand. Com. Rep. No. 359-82 was adopted and S.B. No. 2143-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 360-82 (S.B. No. 2232-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 360-82 and S.B. No. 2232-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," were recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2152-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2152-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2313-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2313-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM MARCH 16, 1982

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

By unanimous consent, action on S.B. No. 2321-82, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 333-82 (H.B. No. 798, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 333-82 and H.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 Thursday, March 18, 1982.

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 o'clock p.m.

RE-REFERRAL OF HOUSE BILLS

The President made the following re-referral of House Bills that were received on Monday, March 15, 1982:

House Bills	Referred to:
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No. 2210-82, H.D. 1	Committee on Higher Education, then to the Committee on Ways and Means
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No. 2367-82, H.D. 1	Committee on Agriculture, then to the Committee on Ways and Means
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No. 2573-82	Jointly to the Committee on Agriculture and the Committee on Education
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At 12:20 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate stood in recess until 8:00 o'clock p.m., this evening.

EVENING SESSION

The Senate reconvened at 8:30 o'clock p.m., with all Senators present with the exception of Senator Yee who was excused.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 175 to 199) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 175), transmitting House Bill No. 2183-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2183-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS COORDINATION," passed First Reading and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 176), transmitting House Bill No. 2232-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2232-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVING OF MOPEDS," passed First Reading and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 177), transmitting House Bill No. 2238-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2238-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," 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. 178), transmitting House Bill No. 2359-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2359-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS SECURITY AND PROTECTION," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 179), transmitting House Bill No. 2366-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

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

H.B. No. 2366-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed First Reading and was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 180), transmitting House Bill No. 2477-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2477-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," passed First Reading and was referred to the Committee on Ecology, Environment and Recreation.

A communication from the House (Hse. Com. No. 181), transmitting House Bill No. 2559-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2559-82, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND DILLINGHAM CORPORATION DBA HAWAIIAN DREDGING AND CONSTRUCTION COMPANY," 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. 182), transmitting House Bill No. 2687-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2687-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF GEOTHERMAL ENERGY," passed First Reading and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 183), transmitting House Bill No. 2879-82, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2879-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES AND CHARGES COLLECTED FROM THE USERS OF SCHOOL FACILITIES," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 184), transmitting House

Bill No. 2932-82, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2932-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO 75TH ANNIVERSARY COMMISSION," passed First Reading and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 185), transmitting House Bill No. 2975-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2975-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM," passed First Reading and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 186), transmitting House Bill No. 3133-82, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3133-82, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF COUNTY EMERGENCY MEDICAL SERVICES DEFICITS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 187), transmitting House Bill No. 3141-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 3141-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 188), transmitting House Bill No. 473, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 473, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading and

was referred jointly to the Committee on Government Operations and Intergovernmental Relations and the Committee on Housing and Hawaiian Homes.

A communication from the House (Hse. Com. No. 189), transmitting House Bill No. 1642, H.D. 2, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1642, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS," passed First Reading and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 190), transmitting House Bill No. 1882, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1882, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF INSTREAM USES OF WATER," 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. 191), transmitting House Bill No. 1970-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1970-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 192), transmitting House Bill No. 1971-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 1971-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed First Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 193), transmitting House Bill No. 2049-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2049-82, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," passed First Reading and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 194), transmitting House Bill No. 2050-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2050-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR QUALITY," passed First Reading and was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 195), transmitting House Bill No. 2057-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2057-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 196), transmitting House Bill No. 2145-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2145-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," passed First Reading and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 197), transmitting House Bill No. 2174-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2174-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed First

Reading and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 198), transmitting House Bill No. 2199-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2199-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," passed First Reading and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 199), transmitting House Bill No. 2239-82, H.D. 1, which passed Third Reading in the House of Representatives on March 17, 1982, was placed on file.

On motion by Senator Cobb, seconded by Senator Anderson and carried, H.B. No. 2239-82, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," passed First Reading and was referred to the Committee on Judiciary.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MARCH 15, 1982

Senate Bill No. 2239-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 2239-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, Kawasaki, Kobayashi and Soares).
Excused, 1 (Yee).

Senate Bill No. 2238-82, S.D. 1:

By unanimous consent, S.B. No. 2238-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2638-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 2638-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES

AND TRANSFER OF REAL PROPERTY SITUATED IN HAZARDOUS AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Carpenter and Henderson). Excused, 1 (Yee).

Senate Bill No. 594, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES AND MORTUARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2386-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 2386-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2389-82:

On motion by Senator Henderson, seconded by Senator Carpenter and carried, S.B. No. 2389-82, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 369-82 (S.B. No. 2356-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 369-82 and S.B. No. 2356-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE WITHIN AGRICULTURAL DISTRICTS," were recommitted to the Committee on Economic Development.

Senate Bill No. 2907-82:

On motion by Senator Henderson, seconded by Senator Carpenter and carried, S.B. No. 2907-82, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN RESEARCH CENTER FOR FUTURE STUDY," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

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

Senate Bill No. 2906-82:

On motion by Senator Henderson, seconded by Senator Carpenter and carried, S.B. No. 2906-82, entitled: "A BILL FOR AN ACT RELATING TO QUALITY GROWTH POLICY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2720-82, S.D. 2:

Senator Henderson moved that S.B. No. 2720-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Carpenter.

Senator Machida rose to speak against the measure as follows:

"Mr. President, I would like to offer a few remarks against the bill.

"Mr. President, Senate Bill 2720, S.D. 2, in its present form, and if allowed to become law, would be counter productive and negate the enormous amount of effort that has been expended since the Legislature adopted Act 100 in 1978. This effort to implement the State Plan has involved the state administration, the county planning departments, the 12 advisory committees of the various State Functional Plans, the State Plan Policy Council and the numerous amount of people from the public who have attended workshops, hearings and informational meetings offering their input.

"Mr. President, the basic premise for the passage of the State Plan in 1978 was to address the great concern expressed by the constituency of our state that we should have a plan to slow down the helter-skelter growth in areas like Waikiki, Kihei, Lahaina and Kona, just to name a few places. The adoption of the State Plan was an attempt to have the state and the four counties, in a concerted planning effort, to create a preferred future for our people.

"For those who are concerned about the issue of home rule, Mr. President, many provisions in the State Plan insure that home rule will be protected and maintained. I speak from personal experience since I was fortunate to have served on the conference committee that put the State Plan language together

in 1978.

"The recent Attorney General's Opinion regarding the effect of the State Functional Plans clearly establishes the intent of the Legislature that home rule will prevail in the implementation of the functional plans.

"The passage of Senate Bill 2720, S.D. 2, Mr. President, would nullify the effectiveness and utility of the Hawaii State Plan to the point of having no plan at all and take us back to square one.

"For these reasons, among many others, I urge that we vote down Senate Bill 2720, S.D. 2."

Senator Henderson then rose to speak in favor of the measure and stated:

"Mr. President, the purpose of this bill is to amend the Hawaii State Planning Act, and it does this in three ways. It makes sure that the goals, policies, guidelines in this State Planning Act are truly guidelines; it makes sure that the functional plans are truly guidelines; and it makes sure that there's no question about home rule of the counties.

"Now, Mr. President, the State Plan was passed in 1978, Act 100, and I also was involved in the conference committee that adopted that and I happen to know that there was a lot of controversy in that conference as to how this should be handled...whether it should be handled entirely as a resolution, or whether it should be handled statutorily. We labored with the problem. I think the conclusion or the agreement in conference at that time was that the Planning Act would be by statute, but the functional plans that implemented the Planning Act, Act 100, would be adopted by concurrent resolution with the idea that these functional plans would not have the force and effect of law.

"Mr. President, I'd like to say that on occasion after occasion after occasion, in testimony after testimony for every committee in both bodies, all the committees in the House and the Senate, Hideto Kono, the director of the Department of Planning and Economic Development, and other people have come up and said, 'These are only guidelines.' But, apparently, there was a great apprehension in the community and as a consequence, from 1978, 1979, 1980, 1981, and finally 1982, we have now gotten a version of the functional plans put together that makes some sense. This has taken four long years to do.

"In the meantime, the functional plans

we looked at last year, we saw what the problems were and we sent them back to be redone, and they were, and I must say the functional plans now are not too bad. But, in the meantime, your committee looked at the Hawaii State Plan, and what we found in the Hawaii State Plan...I would direct your attention specifically to section 52, pages 8 and 9...and in the bill, in the Act, in the law, if you look at it, you'll find that there's language in there that says when it comes to the program appropriations process, and I direct your attention to page 8, it says, 'The appropriation of funds for major programs under the biennial and supplemental budgets shall be in conformance with the overall theme, objectives, policies, and priority directions contained within this chapter, and the State Functional Plans adopted pursuant to this chapter.'

"Now, Mr. President, I submit that even though you have a resolution and everybody says that it does not have the force and effect of law, when you have a statute that says you shall conform to this resolution, that to me is the force and effect of law.

"Now, we address that concern in the amendments to this bill. We have made sure that the functional plans and the State Plan are guidelines. It doesn't stop anything. It doesn't stop the planning process. There's no question that the processes undertaken in devising and adopting the State Plan and in getting the functional plans to the state they are today has been very beneficial. It has been beneficial to all of the departments, to the State Government, the private sector...everybody has had their input, and I agree it's a good idea.

"Times change, gentlemen, times change.

"If you look at the technical reference document that supports the Agriculture Functional Plan, you'll see in there that they project the number of acres in sugar that's going to be in this state in 1990 at 220,000 acres, exactly the same amount that it is in 1980. And I will tell you this, there will not be 220,000 acres in sugar at the end of 1990, so the plan is just good at the time that it's made. It changes daily; it changes yearly. You cannot be locked up to any mandatory actions by a plan.

"Again, I'll tell you that there is nothing, nothing in the amendment to the Act, there is nothing at all that will not stop the administration, the executive branch, from doing whatever they want to do as far as following the goals and guidelines in the State Plan

and the functional plans.

"I urge everyone to vote in favor of the adoption of this bill. Thank you."

Senator Machida responded and stated:

"Mr. President, may I make a few more comments.

"I'd just like to reiterate the comments made by the previous speaker...and he is correct. During the conference deliberations on Act 100, in the ten days of the conference deliberations, initially, the first draft that we considered had the functional plans being adopted by law... that's correct.

"Because home rule was such a big concern of ours, we purposely provided for implementation of the State Plan with the understanding that the functional plans would not be adopted by law but by concurrent resolution instead. This was specifically to preserve home rule.

"The other thing is that in the formulation of these functional plans it specifically states in the State Plan that these would be formed by using the County General and Development Plans as a basis, another indication of home rule protection. So I would once again like to state that the State Plan is not a mandate to the counties. It is a guideline in its present form, but with the adoption of Senate Draft 2, it will negate the entire process.

"I would like to once again urge everyone to vote this measure down."

The motion was put by the Chair and S.B. No. 2720-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Campbell, Holt, Kuroda, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Yee).

Senate Bill No. 2710-82, S.D. 1:

Senator Kuroda moved that S.B. No. 2710-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator O'Connor rose to ask if the chairman of the committee would yield to a question and Senator Kuroda replied in the affirmative.

Senator O'Connor asked: "Mr. President, on page 1 of this bill, the word 'bedroom'

is defined in great glory. I wonder why. I wonder if the chairman could explain why he defined bedroom?"

Senator Kuroda answered: "Mr. President, the term bedroom needed some explanation because presently people think the bedroom as only a place to sleep. The bedroom is described to be all the rooms of the hotel."

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

"Mr. President, the law which we know as the 'Inkeepers Act' has been the law of this state for at least 50 years. We have Supreme Court decisions defining it. It is a uniform law enacted in almost every state. The limits of liability do vary from state to state.

"If this bill simply went to varying the limits of liability for innkeepers' responsibility for valuables kept in rooms, I would have no qualm, but the law goes further than that. It amends in great detail a uniform act which has served us well. It takes out sections of the law which should be retained. It does things that I'm sure will cause ongoing difficulties in the hotel industry and with our tourists in this state.

"I would suggest that...the very first thing it does...it defines the word 'bedroom' and then never uses that word anywhere in the entire law. The word 'bedroom' never appears. The word 'room' appears, but not 'bedroom.' A useless definition and the word 'room' is not defined anywhere. We don't know whether that's a bedroom, a hotel room or a sitting area.

"I suggest that the amendments which are proposed by this bill eradicate the good of a law which today is posted in every single hotel room in this state. Not only will this thing screw up that law, but in addition, it will cost the hotelkeepers of this state. They have to replace that particular bill or the law they already have posted with a new one which I would submit in some instances does not make sense.

