

THIRTY-FIFTH DAY

Wednesday, March 16, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain George Dabrowski of the United States Air Force, after which the Roll was called showing all Senators present.

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

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 213 and 214 were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 213) advising the Senate of the withdrawal of the nomination to the County Hospital Management Advisory Committee, Hawaii County Hospital System, dated January 20, 1983, of Charles H. Hustace, Jr., term to expire December 31, 1986, under Gov. Msg. No. 130, was placed on file.

In compliance with Gov. Msg. No. 213, the nomination listed under Gov. Msg. No. 130 was returned.

A message from the Governor (Gov. Msg. No. 214) transmitting copies of the "1983 Annual Report to the Governor on Employment and Training," prepared jointly by the State Commission on Manpower and Full Employment pursuant to Section 202-2, HRS, and the State Employment and Training Council under P.L. 95-524, was referred to the Committee on Human Resources.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 276 to 280), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 276) transmitting

House Bill No. 1151, H.D. 2, which passed Third Reading in the House of Representatives on March 14, 1983, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1151, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 277) transmitting House Bill No. 1262, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1262, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR CONSTRUCTION OF AN ETHANOL PLANT," passed First Reading by title 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. 278) transmitting House Bill No. 1297, H.D. 2, which passed Third Reading in the House of Representatives on March 14, 1983, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1297, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 279) transmitting House Bill No. 1401, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, by not less than two-thirds vote of all the members to which the House is

entitled, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1401, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 280) transmitting House Bill No. 1505, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1983, by not less than two-thirds vote of all the members to which the House is entitled, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1505, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 44), entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING NATIONAL 'AGRICULTURE DAY' AND DESIGNATING MARCH 21, 1983 AS 'HAWAII AGRICULTURE DAY,'" was offered by Senators Toguchi, Fernandes Salling, Solomon, Abercrombie, Ajifu, Cayetano, Hagino and Young, and was read by the Clerk.

By unanimous consent, S.C.R. No. 44 was referred to the Committee on Agriculture.

SENATE RESOLUTION

A resolution (S.R. No. 56), entitled: "SENATE RESOLUTION RECOGNIZING NATIONAL 'AGRICULTURE DAY' AND DESIGNATING MARCH 21, 1983 AS 'HAWAII AGRICULTURE DAY,'" was offered by Senators Toguchi, Solomon, Kuroda, Young, Uwaine, Hagino, Mizuguchi and Ajifu, and was read by the Clerk.

By unanimous consent, S.R. No. 56 was referred to the Committee on Agriculture.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 607) informing the Senate that Senate Concurrent Resolution No. 44 and Standing Committee Report Nos. 608 to 610 have been printed and have been distributed to the members of the Senate.

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

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 608) recommending that the Senate advise and consent to the nominations of the following:

William K. Pacatang to the Board of Social Services and Housing, in accordance with Governor's Message No. 136;

Richard S. Dumancas to the Civil Service Commission, in accordance with Governor's Message No. 137;

Odetta Fujimori to the Hawaii Employment Relations Board, in accordance with Governor's Message No. 138; and

James Brown to the Board of Trustees, Hawaii Public Employees Health Fund, in accordance with Governor's Message No. 139.

By unanimous consent, action on Stand. Com. Rep. No. 608 and Gov. Msg. Nos. 136, 137, 138 and 139 was deferred until Friday, March 18, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 609) recommending that the Senate advise and consent to the nominations of Iris T. Fukui and Michael C.K. Wong to the Advisory Commission on Manpower and Full Employment, in accordance with Governor's Message No. 140.

By unanimous consent, action on Stand. Com. Rep. No. 609 and Gov. Msg. No. 140 was deferred until Friday, March 18, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 610) recommending that the Senate advise and consent to the nomination of James Takushi as Director of Personnel Services, in

accordance with Governor's Message No. 158.

By unanimous consent, action on Stand. Com. Rep. No. 610 and Gov. Msg. No. 158 was deferred until Friday, March 18, 1983.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MARCH 14, 1983

Senate Bill No. 605, S.D. 1:

By unanimous consent, action on S.B. No. 605, S.D. 1, was deferred to the end of the morning calendar.

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

By unanimous consent, action on S.B. No. 980, S.D. 1, was deferred to the end of the morning calendar.