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

Senator Kuroda then rose to speak in favor of the bill and stated:

"Mr. President, the previous speaker expressed his concern for the hotelkeeper in that it will bring about a detrimental effect on the hotel operation and the visitors' convenience. I doubt that very much inasmuch as the hotel industry itself has requested this consideration.

"Last year when we included an amendment for the insertion of security boxes for security purposes, certain languages were put in that brought about some concern for the hotelkeepers. The hotelkeepers came back to the Legislature and requested that certain amendments be made and all testimonies have been favorable to this amendment."

The motion was put by the Chair and S.B. No. 2710-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Cayetano, Holt, O'Connor and Ushijima). Excused, 1 (Yee).

Senate Bill No. 2206-82, S.D. 1:

By unanimous consent, S.B. No. 2206-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPHYLAXIS FOR THE PREVENTION OF BLINDNESS IN THE NEWBORN," was recommitted to the Committee on Health.

Senate Bill No. 2518-82, S.D. 1:

By unanimous consent, S.B. No. 2518-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," was recommitted to the Committee on Health.

Senate Bill No. 2923-82, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 2923-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABOLISHMENT OF THE PREMARITAL RUBELLA AND SYPHILIS TEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2636-82, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Carpenter and carried, S.B. No. 2636-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2682-82, S.D. 1:

Senator Cayetano moved that S.B. No. 2682-82, S.D. 1, having been

read throughout, pass Third Reading, seconded by Senator Carpenter.

At this time, Senator O'Connor rose to inquire if the chairman of the committee would yield to a question and Senator Cayetano asked to hear the question.

Senator O'Connor asked: "Mr. President, if this bill is enacted and becomes law, how much more will it cost us to run the State Hospital at Kaneohe?"

Senator Cayetano answered: "That has not yet been determined, Mr. President. Good question."

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

"Mr. President, for that reason, I have some qualms about this bill. It requires actions on the part of the staff and administration at the hospital which to me adds up to an addition of maybe 20 or 30 people in the administrative department of the hospital. There are no dollars included in this bill at all. It has never gone to Ways and Means and, I believe, that it's going to be a terribly costly measure.

"For that reason, because there are no dollars included and it has not gone to Ways and Means, I would suggest that people vote 'no' on this measure."

Senator Abercrombie rose to speak in favor of the measure and stated:

"Mr. President, speaking in favor of it very quickly. Psychiatry isn't an exact science, if it is a science at all. Its abuses are well known and widespread. Perhaps we can save a lot of money with respect to the Kaneohe State Hospital if we look into why we have it open in the first place. So, I suggest that we go to the heart of the matter which is the cost associated with the hospital to see if any savings might be made rather than cloud the issue right now as to whether or not there should be this bill of rights.

"The issue is whether there should be the bill of rights, not whether there are costs, imaginary or otherwise, at the mental hospital at this time."

The motion was put by the Chair and S.B. No. 2682-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, O'Connor, Saiki and Ushijima). Excused, 1 (Yee).

Senate Bill No. 2973-82, S.D. 1:

By unanimous consent, S.B. No. 2973-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was recommitted to the Committee on Economic Development.

Senate Bill No. 2915-82:

On motion by Senator Henderson, seconded by Senator Carpenter and carried, S.B. No. 2915-82, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS COORDINATOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2145-82, S.D. 1:

On motion by Senator George, seconded by Senator Uwayne and carried, S.B. No. 2145-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIDE-SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 9:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:05 o'clock p.m.

Senate Bill No. 2379-82:

Senator Carpenter moved that S.B. No. 2379-82, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Carpenter spoke in support of the measure and stated:

"Mr. President, under the present sentencing laws (Penal Code, adopted in 1972), judges today must impose concurrent sentences when sentencing a person for one offense or several offenses. There are few instances, however, where the court may impose consecutive sentences and these are instances where an inmate in prison is convicted of escape or convicted of promoting prison contraband. Except for these few situations, if a person goes on a crime spree and commits multiple offenses, he must be sentenced to concurrent terms of imprisonment. As a result of the present law mandating concurrent sentences, our police, our prosecutors, and the courts have

been frustrated.

"The Legislature in attempting to deal with the problem has in the past enacted laws such as the extended term provisions and the repeat offender provisions.

"This bill simply gives the discretion back to the courts to impose consecutive terms of imprisonment which is a significant step forward in dealing with the concerns regarding sentencing for repeat offenders and those who may commit multiple offenses.

"Mr. President, I urge my colleagues to vote in favor of this bill. Thank you."

The motion was put by the Chair and S.B. No. 2379-82, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 383-82 (S.B. No. 2688-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 383-82 and S.B. No. 2688-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTION REGISTRATION FOR THE OFFICE OF HAWAIIAN AFFAIRS," were recommitted to the Committee on Judiciary.

Senate Bill No. 2271-82:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2271-82, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Abercrombie, Campbell, Cayetano, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Yee).

Senate Bill No. 2659-82, S.D. 1:

By unanimous consent, S.B. No. 2659-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUIETING TITLE," was recommitted to the Committee on Judiciary.

Senate Bill No. 2550-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2550-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

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

Standing Committee Report No. 387-82 (S.B. No. 2147-82, S.D. 2):

Senator Carpenter moved that Stand. Com. Rep. No. 387-82 be adopted and S.B. No. 2147-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator O'Connor then rose to ask if the chairman of the committee would yield to a "couple of questions" and the chairman replied in the affirmative.

Senator O'Connor asked: "Are there, established in our community, alcohol abuse rehabilitation programs, as referred to in the first section of the bill, and live-in alcohol abuse treatment facilities, as referred to on page 3 of the bill, which judges and the judiciary can use for sentencing, should that situation arise when this bill becomes Law?"

Senator Carpenter answered as follows:

"Mr. President, in the first question, by way of response, my understanding is that the judiciary at the present time does have a short course that is available and is part of the first offense sentence.

"I have knowledge of several institutions that provide live-in accommodations to the extent that this bill in its passage may create a load of what may be perceived to be in excess of present capacity.

"I'm not at this time knowledgeable however, whether there are institutions that presently render this kind of service, i.e., both on a live-in and out-patient basis.

"I believe that the impact of this bill perhaps may exceed certain capacities or capabilities; however, if we are going to address the problem of drunk-driving and the number of people killed annually on our highways this is a method and, I believe, it is not an unreasonable one at this time."

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

"Mr. President, I have reservations about the bill because, although I firmly believe that something must be done about drunk-driving, I personally believe it should be done in the areas of removing the ability to drive and removing people's licenses and imposing sanctions by way of very stiff fines and, in extreme cases, after several

instances of the same offense, utilizing prison, if necessary.

"This bill calls for the use in the first offense of a 14-hour alcohol rehabilitation program. I know of none in the state that could handle the workload which would be imposed on first time offenses of this nature. It would require the judiciary or someone to create such a program and, again, there is no money in this bill to do anything like that.

"Secondly, for a second offense you have the requirement that the individual go to a live-in facility for 90 days. We have a limited number of those in the state which I know of that all of us who have sat on money committees in the alcohol area have some familiarity with, but they certainly don't have the present capability of handling the workload which would be imposed. Again, we have no money in the bill.

"I just have reservations, Mr. President, that we would be adopting something for which the sanctions would be unimposable and, therefore, with those reservations I must reluctantly vote against this bill."

Senator Carpenter responded and stated:

"Mr. President, the first offense certainly does call for a 14-hour rehabilitation program. The second offense is an offense which occurs within a five-year period of a prior conviction. Our anticipation is that an individual who would be mandated to certain requirements under a first offense would very seriously consider his or her position, as the case might be, and commit another offense within that five-year period of time, thereby, requiring the 90-day in service. Thank you."

The motion was put by the Chair, and Stand. Com. Rep. No. 387-82 was adopted and S.B. No. 2147-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Campbell, Cayetano, Holt, O'Connor and Ushijima). Excused, 1 (Yee).

Senate Bill No. 2419-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2419-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FURLOUGHS FOR PRISONERS," having been read throughout, passed Third

Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 389-82 (S.B. No. 2924-82, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 389-82 was adopted and S.B. No. 2924-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT'S RIGHT OF SELF-DETERMINATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Ajifu, Anderson, O'Connor, Saiki and Soares). Excused, 1 (Yee).

Senate Bill No. 2774-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2774-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING AND PAROLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2174-82, S.D. 1:

Senator Carpenter moved that S.B. No. 2174-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Carpenter rose to speak in support of the measure and stated:

"Mr. President, the State of Hawaii is rapidly approaching a population count of 965,000 people, an increase by some 200,000 new residents from 1970. Hawaii is more densely populated than when we were all kids, with more houses, more people, and less open space.

"In recent years there's been a greater use of fireworks and larger potential of danger to people and homes. The Honolulu Fire Department responded to 56 alarms between December 21, 1981 through January 1, 1982 and during that 12-day period there were 31 incidences which were attributed to aerial fireworks and 19 of these resulted in a loss of nearly \$80,000 in structural damages to property.

"Presently, the county of Maui has completely banned the use of fireworks except for supervised public displays, for religious ceremonies, or for commercial farming. The counties of Hawaii and Kauai have similar bans like Maui's except fireworks are allowed on July 4th, New Year's and Chinese New Year's. The City and County of Honolulu has a partial ban on fireworks and is currently undergoing changes as proposed by the County Council.

"I have received many calls, Mr. President, on this subject of banning the use of fireworks in the interest of protecting people and property from the hazards of the use of fireworks. There have been many reports of people having fireworks thrown at them by passing motorists, thrown from tall buildings onto people walking below, and the inhumane effects fireworks have on animals certainly are considerations.

"The bill before you has gone through several changes and careful thought in respecting the concerns of the citizens of this state. This, S.B. 2174, S.D. 1, allows the counties to grant and permit the use of fireworks for religious or cultural ceremonies and the use of aerial fireworks for the state's observance of our nation's Day of Independence - Fourth of July.

"The bill also allows the counties to establish ordinances and rules and regulations in respect of their respective charters and the state's Act 91 to carry out the purposes of this act.

"The Committee on Judiciary has also provided exceptions to this ban which includes the use of flares or signals by the police, fire departments, transportation agencies and others for the performance of their duties or for emergency purposes. Also, included in this exception are defense organizations, armed forces and federal employees authorized to use explosives, and all persons licensed under chapter 396 and chapter 143, relating to firearms.

"I believe, Mr. President, this is a fair bill that takes into consideration the hazards of fireworks to protect lives as well as property, and at the same time respects the religious and cultural practices in our state today.

"Mr. President, I wholeheartedly endorse this bill and urge my colleagues to vote in favor of its passage. Thank you."

Senator O'Connor then rose to state as follows:

"Mr. President, I personally feel that fireworks should be banned, but I am reluctant to vote in favor of this bill because I believe that we are simply usurping to some extent and to a larger extent bailing out the county councils who have either acted or acted only partially in this area.

"I believe that fireworks and matters of that nature are firmly a county responsibility. They have always been in this state and, yesterday, as I talked in terms of the earthquake measure which we had before us which in part amended the County Building Code, there are certain areas that should be left to the counties and I think that the fireworks area certainly is one.

"Some of the comments of the earlier speaker are absolutely correct. We have a million people in this state. Unfortunately, most of them are on this island. The outside island counties should be left to their own determination in areas like fireworks. Some of them, Maui, for example, has banned them entirely; others have not, and if they choose not to and they have sparse populations and homes far distant from each other with little chance of fire or other things, they should be able to decide which fireworks they want, if any, the magnitude of the fireworks they want, if any, or ban them entirely, if they so choose.

"To have a statewide ban, I believe, is usurping the counties' prerogatives and their responsibility in this area. Thank you."

Senator Ushijima added: "Mr. President, I believe the prior speaker spoke about home rule. Because of that I am going against the bill."

Senator Cayetano, in support of the measure, stated:

"Mr. President, I think this bill is long overdue. I believe in home rule also.

"There will be another bill later on in the evening which will test, I think, the statements made by the previous speakers to their belief in home rule, and this bill I'm talking about involves the Big Island.

"The reason this bill is here is because the City and County of Honolulu has just not been able to deal with this problem. I'm talking about the City Council...and so the ball has fallen in our lap.

"I congratulate Senator Uwaine for introducing this bill and I also commend

the chairman of the Judiciary Committee for having the courage to put this bill through."

The motion was put by the Chair and S.B. No. 2174-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Campbell, Holt, Kawasaki, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 392-82 (S.B. No. 2471-82, S.D. 2):

Senator Carpenter moved that Stand. Com. Rep. No. 392-82 be adopted and S.B. No. 2471-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

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

"Mr. President, the Motor Vehicle Safety Responsibility Act has been the law in our state for almost 40 years now. It serves a very specific purpose, and that is that if someone driving an automobile badly injures someone else and judgment is rendered against the individual who hurts someone, until the judgment is paid that individual is not allowed to drive.

"There are several ways of satisfying the judgment outlined in the bill. One is to post evidence of financial responsibility; another is obviously to demonstrate sufficient insurance coverage to pay the judgment; another is to appear in court and get a partial payment plan or a periodic payment plan allowed by the judge. This bill wipes out that whole law...completely...guts it... turns it around and says that somebody who badly hurts someone in our streets with an automobile can thereafter drive.

"Now, Mr. President, that is not the situation which was envisaged when this law was passed, and I would suggest that this bill, if it passes, takes away the only vestige left in our no-fault insurance state of having someone who has judgment returned against him in excess of the basic coverage to have that judgment satisfied someday by the driver who is liable to the injured party.

"I would strongly urge people to vote against this measure."

Senator Cayetano rose to speak in support of the measure and stated:

"Mr. President, the previous speaker is correct, this bill has been on the books for about 40 years but it is outdated and has outlived its usefulness. This bill was put in prior to our state's no-fault law and what it provides...the existing law became law prior to our no-fault law and what it provides is that if a person gets into an accident and there is judgment against him that person's license will be suspended until such time as the person pays off the judgment.

"The previous speaker is in error when he says that presentation of financial responsibility would result in the return of the license. That is simply incorrect. Only payment of the judgment will result in return of the license. There's simply no correlation between the payment of a judgment and good driving. We have a no-fault law today. This old law will only impose hardship on people and it's time that we set this whole matter straight.

"The law has been amended by this bill to provide that if a person gets into an accident and there's a judgment against him, the person would be able to receive his license upon providing proof of financial responsibility and that, under our no-fault law, is required which can lead to hardship.

"The existing law doesn't make much sense. If a person has a \$500,000 judgment against him and has a \$50,000 policy, that person will never be able to pay off the judgment. In fact, if you look at the existing law it was probably put on the books as a result of insurance companies, to help insurance companies in the subrogation claims. It's about time we got rid of this law."

The motion was put by the Chair, and Stand. Com. Rep. No. 392-82 was adopted and S.B. No. 2471-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2279-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2279-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2674-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2674-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAINING, EDUCATION, TRAINING AND WORK PROGRAMS FOR COMMITTED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2412-82:

Senator Carpenter moved that S.B. No. 2412-82 having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator O'Connor spoke against the measure and stated:

"Mr. President, this bill changes dramatically the law on criminal appeals as we know it today. This is the bill which requires the judge to have a written decision in each instance when withholding a sentence of imprisonment. I would be against this bill because it would clog up judiciary situations and require the court in every instance to provide a written opinion which generally is not required. Therefore, I would urge a vote against it."

The motion was put by the Chair and carried and S.B. No. 2412-82, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Cayetano, Holt, Mizuguchi, O'Connor and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 396-82 (S.B. No. 2449-82, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 396-82 was adopted and S.B. No. 2449-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Anderson, Cayetano, George, O'Connor, Saiki and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 397-

82 (S.B. No. 2522-82, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 397-82 was adopted and S.B. No. 2522-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALOHA STADIUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2345-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2345-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2573-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2573-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS GENERALLY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2463-82, S.D. 1:

Senator Carpenter moved that S.B. No. 2463-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Cayetano then rose to speak against the measure and stated:

"Mr. President, this bill proposes to give a utility company the same protection we give to Good Samaritans and that was not the purpose of the Good Samaritan law. The Good Samaritan law was passed to protect people who render aid under emergency circumstances.

"A utility company which seeks to or agrees to publish general first-aid information in its publications has a lot of time to consider the information, to get expert opinion on whether the information is correct or not.

"If this bill passes and by some chance a public utility company publishes incorrect information, the person

who is injured by this will not be able to seek redress for simple negligence, but would have to prove gross negligence which requires a higher degree of burden."

Senator O'Connor also spoke against the measure and stated:

"Mr. President, I join the previous speaker.

"A public utility company which publishes this sort of information does it voluntarily, and does it as an advertising scheme. The passage of this bill will be clearly discriminatory as it does not include organizations which, as Good Samaritans, do publish first-aid information and distribute it throughout the community. Just because one of our utilities puts first-aid information in one of their regularly published documents does not mean that they should have the status of Good Samaritans.

"I find this bill terribly discriminatory and I really don't think it will stand a constitutional test if a tort action is ever brought against a utility company for incorrect first-aid information which they may publish and distribute for advertising purposes."

Then, Senator Carpenter, in support of the measure, stated:

"Mr. President, just a few brief comments. This bill follows on approximately some three years of some discussion, coming from the Health Committee and now to the Judiciary.

"The question really goes to whether or not Hawaiian Telephone Company, in this case, can be absolved of liability should they, in the interest of a public service, provide an opportunity for residents of this state through the publication of first-aid information in the telephone books be allowed the use of this section of the statute. I'm not sure myself, Mr. President, whether or not this is the correct section, but it is the only vehicle available at this time to at least discuss the point. The idea was advanced by a university student several years ago and I believe the idea has merit.

"Irrespective of what may be considered flaws at the moment, I ask my colleagues to consider moving the bill over to the House because they have no counterpart, so that we can discuss it more openly there and perhaps we can find a way to make this kind of information available to all the citizens of this state via that directory.

"Thank you."

The motion was put by the Chair and carried and S.B. No. 2463-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes 15. Noes, 9 (Campbell, Cayetano, Holt, Machida, Mizuguchi, O'Connor, Saiki, Toyofuku and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 401-82 (S.B. No. 2756-82, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 401-82 was adopted and S.B. No. 2756-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 1984 HAWAII STATEHOOD SILVER JUBILEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2467-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2467-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2506-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2506-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED USE OF LAW ENFORCEMENT SYMBOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2505-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 2505-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR AND OTHER VEHICLE EQUIPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2343-82, S.D. 1:

On motion by Senator Kobayashi, seconded by Senator George and carried, S.B. No. 2343-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 406-82 (S.B. No. 1893, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 406-82 and S.B. No. 1893, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS," were recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 2328-82:

By unanimous consent, S.B. No. 2328-82, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING," was recommitted to the Committee on Housing and Hawaiian Homes.

Senate Bill No. 2809-82, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2809-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LAND SALES PRACTICES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2494-82, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2494-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2488-82:

By unanimous consent, S.B. No. 2488-82, entitled: "A BILL FOR AN ACT RELATING TO STATE HOUSING PROJECTS," was recommitted to the Committee on

Housing and Hawaiian Homes.

Senate Bill No. 2455-82, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2455-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LAND USE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Ajifu and Henderson). Excused, 1 (Yee).

Senate Bill No. 2496-82, S.D. 1:

On motion by Senator Young, seconded by Senator Cobb and carried, S.B. No. 2496-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Yee).

Senate Bill No. 2609-82, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2609-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL GROUP LIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2493-82:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2493-82, entitled: "A BILL FOR AN ACT RELATING TO FIDUCIARIES AND INVESTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Anderson, Cayetano and Henderson). Excused, 1 (Yee).

Senate Bill No. 2454-82, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2454-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Anderson, George, Henderson, Kawasaki and

Kobayashi). Excused, 1 (Yee).

At 9:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:42 o'clock p.m.

Senate Bill No. 2306-82, S.D. 1:

By unanimous consent, S.B. No. 2306-82, S.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," was recommitted to the Committee on Judiciary.

Senate Bill No. 1127, S.D. 2:

By unanimous consent, S.B. No. 1127, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM CONVERSIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1630, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 1630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1281:

By unanimous consent, S.B. No. 1281, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2176-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 2176-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2177-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwayne and carried, S.B. No. 2177-82, S.D. 1, entitled: "A

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

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

Senate Bill No. 2352-82, S.D. 1:

By unanimous consent, S.B. No. 2352-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGY AND AUDIOLOGY," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2388-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2388-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2556-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2556-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2561-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2561-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2700-82, S.D. 1:

By unanimous consent, S.B. No. 2700-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT UNIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2849-82, S.D. 1:

On motion by Senator Cobb, seconded by Senator Uwaine and carried, S.B. No. 2849-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECONDHAND DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (George and Ushijima). Excused, 2 (Soares and Yee).

Senate Bill No. 2865-82, S.D. 1:

By unanimous consent, S.B. No. 2865-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2880-82, S.D. 1:

By unanimous consent, S.B. No. 2880-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

At 9:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:42 o'clock p.m.

Standing Committee Report No. 430-82 (S.B. No. 151, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 430-82 and S.B. No. 151, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT TAX CREDITS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 431-82 (S.B. No. 505, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 431-82 was adopted and S.B. No. 505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 432-82 (S.B. No. 507, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 432-82 was adopted and S.B. No. 507, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read

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

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

Standing Committee Report No. 433-82 (S.B. No. 544, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 433-82 be adopted and S.B. No. 544, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Cayetano rose to speak in opposition of the bill and stated:

"Mr. President, consistent with the positions that I took yesterday I'm going to oppose this bill because, as I said yesterday, we just do not have a comprehensive approach to providing tax relief. According to the director of taxation, this bill will cost this state a \$2.8 million loss. I think that in view of the fiscal situation our state faces in the very, very near future we should be very, very cautious about how we proceed on these things."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 433-82 was adopted and S.B. No. 544, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Abercrombie, Cayetano, Kawasaki, O'Connor and Saiki). Excused, 2 (Uwaine and Yee).

Standing Committee Report No. 434-82 (S.B. No. 553, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 434-82 was adopted and S.B. No. 553, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Abercrombie and O'Connor). Excused, 1 (Yee).

Standing Committee Report No. 435-82 (S.B. No. 561, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 435-82 was adopted and S.B. No. 561, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REMOVAL OF SAND," having been read throughout, passed Third Reading on the following showing of Ayes and

Noes:

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

Standing Committee Report No. 436-82 (S.B. No. 732, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 436-82 was adopted and S.B. No. 732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 437-82 (S.B. No. 906, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 437-82 be adopted and S.B. No. 906, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

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

"Mr. President, I am certainly not opposed to fines and fees for overdue books and lost books. I'm certainly not opposed to the University of Hawaii library system; I think it's a great system; I use it myself all the time; and I think that people should be penalized if they do all of the terrible things that are indicated in this bill. But, we struggled, sweated and with great effort eradicated almost every special fund in this state over a period of six to eight years that I know of. You, yourself, Mr. President, as chairman of Ways and Means Committee sought to eradicate special funds, and you worked hard at it. Many of your predecessors did the same.

"This is but one of about five bills that we're going to have tonight, recreating the special funds which people worked so hard to do away with some years ago.

"For the reason that this does create another special fund, with the additional cost and burden of accounting for and keeping that fund, and the fact that the fund would be in our Revised Statutes lost for a millenium until someone has to go back and clear out all the special funds again, I will vote against this measure."

Senator Cobb then spoke in favor of the measure and stated:

"Mr. President, special funds were

being eradicated in the last decade before we had the state constitutional spending ceiling on state expenditures. Special funds, as I understand it, do not count against that ceiling. As far as the bookkeeping goes, that lends accountability to the use of the special fund and is a far more efficient process than having the moneys go to the general fund and then back to the bureaucracy, to the source such as the library."

Senator O'Connor responded as follows:

"Mr. President, I thank the previous speaker. I forgot the other reason I was against special funds.

"All we're doing is escaping the state spending limit. It's another clever dodge to get around the state spending limit, and I guess we'll see a lot of these as we cleverly dodge and weave around something that's in our Constitution that everyone in this body keeps saying we're going to abide by."

Senator Abercrombie, in rebuttal, stated:

"Mr. President, speaking in brief rebuttal to the previous speaker, in favor of this bill.

"This may be clever, but it most certainly is not a dodge.

"With respect to the special fund here, it's a simple mechanism...you may have had all kinds of things with respect to special funds before some of us came into the Legislature...I don't know what kind of sins were committed then...I can only try to account for mine since the time I've been here. This is indeed a special fund because there are special reasons for it. They are sensible reasons. You will find some coming up with the Department of Education.