Senate Bill No. 669, S.D. 1:

By unanimous consent, action on S.B. No. 669, S.D. 1, was deferred to the end of the morning calendar.

THIRD READING

Senate Bill No. 969:

By unanimous consent, action on S.B. No. 969, was deferred to the end of the morning calendar.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Senate Bill No. 18, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 18, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR BUSINESS PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," having

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

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

Senate Bill No. 122, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 441, S.D. 1:

By unanimous consent, action on S.B. No. 441, S.D. 1, was deferred to the end of the morning calendar.

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

By unanimous consent, S.B. No. 445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," was recommitted to the Committee on Judiciary.

Senate Bill No. 570, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 570, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 711, OFFENSES AGAINST PUBLIC ORDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 617:

By unanimous consent, S.B. No. 617, entitled: "A BILL FOR AN ACT RELATING TO QUIETING TITLE," was recommitted to the Committee on Judiciary.

Senate Bill No. 915:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 915, entitled: "A BILL FOR AN ACT RELATING TO COMMENCING PROSECUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused,

1 (Machida).

Senate Bill No. 1093, S.D. 1:

By unanimous consent, action on S.B. No. 1093, S.D. 1, was deferred to the end of the morning calendar.

Senate Bill No. 1113:

By unanimous consent, action on S.B. No. 1113, was deferred to end of the morning calendar.

Senate Bill No. 1172, S.D. 1:

By unanimous consent, action on S.B. No. 1172, S.D. 1, was deferred to the end of the morning calendar.

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

By unanimous consent, S.B. No. 1201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," was recommitted to the Committee on Judiciary.

Senate Bill No. 248, S.D. 1:

By unanimous consent, action on S.B. No. 248, S.D. 1, was deferred to the end of the morning calendar.

Senate Bill No. 358, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 358, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPLES OF JUSTIFICATION UNDER THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 563, S.D. 1:

By unanimous consent, action on S.B. No. 563, S.D. 1, was deferred to the end of the morning calendar.

Senate Bill No. 630, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE PROCEDURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

By unanimous consent, action on S.B. No. 665, S.D. 1, was deferred to the end of the morning calendar.

Senate Bill No. 914, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1142, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1142, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, 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, 23. Noes 1, (Uwaine). Excused, 1 (Machida).

Senate Bill No. 1215, S.D. 1:

By unanimous consent, S.B. No. 1215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was recommitted to the Committee on Judiciary.

Senate Bill No. 1444, S.D. 2:

By unanimous consent, S.B. No. 1444, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," was recommitted to the Committee on Judiciary.

Senate Bill No. 27, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 27, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 47, S.D. 1:

By unanimous consent, action on

S.B. No. 47, S.D. 1, was deferred to the end of the morning calendar.

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

By unanimous consent, S.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY STATUTE OF LIMITATIONS," was recommitted to the Committee on Judiciary.

Senate Bill No. 241, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFICATION OF EXPERTS WHERE INSANITY FOR MENTAL ILLNESS IS AN ISSUE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 312, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 312, S.D. 1, 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 (Machida).

Senate Bill No. 315:

By unanimous consent, action on S.B. No. 315, was deferred to the end of the morning calendar.

Senate Bill No. 349, S.D. 1:

By unanimous consent, S.B. No. 349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," was recommitted to the Committee on Judiciary.

Senate Bill No. 356:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 356, entitled: "A BILL FOR AN ACT RELATING TO POST CONVICTION PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 446:

By unanimous consent, action on S.B. No. 446, was deferred to the end of the morning calendar.

Senate Bill No. 478, S.D. 1:

By unanimous consent, S.B. No. 478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," was recommitted to the Committee on Judiciary.

Senate Bill No. 484, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 485, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 485, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 499, S.D. 1:

By unanimous consent, S.B. No. 499, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," was recommitted to the Committee on Judiciary.

Senate Bill No. 534, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 578:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 578, entitled: "A

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

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

Senate Bill No. 631, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW. ADMISSIONS FOR NONEMERGENCY TREATMENT OR SUPERVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 694, S.D. 1:

By unanimous consent, S.B. No. 694, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOINT TORTFEASORS LIABILITY," was recommitted to the Committee on Judiciary.