"What we are trying to do is address those concerns so we keep the money at the source where it's most useful and most reasonably spent. You are not going to see special funds coming out of either the University of Hawaii or out of the education system, for example, in some helter-skelter methodology."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 437-82 was adopted and S.B. No. 906, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Holt, O'Connor

and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 438-82 (S.B. No. 1308, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 438-82 was adopted and S.B. No. 1308, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 439-82 (S.B. No. 1395, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 439-82 and S.B. No. 1395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 440-82 (S.B. No. 2160-82):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 440-82 was adopted and S.B. No. 2160-82, entitled: "A BILL FOR AN ACT RELATING TO DELINQUENT MONEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 441-82 (S.B. No. 2169-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 441-82 be adopted and S.B. No. 2169-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Carpenter rose to request a ruling of the Chair as to a conflict of interest as an employee of C. Brewer and Company, and the Chair ruled that Senator Carpenter is not in conflict.

Senator Kawasaki then rose to speak against the measure and stated:

"Mr. President, I rise to speak against and I will vote against this bill primarily because I think it's about high time that we bring about some tightening up of this particular loan administration.

"For many years we've made this

loan available at the unbelievable interest rate of 2% to the independent sugar growers without any collateral requirement and I think it's about time we get a little realistic as to the state's financial condition as has been articulated many times by Senator Cayetano, Ways and Means Chairman Yamasaki, and others.

"I think, while we have been telling the big sugar producers in their request of the \$50 million stabilization fund that we look with a jaundiced view, so to speak, upon their request, and we said that perhaps you people should go back and think about the possibility of providing some reasonable interest payment to the state...they suggested 6%...we suggested, again, that they think about collateralizing some of their large land holdings. As you know, some of these big sugar producers are wealthy land owners.

"We made this kind of requirement as suggestions to them for a possible consideration of their request for a sugar stabilization fund of \$50 million. Yet, on the other hand, we are willing to enact this bill which would provide several millions of dollars again...\$2 million to be exact...to the independent sugar growers with an interest rate requirement of only 2% which I don't think you'll find in the entire country today without collateral requirement.

"I think we'd better be a little more consistent if we're going to make loans like this because they are justified, and I am rather doubtful that all of these sugar producers should be given this kind of treatment.

"I think we'd better, as I said, tighten up the law, require some reasonable interest payment, and even perhaps require collateral of those people who are in a position to put up collateral for a loan of this kind. It is about time we bring about some reform on this bill and until that is done I will vote against this bill."

Senator Yamasaki then rose on a point of clarification and stated:

"Mr. President, I would like to point out to the members of this body and the Journal to reflect that on page 5, line 16, section 6, the effective date of the bill says, '...shall take effect upon approval.' should be corrected to read: '...shall take effect on July 1, 1982.'

"We will transmit this information to the House upon passage of the bill.

"There are several other bills which require the same correction to be

made for the record and I will point them out as we come to them."

The motion was put by the Chair and Stand. Com. Rep. No. 441-82 was adopted and S.B. No. 2169-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Abercrombie, Cayetano and Kawasaki). Excused, 1 (Yee).

Standing Committee Report No. 442-82 (S.B. No. 2173-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 442-82 was adopted and S.B. No. 2173-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 443-82 (S.B. No. 2180-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 443-82 was adopted and S.B. No. 2180-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 444-82 (S.B. No. 2184-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 444-82 and S.B. No. 2184-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 445-82 (S.B. No. 2185-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 445-82 and S.B. No. 2185-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 446-82 (S.B. No. 2190-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 446-82 was adopted and S.B. No. 2190-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE INFORMATION DATA CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 447-82 (S.B. No. 2137-82):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 447-82 was adopted and S.B. No. 2137-82, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 448-82 (S.B. No. 2204-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 448-82 and S.B. No. 2204-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 449-82 (S.B. No. 2213-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 449-82 was adopted and S.B. No. 2213-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 450-82 (S.B. No. 2224-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 450-82 was adopted and S.B. No. 2224-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 451-82 (S.B. No. 2243-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 451-82 and S.B. No. 2243-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN IN FOSTER CARE," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 452-82 (S.B. No. 2244-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 452-82 and S.B. No. 2244-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF MONEY OWED TO THE STATE," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 453-82 (S.B. No. 2247-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 453-82 and S.B. No. 2247-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERAN'S RIGHTS AND BENEFITS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 454-82 (S.B. No. 2262-82):

By unanimous consent, Stand. Com. Rep. No. 454-82 and S.B. No. 2262-82, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 455-82 (S.B. No. 2268-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 455-82 and S.B. No. 2268-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 456-82 (S.B. No. 2269-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 456-82 was adopted and S.B. No. 2269-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A CRIMINAL JUSTICE TRAINING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Cayetano and Soares). Excused, 1 (Yee).

Standing Committee Report 457-82 (S.B. No. 2277-82, S.D. 2):

By unanimous consent, Stand. Com.

Rep. No. 457-82 and S.B. No. 2277-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WITNESS SECURITY AND PROTECTION," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 458-82 (S.B. No. 2286-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 458-82 be adopted and S.B. No. 2286-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Abercrombie then rose to speak against the measure and stated:

"Mr. President, I don't believe that this bill serves any purpose other than to place into the system, not only the DSSH but throughout the entire private agency system as well as organizations, formal and informal, that dedicate themselves to public service, the possibility of individuals who for all intents and purposes are perfectly well-qualified to deal not only with the public, the people in general, but people who are in distress in particular and freeze them out.

"All these minimum educational experience requirements and so on are reminders to me of the time when I was denied an opportunity to even apply for a job with the State of Hawaii with a masters degree in sociology from the University of Hawaii because I did not have a degree in social work. Apparently, it was thought that a degree in sociology so disabled me from being able to deal with the arcane and obtuse world of social work that I was unable, even with the remedial program, to be able to qualify.

"I recall very well my experiences as a probation officer at which time my discovery was that those people who did not have social work degrees were not disabled from being able to exercise intelligence, compassion and good sense with respect to the most sensitive issues.

"I think that in much of the work that is involved here, there's nothing so difficult, nothing so exotic that we should close off the opportunity for people who do not in fact have social work degrees or the various and sundry elements which no doubt will go into the rules and regulations which will be promulgated as a result of the passage of this law disable them from being involved under this broad term of social work.

"I think the mere fact that there has to be the degree of detail associated

with this bill is indicative of the kind of thing that's going to take place when it passes. I think this is legislation which carves out a slot for people who call themselves social workers in the so-called professional sense in a way that will be detrimental in fact to social work.

"I wonder whether Hall House and some of the other agencies that have been established, the Salvation Army, all kinds of institutional activities associated with the YMCA, the YWCA, in terms of who started them, in terms of what degrees they had or did not have I find it very interesting. For example, I'm sure Mother Teresa would not qualify under this bill, nor would Mahatma Gandhi. I doubt whether Walt Whitman would have been allowed to participate under this law. I can think of other people but will not take the time, I'm sure that you see my point. I doubt whether Florence Nightingale could have gotten into this deal, she'd have the wrong degree.

"In the end, what all this accomplishes is to see to it that people who are quite self-satisfied that they have some special nook and corner carved out for themselves in the world of helping other people will see to it that others who want to help just as much and are just as easily qualified, in terms of the human dimension, will be frozen out."

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

"Mr. President, I'm going to vote against this bill for a narrow reason. It creates a privilege with this new animal called the social worker which in the past in this state has been a jealously guarded privilege and that is the privilege of not being required to reveal communications made by a client. That privilege presently only exists between minister and confessor, it exists between doctor and patient, attorney and client, and all of those were heavily argued by this body the time we passed the new evidence code.

"To allow such a privilege to an individual... unfortunately, I must take the other track from the earlier speaker... to an individual who is not policed the way the other professions are, who does not have the same requirements to live up to standards or to an ethics code or does not have a body such as the Supreme Court or the Hawaii Medical Association looking over their shoulder all the time, I find rather difficult to accept.

"For that reason, I'll vote 'no' on this bill."

Senator Kawasaki rose to speak in favor of the bill and stated:

"Mr. President, I rise in favor of this bill because no where in the bill do I see language that prohibits the Department of Regulatory Agencies from permitting people without social work degrees to work in certain categories of the human services programs.

"In view of the fact that there are more and more organizations, private and otherwise, coming to the Legislature for grants-in-aid and funding, doing human services work. We've found some organizations with people on the staff with very doubtful credentials to administer some highly technical type of social work consultation, diagnostic work, this category of activities. In the interest of people who require social work consultants to deal with them, perhaps if we are to maintain a standard and not let anyone who comes here, figuring a good way to carve out a career for themselves even if they are not qualified, as to get into some human service area in some organization that is very active, very vocal, very effective in coming to the Legislature for funding, and then carve out a career for themselves with doubtful credentials, thereby rendering harm to clients who may be instituted in their programs... to prevent this kind of haphazard providing of social service work in the human services program, a certain standard has to be maintained.

"I have confidence in the Department of Regulatory Agencies to administer this bill in qualifying people for certain categories of human service activity sensibly, fairly, objectively. I support this bill."

At 10:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:04 o'clock p.m.

Senator Abercrombie, in response to the previous speaker, stated:

"Mr. President, very briefly, in rebuttal of my good friend from the Fifth District.

"If you look quickly on page 3 as to what constitutes the practice of social work as well as social work services, I think that you will find that the Honolulu Theater for Youth probably qualified under this or should and they'll probably have to get a social worker there now for plays that

go on. Any teacher in the course of his or her day in an elementary school, let alone anywhere else, exercises all this. I think this is written by a few people to try and feather their own professional nest."

Senator Cobb then spoke for the measure and remarked:

"Mr. President, we have a lot of professions that come to us for licenses. We're dealing with speech pathologists, audiologists; we're dealing with architects, engineers; we're dealing with contractors; we're dealing with surveyors, ophthalmologists, optometrists; there's a whole list of them. I think that it's very much in the safety of the community to establish standards because, contrary to the report of the Department of Regulatory Agencies, there were documented cases of abuse and some of the victims of that abuse came and testified before our committee. They made their case."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 458-82 was adopted and S.B. No. 2286-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Abercrombie, Carpenter, George, Henderson, O'Connor, Soares and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 459-82 (S.B. No. 2289-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 459-82 and S.B. No. 2289-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 460-82 (S.B. No. 2295-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 460-82 and S.B. No. 2295-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION AND TRAINING FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 461-82 (S.B. No. 2297-82, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 461-82 be adopted and S.B. No. 2297-82, S.D. 1, having been read read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Yamasaki requested that the "members of the body note and the Journal reflect that the effective date of the bill should be corrected to read: '...shall take effect on July 1, 1982.' The information will be transmitted to the House upon passage of the bill."

The motion was put by the Chair and, Stand. Com. Rep. No. 461-82 was adopted and S.B. No. 2297-82, S.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, 24. Noes, none. Excused, 1 (Yee).

Standing Committee Report No. 462-82 (S.B. No. 2309-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 462-82 be adopted and S.B. No. 2309-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Kawasaki spoke against the measure and stated:

"Mr. President, being consistent on this subject, I will again have to speak against passage of this bill. Two years ago when the Hawaiian Electric Company came for its special purpose revenue bonds, followed by the hospital industry, I predicted that once we allow those two entities to have the benefits of special purpose revenue bonds we're going to have a whole slew of others requesting the same and, like clockwork, these requests have come in.

"I predict that if this bill passes, next year you're going to have retail merchants asking for the same privilege.

"This is the trend that apparently concerned the Congress of the United States because they are in their own way trying to discourage the abuse of special purpose revenue bonds as a bad trend. I think we have to think through the whole subject matter more carefully. Where do we stop issuing these bonds; how do we draw the lines as to what organizations, what entities really need the help of this category of financing?

"I wish that this body would vote this measure down."

Senator O'Connor then asked if the chairman of the committee would yield to a question and Senator Yamasaki

replied in the affirmative.

Senator O'Connor asked: "Mr. President, when the original law was passed, it tracked the federal law which allowed the issuance of these bonds. This bill amends to allow for the production and sale of agricultural goods and I wonder if the federal law was amended. I know that the amendment was tightened up as Senator Kawasaki said. If the federal law was amended to allow this utilization, and, if not, are we violating the federal law?"

Senator Yamasaki responded:

"Mr. President, in answer to the question, I believe the industrial enterprise provision is one of those provisions contained in the constitutional amendment and we are just expanding the meaning of industrial enterprise to include agricultural production."

The motion was put by the Chair and Stand. Com. Rep. No. 462-82 was adopted and S.B. No. 2309-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Cayetano, Kawasaki, Kobayashi and O'Connor). Excused, 1 (Yee).

Standing Committee Report No. 463-82 (S.B. No. 2324-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 463-82 was adopted and S.B. No. 2324-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 464-82 (S.B. No. 2325-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 464-82 and S.B. No. 2325-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NONRESIDENT VEHICLE PERMITS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 465-82 (S.B. No. 2346-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 465-82 be adopted and S.B. No. 2346-82, S.D. 2, having been read throughout, pass Third Reading,

seconded by Senator Anderson.

Senator Campbell then rose to inquire if the chairman of the Education Committee would yield to a question and Senator Abercrombie replied in the affirmative.

Senator Campbell asked: "Mr. President, the purpose of this bill is to impose an educational fee on students attending public schools whose families reside or work on military installations or other federal property, and I would like to ask the chairman if nonpayment of that fee would have any effect."

Senator Abercrombie replied: "Yes, it would. The Board of Education would then be empowered to go to court to collect the fee."

Senator Campbell further asked: "Does the bill in fact state that if the fee is not paid it would not affect the attendance of that student who fails to pay, not affect the attendance of that student to school?"

Senator Abercrombie answered: "Yes, it would. It would affect the capacity of that student to attend the school."

Senator Campbell then rose to speak against the measure and stated:

"Mr. President, in response to the last remarks of the chairman, I would like to read one section of the bill that says, 'Nonpayment of the educational fee shall not be grounds for excluding any student from school.' which does somewhat confuse me in light of the answer from the chairman. Mr. President, if I fully understand the purpose of this bill..."

Senator Abercrombie then rose on a point of clarification and remarked:

"Mr. President, I may have failed to answer adequately the question which may obviate the necessity for making this discussion or change the mind of the Senator."

At 10:12 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:15 o'clock p.m.

At this time, Senator Abercrombie asked if the Senator from the Fifth District would yield the floor and Senator Campbell replied that he would.

Senator Abercrombie then stated:

"Thank you, Senator Campbell, very much. I now see that I was answering the question in the wrong direction. The good Senator is quite correct. The first paragraph states, 'Nonpayment of the educational fee shall not be grounds for excluding any student from school.'"

"What that means, Mr. President, is that no student shall be denied the opportunity nor the obligation, for that matter, to attend school while the Board of Education seeks redress in the courts, should the bill trigger the board going into court."

Senator Campbell then remarked as follows:

"Mr. President, I think I understand the objective of this bill, and that is to get the Federal Government, really, to carry out its responsibility in bearing the cost of educating military minors who attend public schools in Hawaii. If, indeed, this is the purpose of the bill, I don't think we ought to pass a measure which in any way might impose some sort of hardship on students attending our public schools whose families work on a military installation."

"In other words, Mr. President, I think the Federal Government should be the object of our action, not the innocent military children who attend our public schools. Because of this point, I shall vote against this bill."

Senator Abercrombie responded: "Mr. President, I assure the good Senator and all other Senators and Representatives as well as the military establishment in the state that the object of this bill is in fact the Federal Government and the Department of Defense to meet their obligation under existing law."

The motion was put by the Chair and Stand. Com. Rep. No. 465-82 was adopted and S.B. No. 2346-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Campbell and Young). Excused, 3 (Holt, Kuroda and Yee).

Standing Committee Report No. 466-82 (S.B. No. 2347-82):

Senator Yamasaki moved that Stand. Com. Rep. No. 466-82 be adopted and S.B. No. 2347-82, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Cobb requested a ruling of the Chair as to a possible conflict due to the fact that he would qualify under the bill.

The Chair ruled that Senator Cobb is not in conflict.

Senator Abercrombie then rose to state:

"Mr. President, no offense to the good Senator but I don't think that he does qualify under this and I wouldn't want anybody to be misled under it. The bill is designed specifically not to cut off in midstream those individuals who are veterans who might otherwise find themselves in that situation, although I sympathize with the good Senator's problem."

The motion was put by the Chair and, Stand. Com. Rep. No. 466-82 was adopted and S.B. No. 2347-82, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR VETERANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Holt, Kuroda and Yee).

Standing Committee Report No. 467-82 (S.B. No. 2354-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 467-82 be adopted and S.B. No. 2354-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

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

"Mr. President, just briefly, I'm going to vote against this measure. Here we go with another special fund."

The motion was put by the Chair and Stand. Com. Rep. No. 467-82 was adopted and S.B. No. 2354-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED FROM THE USERS OF SCHOOL BUILDINGS, FACILITIES, GROUNDS AND EQUIPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (O'Connor and Ushijima). Excused, 3 (Holt, Kuroda and Yee).

Standing Committee Report No. 468-82 (S.B. No. 2362-82, S.D. 2):

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

Stand. Com. Rep. No. 468-82 was adopted and S.B. No. 2362-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Holt, O'Connor and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 469-82 (S.B. No. 2381-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 469-82 was adopted and S.B. No. 2381-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 470-82 (S.B. No. 2396-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 470-82 and S.B. No. 2396-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 471-82 (S.B. No. 2399-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 471-82 was adopted and S.B. No. 2399-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 472-82 (S.B. No. 2424-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 472-82 was adopted and S.B. No. 2424-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS FOR POLITICAL CONTRIBUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 473-82 (S.B. No. 2429-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 473-82 and S.B. No. 2429-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 474-82 (S.B. No. 2430-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 474-82 and S.B. No. 2430-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREATION OF SPECIAL HANDLING FEES FOR REVIEW OF CORPORATION AND PARTNERSHIP DOCUMENTS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 475-82 (S.B. No. 2434-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 475-82 be adopted and S.B. No. 2434-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Yamasaki requested that the "members of the body note and the Journal reflect that the effective date of the bill should be corrected to read: '...shall take effect on July 1, 1982.' The information will be transmitted to the House upon passage of the bill."

The motion was put by the Chair and Stand. Com. Rep. No. 475-82 was adopted and S.B. No. 2434-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 476-82 (S.B. No. 2470-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 476-82 was adopted and S.B. No. 2470-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 477-82 (S.B. No. 2513-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 477-82 was adopted and S.B. No. 2513-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES: FRANCHISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, Cayetano, Henderson and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 478-82 (S.B. No. 2517-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 478-82 was adopted and S.B. No. 2517-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 479-82 (S.B. No. 2524-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 479-82 was adopted and S.B. No. 2524-82, 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, 19. Noes, 5 (Ajifu, Anderson, Henderson, Kawasaki and Soares). Excused, 1 (Yee).

Standing Committee Report No. 480-82 (S.B. No. 2607-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 480-82 was adopted and S.B. No. 2607-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 481-82 (S.B. No. 2644-82):

By unanimous consent, Stand. Com. Rep. No. 481-82 and S.B. No. 2644-82, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 482-82 (S.B. No. 2649-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 482-82 and S.B. No. 2649-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS (OHA)," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 483-82 (S.B. No. 2709-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 483-82 was adopted and S.B. No. 2709-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENCOURAGEMENT OF FEDERALLY CERTIFIED DEVELOPMENT COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 484-82 (S.B. No. 2760-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 484-82 be adopted and S.B. No. 2760-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Kawasaki then briefly remarked:

"Mr. President, for the reasons I outlined in my objection to the special purpose revenue bond, I will vote against this bill."

The motion was put by the Chair and, Stand. Com. Rep. No. 484-82 was adopted and S.B. No. 2760-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Cayetano, Kawasaki, Kobayashi and O'Connor). Excused, 1 (Yee).

Standing Committee Report No. 485-82 (S.B. No. 2761-82):

By unanimous consent, Stand. Com. Rep. No. 485-82 and S.B. No. 2761-82, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 486-82 (S.B. No. 2807-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 486-82 was adopted and S.B. No. 2807-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY HOUSING LOAN PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 487-82 (S.B. No. 2808-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 487-82 was adopted and S.B. No. 2808-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING BY COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 488-82 (S.B. No. 2814-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 488-82 was adopted and S.B. No. 2814-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 489-82 (S.B. No. 2816-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 489-82 was adopted and S.B. No. 2816-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 490-82 (S.B. No. 2823-82, S.D. 2):

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

Stand. Com. Rep. No. 490-82 was adopted and S.B. No. 2823-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS SPECIAL FEES AND CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Holt, O'Connor and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 491-82 (S.B. No. 2824-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 491-82 was adopted and S.B. No. 2824-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF ADULT EDUCATION SPECIAL FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (O'Connor). Excused, 1 (Yee).

Standing Committee Report No. 492-82 (S.B. No. 2851-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 492-82 was adopted and S.B. No. 2851-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 493-82 (S.B. No. 2861-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 493-82 and S.B. No. 2861-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 494-82 (S.B. No. 2864-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 494-82 and S.B. No. 2864-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST A PROCESSING ENTERPRISE," were recommitted to the Committee

on Ways and Means.

Standing Committee Report No. 495-82 (S.B. No. 2869-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 495-82 was adopted and S.B. No. 2869-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SUPPORT OF CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 496-82 (S.B. No. 2888-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 496-82 and S.B. No. 2888-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 497-82 (S.B. No. 2893-82):

By unanimous consent, Stand. Com. Rep. No. 497-82 and S.B. No. 2893-82, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 498-82 (S.B. No. 2904-82, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 498-82 be adopted and S.B. No. 2904-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator O'Connor spoke against the measure and stated:

"Mr. President, very briefly, once again we invade the province of the counties.

"I know the Constitution says we have to have a water agency but there's nothing in the world that says that it can't be the existing board of water supply and county water agencies. And here we go with a grand commission.

"I will vote against this bill."

Senator Yamasaki then stated: "Mr. President, just to call your attention to the fact that this is also one of the bills where the effective date should have been July 1, 1982. The House will be so informed."

The motion was put by the Chair

and Stand. Com. Rep. No. 498-82 was adopted and S.B. No. 2904-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A WATER COMMISSION AND FORMULATION OF A STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Carpenter, O'Connor, Toyofuku and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 499-82 (S.B. No. 2909-82, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 449-82 be adopted and S.B. No. 2909-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Yamasaki requested that the "members of the body note and the Journal reflect that the effective date of the bill should be corrected to read: '...shall take effect on July 1, 1982.' The information will be transmitted to the House upon passage of the bill."

The motion was put by the Chair and Stand. Com. Rep. No. 499-82 was adopted and S.B. No. 2909-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTER-ISLAND ELECTRICAL POWER CABLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 500-82 (S.B. No. 2916-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 500-82 and S.B. No. 2916-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROVIDING STATE EMPLOYEES WITH THE OPTION TO ESTABLISH AN INDIVIDUAL RETIREMENT ACCOUNT WITH CONTRIBUTIONS FROM THE STATE," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 501-82 (S.B. No. 2919-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 501-82 was adopted and S.B. No. 2919-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY FOR SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki).

Excused, 1 (Yee).

Standing Committee Report No. 502-82 (S.B. No. 2920-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 502-82 be adopted and S.B. No. 2920-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Kawasaki then remarked:

"Mr. President, just a short note. I just want to say that this is an excellent bill and the regulatory agencies and the commission, more specifically, the Insurance Commission should be congratulated on the passage of this bill."

The motion was put by the Chair and, Stand. Com. Rep. No. 502-82 was adopted and S.B. No. 2920-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF PROPERTY INSURANCE RATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 503-82 (S.B. No. 2926-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 503-82 was adopted and S.B. No. 2926-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF MATCHING STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 504-82 (S.B. No. 2948-82, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 504-82 and S.B. No. 2948-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 505-82 (S.B. No. 2950-82, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 505-82 and S.B. No. 2950-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF COUNTY EMERGENCY MEDICAL SERVICES DEFICITS," were recommitted to the Committee on Ways and Means.

Standing Committee Report
No. 506-82 (S.B. No. 2955-82, S.D.
2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 506-82 was adopted and S.B. No. 2955-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes 23. Noes, 1 (Cobb). Excused,
1 (Yee).

Standing Committee Report No. 507-82 (S.B. No. 2971-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 507-82 was adopted and S.B. No. 2971-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS FOR AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (O'Connor and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 508-82 (S.B. No. 2978-82, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 508-82 be adopted and S.B. No. 2978-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Abercrombie.

At this time, Senator Kawasaki spoke in support of the measure and stated:

"Mr. President, I urge the passage of this bill. Last year, with admirable humanity the Senate unanimously passed the Cancer Commission Bill providing for a \$2 million funding to provide a glimmer of hope for cancer victims, one thousand of whom die annually in Hawaii, 400,000 die nationally.

"The bill passed the Senate, went to House. It passed the House Health Committee with a \$2 million appropriation and it went to the conference committee of the Senate Ways and Means and the House Finance Committee. Both chairmen agreed that appropriations should be made for this particular bill and its administration. Somehow in the chaotic last hours and the conference committee's desire to adjourn the session, it fell between the cracks, so I was told.

"This bill, again, which provides only \$960,000 in funding because,

fortunately, the cost of acquiring interferon in one year's time has come down dramatically because the compound can now be manufactured synthetically would provide administration of cancer research for possibly some 150 or so cancer patients. This again is hope to those cancer patients in Hawaii who have tried every other medicine known to them and to their doctors.

"Interferon has had some dramatic results in early research stages and as a matter of fact, there was a Wall Street Journal article last year that stated that Frank Rausher who is the vice-president for research of the American Cancer Society said that between 20 and 40 percent of cancer victims fortunate enough to have access to this medicine or this compound have responded favorably. He further went on to say that the response rate for this compound is better than with any other drug in certain stages of drug administration.

"The bill has the support of the American Cancer Society and the Medical Society here and also of researchers, one or two of whom are trying to do some research in this particular compound.

"It is necessary that we create some kind of institute to make available to Hawaii funds and research data so this compound could be administered to our local cancer victims.

"I would hope that we pass this bill with an overwhelming vote. Thank you."

Senator Saiki spoke against the measure and stated:

"Mr. President, I'm going to vote 'no' on this bill but, believe me, it isn't because I am a promoter of cancer. I am as concerned as Senator Kawasaki as to the proper treatment of cancer victims. I'm going to vote against this bill because I basically feel that it's a duplication of effort.

"Research is being done by private sector funds all over the mainland. It is of national interest that has been subsidized by the national government so extensive research is being conducted on this yet experimental drug called interferon.

"I don't believe in giving people false hope that here, we in Hawaii, with \$950,000 can help to cure a form of cancer. Believe me, I support the intent of the measure. I just don't feel that our state should be in the midst of this kind of research at this time."

Senator Kawasaki responded as follows:

"Mr. President, I would like to respond to the statements of the Senator from the Seventh District.

"Unfortunately, without this bill's passage and without providing a vehicle so the victims of cancer in Hawaii who have no hope, absolutely no hope and they have been told in many ways that they are terminal cancer patients, they have no glimmer of hope. Hopefully, some of these people could benefit from experiment and research with the medicine. This is the only reason. Because there is no interferon program going on in Hawaii right now I think people here should have the benefit of research and possible cure from interferon, at least certain categories of cancer.

"A Stanford School of Medicine report pointed out that 40% of victims of breast cancer were fortunate enough to have shown some regression of the ailment by the use of interferon."

Senator Yamasaki then stated: "Mr. President, just to call your attention to the fact that this is also one of the bills where the effective date should have been July 1, 1982. The House will be so informed upon passage of the bill."

The motion was put by the Chair and, Stand. Com. Rep. No. 508-82 was adopted and S.B. No. 2978-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CANCER COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Anderson, George, Henderson, Kobayashi, O'Connor, Saiki and Ushijima). Excused, 1 (Yee).

Standing Committee Report No. 509-82 (S.B. No. 2994-82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 509-82 was adopted and S.B. No. 2994-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Cayetano). Excused, 1 (Yee).

Senate Bill No. 647, S.D. 1:

On motion by Senator Yamasaki, seconded

by Senator Anderson and carried, S.B. No. 647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2910-82:

On motion by Senator Yamasaki, seconded by Senator Abercrombie and carried, S.B. No. 2910-82, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Yee).

Senate Bill No. 903, S.D. 2:

By unanimous consent, action on S.B. No. 903, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 2252-82, S.D. 1:

By unanimous consent, S.B. No. 2252-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

Senate Bill No. 2829-82:

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, S.B. No. 2829-82, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2868-82, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Yamasaki and carried, S.B. No. 2868-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 10:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At 10:52 o'clock p.m., the Senate reconvened with the Vice-President in the Chair.

The Chair requested the Clerk to note the presence of Senator Yee.

Standing Committee Report No. 516-82 (S.B. No. 2555-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 516-82 be adopted and S.B. No. 2555-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator Wong rose to speak in support of the measure and stated:

"Mr. President, I'll keep my remarks short because I know the hour is late and we've all had a very long day.

"S.B. 2555-82, S.D. 2, establishes a state-operated lottery system, the net profits of which will be used for health and human services programs. The lottery will be in operation for six years and then lapse unless extended by the Legislature.

"Mr. President, it is very obvious with the curtailment of federal funds for Hawaii, with the increased public demand to hold down state spending and with the constraints of the state's constitutional spending ceiling, our health and human services programs will be hard pressed for funds to continue their work on behalf of our poor, our aged, our sick, our handicapped, our troubled, and our afflicted.

"Mr. President, the lottery provides a good alternative funding source for these programs.

"Conservatively, I estimate the profits from the lottery to be at least \$2 to \$4 million a year although I don't think it's unreasonable to project the profits in the \$15 million range.

"That's a lot of money for a lot of worthwhile programs.

"As you know, Mr. President, I recently commissioned an Oahu public opinion poll by Research Factors, Inc. The results--which I believe are relevant statewide--indicate that 70% of our people favor the lottery, and 66.5% of them would participate in a lottery if one were established.

"Contrary to a common misconception that a lottery would be regressive--that is, that it would impact mostly on the poor who could least afford

to buy tickets, a cross-tabulation of the poll results actually suggest that the very poor would participate the least in a lottery. The highest participation appears to be in the middle and upper income brackets.

"Mr. President, I know some people are opposed to the lottery because they are afraid that organized crime might move in or that the people will be swept up in some sort of gambling craze or that some other bad things might happen. Personally, I think these fears are groundless. I don't think we are running any dire risk by passing this bill as this morning's newspaper would have people believe.

"While I think such fears are groundless, I do respect the fact that some people do have them. Thus, I think the six-year drop-dead clause in the bill provides an adequate safeguard in the event unanticipated and unwanted consequences occur.

"Mr. President, S.B. 2555-82, S.D. 2, is a good bill. Its passage would be beneficial to Hawaii. I urge all members of the Senate to vote in favor of this bill."

Senator Campbell then rose to request that Senator Wong yield to a question and the Senator replied that he will.

Senator Campbell then asked: "Mr. President, I think the Senator said that the survey that he commissioned to be conducted applied statewide and the question that I have for him is whether or not the survey in fact was made statewide?"

Senator Wong answered: "Mr. President, that's not what I said. I believe that it is relevant statewide. The poll was actually conducted here on Oahu with a sampling of 400, based on all the demographic things that are necessary in a poll, but I feel that the results are relevant statewide."

Senator Campbell then asked if the chairman of the Ways and Means Committee would yield to a question and the chairman replied in the affirmative.

Senator Campbell inquired: "Mr. President, I think the bill was drafted to benefit senior citizens and then it was amended to cover a much broader group. I wonder what was the reason for that?"

Senator Yamasaki answered: "Yes, the bill now covers health and human services because the coverage is more extensive and comprehensive."

Senator Campbell further inquired: "The bill states that no lottery ticket can be sold to a minor. I wonder if there is a reason for that?"

Senator Yamasaki answered: "I think that the control of the sale of tickets would be promulgated by rules and regulations by the commission and I'm sure that we do not want to have minors engaged in selling of lottery tickets. I don't think that it is the intent of the lottery system to have minors engaged in the lottery system."

Senator Campbell thanked Senator Yamasaki for his answers then spoke against the measure as follows:

"Mr. President, I think my question was that a lottery ticket cannot be sold to a minor. I think that's the provision of the bill, not that a minor would be permitted to sell lottery tickets. Well, thank you very much, Mr. Chairman."

"Mr. President, I rise to speak against this bill. I must commend Senator Wong for bringing this issue to the attention of this body and to the public. Some have considered the survey just referred to as an attempt on the part of the President to unduly tip the scale in favor of his position. Some even question the validity of the study and others thought that some of the questions had a built-in basis."

"While I do not have serious concerns about the survey, Mr. President, I do have some grave concerns about this bill which I'd like to share with you and my colleagues. Some of these concerns came out at the hearing of the Ways and Means Committee of which I am a member, and I may have the dubious distinction of being the only member of the committee who signed the committee report 'I do not concur.'"

"One of the major concerns about this state-run lottery, as far as I am concerned, is the premise upon which it will operate. It will operate on the premise that an overwhelming majority of the participants will be losers. Now, this is the only basis upon which the state hopes to generate a reasonable amount of revenue from the lottery."

"Now, Mr. President, in my judgment, there's something basically wrong with the state government, an advocate of the people conducting a financial scheme where the majority of the people it represents are losers the moment they decide to participate. And I think that point's made, and because of the time limitations, I move on to the second concern."

"My second concern relates to crime control."

"Mr. President, I think it is very unlikely that Hawaii can operate a lottery free, totally free, of the criminal element. I know there's been some attempts on the part of the author of the bill and amendments to the bill to meet this problem. But let's have a quick look at the experiences of some states which have a lottery, as reported in the New York Times."

"In Pennsylvania, a lottery official and a television performer were convicted of a million-dollar attempt to rig the lottery."

"In New York, 28 persons were charged with selling counterfeit lottery tickets and the New York State's largest lottery dealer was shot to death in an underworld style murder."

"In New Hampshire, the lottery commission was charged by the United States Justice Department of a pattern of racketeering by mailing illegal lottery tickets."

"In Ohio's lottery a contracting scandal was uncovered."

"In Maryland, a lottery ticket salesman was charged with depositing \$183,000 of the lottery money in his own account."

"In Rhode Island, a sweetheart contract with the lottery commission was revealed."

"Mr. President, these, in my judgment, are the clear signals from the experiences of other states saying to Hawaii 'don't do it.'"

"The intent of this bill is good, but the road to human misery, crime and political corruption is paved with good intentions. Therefore, I urge all of my colleagues to vote against the bill."

Senator Abercrombie, in rebuttal, stated:

"Mr. President, I feel I must rise in rebuttal to the previous speaker, most particularly because a good portion of his remarks were taken from the testimony of a very articulate and I think on the whole a well-informed testifier at our Ways and Means hearing from the University. And at the time, I think a bit of his philosophical orientation and some of the factual data, while it may be true in and of itself, when put in context can be seen in a little bit different light."

"First of all, the argument was made

not just by the previous speaker, but by other people who have opposed the lottery...I'm speaking in favor of it, by the way...that there are substantial revenues.

"Senator Wong has indicated that we may have good revenue; there may be high revenue, we don't know. I think that he has been quoted out of context in his remarks, taken out of context by the editorial opponent, most particularly The Honolulu Advertiser, when they say how do we know when we don't try.

"Obviously, what's been stated here is that the overall amount of money to be derived can't be known at this time, not whether we should in some capricious or arbitrary manner try the lottery. I think that is a subterfuge and a measure of how weak the arguments are against the lottery that this kind of red herring has to be raised by, in particular, The Honolulu Advertiser.

"Secondly, there is the idea that we are preempting illegal lotteries and numbers games.

"I think that anybody who goes into a newspaper editorial room knows that we cannot possibly preempt the illegal games that are going on in the newspaper office, let alone any other place where they have their football pools, where they have all their betting pools, where they have their own lotteries.

"Illegal lotteries and numbers games will not be interfered with because the odds are quite different here. Those activities are apples and the activities we are speaking about here quite definitely are oranges.

"We are not talking about gambling in the sense of a game, gaming on the basis of skill; all gamblers think they are skilled, they know what's going to happen. But, rather, we're talking about the classic definition of a lottery which is winning by chance, that is to say, by lot.

"The argument made is that there is an impossible competitive advantage with the illegal counterpart, the bookmaker, etc. The logic of this is quite faulty. You're dealing with two different segments of people, entirely. As a matter of fact, the same New York Times which was quoted presumably to good advantage by the previous speaker, indicated in its April 17, 1980 issue that legalized lottery games would, and I quote 'thrive only on customers who might not otherwise

be gambling at all.' In other words, people who aren't breaking the law.

"This is not a cure-all for the state's problems in terms of fiscal responsibility; never was claimed to be. And as far as all the numerous citations of gambling activity or numerous citations of illegal activities are involved, the reason we know about it is that they were all caught, so obviously they're not getting away with it.

"Just to cite one case in point, the sweetheart contract...surely, the good Senator who spoke previously is not indicating that this is the first time in his life that he's ever heard of a sweetheart contract where government was concerned.

"If we are to prohibit sweetheart contracts, I think we will be very shortly out of the construction business entirely and maybe that would be a good idea for the state, but I don't expect it to happen.

"Finally, Mr. President, I think both the testimony of the individual who was quoted by the previous speaker, as well as the editorial stance by The Honolulu Advertiser, is nothing short of elitist. What the individual who testified was concerned with and what The Advertiser is concerned with is that the lower classes don't disport themselves in an unseemly way. They worry that people like myself and Senator Wong and others who may support this bill do not have the same kind of moral conditioning that they possess.

"So, with that in mind, I would like to put our trust in the people of this state to utilize the lottery to good effect."

Senator Yee also rose to speak in support of the bill and stated:

"Mr. President, I didn't anticipate to rise and speak in favor of this bill this evening but I thought that a little talk from an elder statesman may be helpful.

"I look at all the laws that we passed and, you know, Senator Duke Kawasaki claims that he is the father of the death penalty bill but, Senator Duke, let me say, as a Republican, I introduced the death penalty bill before your bill.

"I've been a hard person on crime. People don't care about innocent people being hurt. When you talk about lottery as being another doorstep to crime, it amazes me. You are the bleeding hearts of crime. If you really care for the innocent people, get tough on

your criminal laws; get really tough.

"You guys didn't have the guts to pass unanimously the death penalty bill here in the State Legislature...now, really...you're using lottery as an excuse for additional crimes. There is no proof. I think many of you are being hypocritical.

"I'm voting for this bill because I want the House to debate this very issue, as they are afraid at the same time to vote on the issue of capital punishment.

"If you really look at the serious weakness in our society that is crime, you'll get tough, real tough, both in the House and the Senate. Don't use lottery as an excuse.

"Let's face it, everybody gambles a little bit in this community, whether it's mah-jong, bridge, poker, football, basketball games...let's be honest with ourselves. There's always a little gamble in our hearts, but if this is aired properly, whether it passes or not, it's another issue that we have to face in the state as to how we are going to raise revenues or we are going to be losing revenues. This is just one of the other alternatives, and this is why I'm speaking in behalf of this bill. This is just one of the other alternatives of revenues for the state. If it's not the proper alternative the House will turn us down, but please, don't use other emotional issues because it may get you votes, it never helps us resolve the real problems of the State of Hawaii."

The Chair (Senator Kawasaki) then remarked:

"Thank you, Senator Yee. In the interest of maintaining accuracy in our Senate Journal, since your remarks will be entered into the Journal, there was never a time that I claimed to be the father of the death penalty bill. I was a very energetic proponent of it and perhaps the chief interrogator in the six-hour committee of the whole deliberations interrogating hostile witnesses against the bill, but I never claimed to be the father of the death penalty bill."

At this time, Senator O'Connor also spoke against the measure and stated:

"Mr. President, I, fortunately or unfortunately, have to admit that I am the author of the social gambling law of this state and the controversy that surrounded that authorship, I think, many will remember.

"The social gambling law of the state makes legal gambling between individuals where no one else makes an income off of the gambling. It approaches a philosophy as far as gambling is concerned, which was at the time it was passed and has been for many years in this state, something that has been accepted by the residents of this state. But the philosophy of gambling, where one makes an income... anyone, the state the company, an individual...makes an income off the gambling is a philosophy which has never been adopted in this state, statutorily, and it is the philosophy which is proposed this evening, and is a philosophy which I cannot accept.

"Earlier there were comments made about income being generated by this lottery situation. Mr. President, I adopt Senator Cayetano's position on that.

"We passed three bills tonight in this body, the sum total of which will give us the same income back as the lottery would give us--all tax credits, all give-aways--and if we simply didn't pass those kinds of bills and kept that revenue in the state till, we wouldn't need a lottery. And that demonstrates how little income can be anticipated from this gambling device for our state treasury. We're talking about a mere \$10 million, the same amount that we casually and cavalierly gave away in tax credits this evening.

"Because of the lack of income that can be generated from a system such as this and because of a philosophy which I cannot accept being espoused by it, I would urge everyone to vote against this bill."

Senator Carpenter rose to speak in favor of the measure and stated:

"Mr. President, just a few comments. My staff did some extensive research, discussing with members of the police departments and directors or assistant directors of the lotteries of six states recently...the states of Maine, Rhode Island, Vermont, Delaware, Maryland and Arizona (which just last year started their lottery).

"Of course lotteries come in many forms...everything from instant prizes, daily prizes, weekly prizes, etc. Probably, the more preponderant comments are that in fact state-operated lotteries are money-makers, and they are fun things, and even the smaller states, from conservative Vermont with a population of half a million people to Maryland with about four million people, realize in gross lottery revenues of something in the order of \$385 million per year.

"In each case, the state receives at the very least 30% of these gross revenues, something in the order of 45% to 50% of all the moneys generated, are returned in the form of prizes.

"Generally speaking, Mr. President, the state lotteries are fun and handled in a very businesslike manner with very strict rules and are very well regulated by commissions. Good financial management which is the order of the day, keeps the operating expenses down, some as low as 3.2% of the gross revenues, thereby increasing the proceeds to the state and the net benefits to its residents.

"The various state police reported that the lotteries did not, I repeat, did not generate any infiltration of organized crime; that, basically, there were no problems aside from minor infractions such as ticket thefts and alterations (and even from the proverbial little old lady in tennis shoes) but that is something that exists today in this state in other forms. The general profile of the typical lottery ticket buyer, was explained by Senator Wong a short time ago. Those individuals with incomes of \$50,000 or more take their chances on the stock market.

"In all the states surveyed, the overall consensus of both the lottery commissions and the police departments is that the state-operated lottery is definitely a 'fun thing' and in no way akin to casino gambling or other pure forms of gambling.

"Mr. President, we surveyed all of the statutes of the 15 states which have lotteries and we have included in the draft proposal, which has subsequently been amended by the Ways and Means Committee, every precautionary provision that is in any of the statutes that exists today.

"Contrary to what I read recently, the operators of lotteries indicated that they have in no way any plans to phase-out lottery. Arizona, for an example, the most recent state to get into the lottery operation, with a 2.7 million population, collected in six months \$19 million, which would indicate that they would be coming up with something in the order of perhaps \$200 million for an entire year. The only problem they had to date was that they did not expect the play to be as great as they originally anticipated.

"So, Mr. President, from all we could determine from the cognizant officials and, in particular, the police authorities responsible for determining whether there were any deleterious effects as a result

of lottery, there were none. Thank you."

Senator Holt then spoke against the measure and stated:

"Mr. President, I'm saddled with the flu so just a few short remarks.

"Mr. President, the establishment of a state-operated lottery system poses many troublesome issues with which we must deal. Initially, we must consider whether the legalization of gambling in any of its many forms is a desirable way to accumulate revenues. We must also be sensitive to the omnipresent danger that a gambling industry, once given birth, may outgrow with astonishing speed the ability of the state to regulate and control it.

"Mr. President, does the State of Hawaii really need a lottery? Has this body given adequate consideration to the diversity of concerns raised by the creation of a lottery system, or are we plunging headlong into a complex area about which we know virtually nothing?

"Mr. President, proponents of the state-operated lottery will call it a voluntary and painless way of raising revenues. They will deprecate the problem of regressivity by stating that middle income families are the great supporters of existing lotteries. In so doing, they neglect to perceive that though the middle-class may contribute the greatest number of dollars to this gambling enterprise, those of lower income who can least afford to do so will spend a greater percentage of their earnings.

"Mr. President, proponents of the lottery entice the public with a prospect of a multi-million dollar return to be used to benefit specific programs, but little mention has been made of the fact that lotteries yield small proportionate returns and may even create a loss of revenue, which would otherwise accrue to the state by virtue of the consumption tax.

"Mr. President, proponents of the lottery as an argument of last resort will shrug their shoulders as a previous speaker has said, 'Well, people are going to gamble anyway.' And how many other areas could this fallacious reasoning be applied? Prostitution is one that comes readily to mind.

"Mr. President, how much thought has been given to the possibility that the establishment of a lottery may result in an increase in certain kinds of crime and an accompanying escalation in the

cost of law enforcement and public welfare? Mr. President, more time is needed to address concerns such as these.

"This measure itself submitted for our consideration tonight reflects our confusion in respect to our objectives and the mechanics necessary for the attainment of these goals. This bill is rife with ambiguities and inconsistencies which we must resolve.

"Mr. President, the purpose clause of this measure, if you look at the bill, provides that revenues will be 'allocated to health, human services and educational programs.' Yet, in a later section delimiting the disposition of revenues, education is omitted as a beneficiary of funds.

"Further, Mr. President, section 5 confers upon the director the power to 'enter into such contracts as may be required for the proper creation, administration, operation, modification, and promotion of the lottery.' It is questionable whether a lottery could then be fairly termed state-operated, since this section makes evident the possibility that the director could contract out lottery operations to a privately-owned firm.

"Section 7(5) stipulates that members, employees and the director of the state lottery commission as well as members of their immediate household may not claim or receive prize money. Why then has sales agents and their families or a private operator under contract with the commission been exempted from this proviso.

"The bill also omits to address other basic issues, such as the creation and maintenance of a banking network for the disbursement of prize money and lottery fund revenues. Furthermore, there are no provisions to insure the integrity and security of the system.

"Mr. President, it appears to me that we have left many unanswered questions with this bill. We must remind ourselves that the creation of a workable lottery system, free from undue control by special interests and invested with minimum potential for abuse, depends not upon a haphazard consideration of selected elements conducted with unwarranted haste, but rather upon a comprehensive and thoughtful assessment of the totality of circumstances.

"Mr. President, prudence compels me to urge all of my colleagues to vote against this bill."

Senator Uwaine moved to call for the previous question, seconded by Senator Abercrombie.

The Chair announced that the previous question motion was made to discontinue the debate and required a two-thirds vote of the body.

The motion was put by the Chair by a show of hands and failed to pass by two-thirds vote.

Senator Henderson then rose to speak against the bill and stated:

"Mr. President, this measure obviously is a means to raise money for the State of Hawaii. It is probably one of the most inefficient forms of taxation that one could devise.

"We received testimony in the Ways and Means Committee and in that testimony we were advised that there were some thirteen or fourteen states...with per capita sales for each state...the numbers ranged from somewhere between \$8 and \$68. If we look at the State of Hawaii, we would estimate that Hawaii, because of the nature of the people here, might be in the higher bracket. That would mean that we could probably say with some confidence that the play by the local residents will be about \$50 per capita. Fifty dollars times 900,000 people will be about \$45 million.

"In most of the states, the state take was between 30 and 40 percent. If we said that 33% would be a fair number...I think the bill proposed 30...it would mean that the state would be receiving \$15 million...even that is higher than the proponent of the bill stated.

"Mr. President, in league with one of the previous speakers, there's no question that we've given away a lot in tax credits here...more than the \$15 million that we're talking about.

"Also, Mr. President, if you raise the general excise tax from four percent to four and one-eighth percent we would receive revenues by some \$18 million, at no cost, no commissions, no directors, no sales agents, no crime, no nothing.

"I ask that all of the members here vote against this measure."

Senator Yamasaki then remarked: "Mr. President, this is also one of the bills where the effective date should have been corrected to read: 'July 1, 1982.' The House will be so informed upon passage of the bill."

The motion was put by the Chair

and, Stand. Com. Rep. No. 516-82 was adopted and, Roll Call vote having been requested, S.B. No. 2555-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE OPERATED LOTTERY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Campbell, George, Henderson, Holt, Kobayashi, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima).

At 11:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

At 11:31 o'clock p.m., the Senate reconvened with the President in the Chair.

Senate Bill No. 2759-82, S.D. 1:

Senator Yamasaki moved that S.B. No. 2759-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Anderson.

At this time, Senator O'Connor remarked as follows:

"Mr. President, I have before me a bill, Senate Bill 2759-82, with lots of 'pukas' in it.

"I was going to vote tonight on people's salaries and all I'm voting on are empty holes... a strange kind of bill. And, so, although I want all of these people to have pay raises and I must vote in favor of this bill, I find it strange we bring these empty 'puka' kind of bill to the floor with nobody knowing what goes inside.

"I hope that in the future we have all the words and the 'pukas' filled up by the committee chairman before we have to vote on these kinds of bills. Thank you."

The Chair answered: "Senator O'Connor, I just hope that someone up there is listening and will assist us in filling the 'pukas' so that we can get the business going."

Senator O'Connor added: "Mr. President, I think we should give the chairman of the Ways and Means Committee an 'Ouija' board."

The Chair answered: "He already has two."

Senator Cobb remarked: "Mr. President, this is a very appropriate bill for St. Patrick's Day with so many 'pukas'

and blarney stones."

Senator O'Connor answered: "We already cast out all the snakes; your caucus convention took care of that."

Senator Cobb replied: "We have shillelaghs left."

The motion was put by the Chair and S.B. No. 2759-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 518-82 (S.B. No. 2167-82, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 518-82 was adopted and S.B. No. 2167-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cobb).

Standing Committee Report No. 519-82 (S.B. No. 2261-82, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 519-82 be adopted and S.B. No. 2261-82, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator George rose to comment on the measure and stated:

"Mr. President, a contentious day if somebody saw the remarks on a difficult bill; nevertheless, I hope to surprise you with striking what might be a harmonious note in this regard.

"While I'm doing it, I'd like to express a certain amount of dismay and caution at the way the bill came out. Before I do that, I think it's important to remember that while we may differ on how to solve our duty-free dilemma, I think we're remarkably united on the objective... how to insure that the benefits of the duty-free market continue to flow into the funds to build and maintain our airport system. I'm confident we all agree on the desirability of this happy enrichment of a prime state asset.

"I'm nervous about the bill for a couple

of reasons. One is that perhaps, perhaps only, we have increased the state's exposure to suit.

"My second reason for being a little nervous about it is that perhaps we would be foregoing the maximum income to this state by holding to one operator of the duty-free market. Nevertheless, I am going to vote 'aye' and probably I should confess that I'm partly motivated because I've had a pretty expensive education in this particular matter.

"I think my colleagues in the Senate and you, Mr. President, will remember that two members of the Transportation Committee were sent at Senate expense, taxpayers expense, on a fact-finding mission to learn quite a lot about this. And, because I have been so expensively educated, while I hesitate to say I am an expert, I have learned something about it, and I would like to be able to apply this knowledge in a conference committee if the House should afford us that opportunity. Thank you, Mr. President."

Senator Kawasaki, also in support of the measure, stated:

"Mr. President, while this bill is admittedly a bill that maintains a sort of a monopoly, in this particular case the monopoly happens to benefit the state in the way of maximum revenues that could be realized, I am a little at loss to understand the opposition to this bill. People who claim that they're against monopolies of all kinds apparently have some compunctions about removing perhaps the most damaging monopoly to the consumers of this state...the monopoly enjoyed as a result of our enacting what is euphemistically named the 'Newspaper Preservation Act.' That's the monopoly that should be broken up.

"I speak in favor of this bill."

Senator O'Connor added: "Mr. President, what we really need is a duty-free preservation act with two duty-free shops and one printing press down below."

The motion was put by the Chair and Stand. Com. Rep. No. 519-82 was adopted and S.B. No. 2261-82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Senator Cobb moved that the Senate reconsider its action taken on Stand. Com. Rep. No. No. 360-82 and S.B. No. 2232-82, S.D. 1, seconded by Senator Anderson.

Senator Cobb then stated as follows:

"Mr. President, by way of brief explanation, this bill was substantially amended by the Senate from its original form. A bill bearing the same name entitled: 'Relating to Corporations' came over from the House; however, the differences are so vast, I would prefer not to attempt to merge the two bills by inserting the Senate draft into the House bill. I would like to have this matter considered separately on its own merits in the House."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Cobb, seconded by Senator Anderson and carried, Stand. Com. Rep. No. 360-82 was adopted and S.B. No. 2232-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

Senate Bill No. 2565-82, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, S.B. No. 2565-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2566-82, S.D. 1:

Senator Carpenter moved that S.B. No. 2566-82, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cobb.

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

"Mr. President, very briefly, this bill would allow an appeal from a verdict in favor of a defendant in many cases where that's not allowed today. A criminal case generally ends where there is a verdict for the defendant. When the jury comes back and finds the verdict of not guilty, that's the end of it.

"This bill would allow (the prosecutor then to take) an appeal, if for some technical reasons an appeal might lie after that verdict came back.

"The wording on page 2 of the bill is ambiguous, at best. It says, '...a verdict in favor of the defendant where the constitutional rights of the defendant will not be violated by the appeal.' That it is a statute is almost meaningless and has almost no meaning for the use of the statute in the future.

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

Senator Carpenter rose to speak in favor of the measure and stated:

"Mr. President, while that language as alluded to by the previous speaker may seem vague, it in fact is on point as it applies to a case where the jury has returned a verdict of guilty and the judge has overturned that verdict. Thank you."

The motion was put by the Chair and S.B. No. 2566-82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS BY THE STATE IN CRIMINAL CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2914-82:

On motion by Senator Henderson, seconded by Senator Yee and carried, S.B. No. 2914-82, entitled: "A BILL FOR AN ACT RELATING TO STATE POPULATION AND PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Campbell, Holt, Kobayashi, Machida, Mizuguchi, O'Connor, Toyofuku, Uwayne, Ushijima and Yamasaki).

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

By unanimous consent, 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 recommitted to the Committee on Government Operations and Intergovernmental Relations.

Senate Bill No. 903, S.D. 2:

Senator Yamasaki moved that S.B. No. 903, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Anderson.

Senator Saiki rose to speak in support of the measure and stated:

"Mr. President, the bill gives the Board of Regents the authority to set the salary of the president of the University.

"The bill is in consonance with the intent of the constitutional amendment which was adopted overwhelmingly by the people of this state and it states that the Board of Regents shall have 'exclusive jurisdiction over the internal organization and management of the University of Hawaii system.'

"How better to implement this intent than to give the Board of Regents the authority they rightly deserve. How can the Board of Regents exert this jurisdiction unless they have the authority to set the president's salary?

"Support for this bill does much more, however. By passing this bill the Senate would be expressing a measure of confidence in the Board of Regents and their ability to carry out the intent of the Constitution.

"Many may disagree concerning the Board of Regents. Many have been critical of the members of the Board of Regents but they are capable people and they are all members of a body confirmed by the members of this Senate. But besides dealing only with the Board of Regents, I think that we have to look at the University in total.

"The morale at the University of Hawaii is at a very low ebb. We, in the Legislature, have through comments and charges, been very critical of the Board of Regents and the administration. Some of the criticisms have been deserved, but in my estimation, sincere efforts have been made to correct deficiencies and inequities. Of course, I have to admit that part of the reason for the low morale has been due to the salary situation.

"Over the years, we have arbitrarily controlled the salaries of the University administrators by linking them to the Governor's salary. That may be over

now because of the recent Supreme Court case. But looking over the salary structure, Mr. President, we have much catching up to do, if we are going to remain competitive. By competitive, I mean, of course, with all other institutions of comparable size throughout the United States or the mainland.

"CUPA, which is the College and University Professional Assembly, points out that the median salary for university presidents at public institutions of our size is more than \$75,000.

"Our university president's salary today is statutorily fixed at \$45,000 and has remained at that level since 1976. And if we want to look at some of the other officers and academic members of our University of Hawaii, we can see that the salary structure is way out of kilter.

"The Dean of Architecture today earns \$42,750; the CUPA median, nationally, is \$52,154.

"The Dean of Agriculture today at the University earns \$42,000; the median, nationally, is \$59,000.

"The Business Dean earns \$35,000; national median is \$59,650.

"The Dean of Education earns \$41,000; the median across the country is \$53,650.

"I can go on and on with the list that I have prepared here using the CUPA figures. Basically, however, even though the salaries have been out of kilter, we also have been having great difficulty in recruiting people partly because of these low salaries, and if we are going to retain a first-class university then certainly we must be competitive. I think we can handle the internal salary situation on a much more equitable basis and I have great confidence that this Legislature will become very realistic about it.

"Due in part, then, to these low salaries, we find at the University of Hawaii an academic erosion occurring.

"Over the past six years, there have been 317 voluntary resignations or early retirements. Of those faculty who could be contacted, over fifty percent cited that they have left for financial reasons. Most of these resigning faculty have been in demand fields and have been in line to move into the ranks of full professors to replace the University's retiring faculty. Basically, we must fill these senior professor slots with very competent people if we are going to keep our

quality up.

"I have some examples of faculty who have left recently. We have three professors of oceanography who have left, one to join Navy research, another to join the University of California, Berkeley, and the third is now on the staff at Exxon.

"In addition, two professors of geology and geophysics have left. One has established his own business and the other has joined the faculty at Northwestern University.

"Navy research has also recruited a professor of anthropology and another anthropology professor has joined the faculty at Brown University.

"A professor of economics has left to join the University of California, Irvine. Auckland University in New Zealand benefited from a professor of linguistics.

"Just this morning, you may have read in the papers, David Heenan, Vice-President of Academic Affairs, has resigned his position to become Chief Executive Officer of Theo. H. Davies.

"There is also a good possibility, as was reported in this morning's paper, that an outstanding person who is the Dean of Travel Industry Management may leave the University of Hawaii to join the University of Houston.

"Now, perhaps, you can all sit here and rationalize and say, 'Well, good for them. After all, they are seeking better opportunities elsewhere.' And perhaps this is a credit to our University that we could have attracted such capable people in the first place.

"I think, taking credit for this is just not enough. I think we do have to seriously think about the future; we have to think about retaining our top-level faculty and attract new faculty. We need a strong university president; we need in the future to be able to recruit in this area and, certainly, the Board of Regents must be given every flexibility to do this.

"We in this Legislature have not hesitated to use the University for expertise in many areas in which we have public concerns. Our University of Hawaii has made great contributions in areas of energy research, agricultural programs, professional manpower, astronomy, and vocational education through the community colleges.

"When we do need assistance, we

do not hesitate to turn to these experts who we have been fortunate enough to attract to our institution.

"We do have, Mr. President, outstanding people who have made contributions nationally, who have completed outstanding research projects and they are now at the University of Hawaii.

"I have four pages of names, and I am not going to go through all of them, but these are all professors who have made contributions and are nationally recognized.

"Just to name a few, we have: Professor Helsley who is foremost in the area of marine geophysics and seismology; Professor Jefferies, known for his work in solar physics; Professor Whang, outstanding in harvesting and processing equipment and soil dynamics; Professor Greenwood, well known for cancer research and biochemical endocrinology. I won't go through any more of these names, I think you all have to agree that these people are valuable people and we must retain them at our University of Hawaii.

"In order to retain them, then, not only must we be competitive as far as salaries are concerned, but we also must create a climate of support, and that support must come from this Legislature and it must come from the community-at-large.

"It is time, Mr. President, to put our negative attitude towards the University aside. Negative aspersions and criticisms will not help build a strong university. I think it is time to turn the tables around and give the University the support it needs and this bill is symbolic of our support for the university system, itself.

"Thank you."

Senator Abercrombie spoke against the measure and stated:

"Mr. President, I am taken with the remarks of the previous speaker in terms of support for the University. Unfortunately, this bill does not address virtually anything that she spoke about, and I mean that quite sincerely.

"What this bill is, in fact, is symbolic. It is symbolic of building a better faculty. I defy you to find 'faculty' in this bill. What you have here is academic executives, managerial personnel on executive level, non-academic executives, managerial personnel...none of which is defined in the bill; none of which has been defined by the University

as yet.

"If we pass this bill right now, it won't do a single thing to attract a single more well-qualified professor; on the contrary, what it will be is a signal that we are going to continue to reward management for inaptitude.

"If they want to attract better professors, why doesn't the University negotiate better contracts for its faculty through collective bargaining. That's why we have the collective bargaining law. Instead of fighting them on their wages, why don't they grant them the kind of wages that would attract people here.

"When I first went to the University of Hawaii, 23 years ago, we were attracting major professors from all over the country who wanted to teach in Hawaii because of the climate, not only physically, but the climate academically. Those professors have been discouraged by the administration of the University. I think that you would find that a lot of the early resignations and so on were due entirely to that.

"With respect to the constitutional amendment, I would point out that the Board shall have all the powers attested to by the previous speaker, as provided by law. We provide that law, and I conclude this section shall not limit the powers of the Legislature to enact laws of statewide concern. In this particular instance there is no question that statewide concern is the motivating force that should be involved here.

"Finally, I would point out that we have just passed Senate Bill 2759 which contains all the necessary elements to deal with the essential factors here raising salaries with the personnel at the University in a context which can be understood under present law, as opposed to breaking ground which cannot be defined at this time.

"Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, S.B. No. 903, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Abercrombie, Ajifu, Campbell, Carpenter, Cayetano, Henderson, Holt, Kawasaki, Kuroda, Machida, Mizuguchi, O'Connor, Soares, Toyofuku, and Ushijima).

The Chair then thanked all members of the Senate for their patience and cooperation during the long hours of today's session.

ADJOURNMENT

At 12: 00 o'clock midnight, on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11: 30 o'clock a.m., Thursday, March 18, 1982.