Senate Bill No. 752, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 752, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE HAWAII CONSTITUTION BY ADDING A NEW SECTION RELATING TO VOTES REQUIRED FOR ELECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 890:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 890, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 912, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and

carried, S.B. No. 912, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MECHANIC'S AND MATERIALMAN'S LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 923, S.D. 1:

By unanimous consent, action on S.B. No. 923, S.D. 1, was deferred to the end of the morning calendar.

Senate Bill No. 1091:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1091, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1171, S.D. 1:

By unanimous consent, S.B. No. 1171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," was recommitted to the Committee on Judiciary.

Senate Bill No. 1199, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1199, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LIABILITY FOR CONVICTED PERSONS WHO PERFORM COMMUNITY SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1212, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1212, 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, 23. Noes, 1 (Uwaine). Excused, 1 (Machida).

Standing Committee Report No. 388 (S.B. No. 127):

By unanimous consent, Stand. Com. Rep. No. 388 and S.B. No. 127, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," were recommitted to the Committee on Judiciary.

Standing Committee Report No. 389 (S.B. No. 775, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 389 was adopted and S.B. No. 775, S.D. 1, 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 (Machida).

Standing Committee Report No. 390 (S.B. No. 505, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 390 and S.B. No. 505, S.D. 2, was deferred to the end of the morning calendar.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Standing Committee Report No. 391 (S.B. No. 695, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 391 and S.B. No. 695, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOG CONTROL," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 392 (S.B. No. 828, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 392 and S.B. No. 828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 393 (S.B. No. 1173, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 393 and S.B. No. 1173, S.D. 1, was deferred to the end of the morning calendar.

Standing Committee Report No. 394 (S.B. No. 840, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 394 was adopted and S.B. No. 840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 395 (S.B. No. 13, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 395 was adopted and S.B. No. 13, S.D. 1, 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 (Machida).

Standing Committee Report No. 396 (S.B. No. 51, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 396 was adopted and S.B. No. 51, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 397 (S.B. No. 825, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 397 and S.B. No. 825, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEMOPHILIA," were recommitted to the Committee on Committee on Ways and Means.

Standing Committee Report No. 398 (S.B. No. 208, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 398 and S.B. No. 208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 399 (S.B. No. 360, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 399 and S.B. No. 360, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF PATIENTS AT FACILITIES FOR TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," were recommitted to the Committee on Ways and Means.

Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, is the recommittal due to the House bill coming over?"

The Chair answered: "Yes, that is correct."

Standing Committee Report No. 400 (S.B. No. 614):

On motion by Senator Yamasaki, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 400 was adopted and S.B. No. 614, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS' BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

The Senate reconvened at 12:13 o'clock p.m.

MATTERS DEFERRED FROM MARCH 15, 1983

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House Bills that were received on Tuesday, March 15, 1983:

House Bills Referred to:

No. 5, H.D. 1 Committee on Ways and Means

No. 10, H.D. 1 Committee on Judiciary

No. 11, H.D. 1 Committee on Judiciary

No. 20, H.D. 1 Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

No. 42, H.D. 2 Committee on

Agriculture

No. 43, H.D. 2 Committee on Agriculture.

No. 45, H.D. 2 Committee on Agriculture, then to the Committee on Ways and Means

No. 61, H.D. 2 Committee on Human Resources

No. 69, H.D. 2 Committee on Health, then to the Committee on Judiciary

No. 81, H.D. 1 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 73, H.D. 1 Jointly to the Committee on Ecology, Environment and Recreation and the Committee on Education

No. 95, H.D. 1 Committee on Consumer Protection and Commerce

No. 114, H.D. 2 Committee on Health, then to the Committee on Ways and Means

No. 118, H.D. 1 Committee on Judiciary

No. 170, H.D. 2 Committee on Agriculture, then to the Committee on Ways and Means

No. 179, H.D. 2 Committee on Ecology, Environment and Recreation

No. 194, H.D. 1 Committee on Judiciary

No. 201, H.D. 1 Committee on Judiciary

No. 212, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means

No. 223, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means

No. 225, H.D. 1 Committee on Ways and Means

No. 241, H.D. 1 Committee on Judiciary

No. 242, H.D. 1 Committee on Health, then to the Committee on Ways and Means

No. 243 Committee on Health, then to the Committee on Judiciary

No. 244, H.D. 1 Committee on Health, then to the Committee on Ways and Means	on	Committee on Higher Education and the Committee on Education
No. 245 Committee on Health	on	No. 360, H.D. 1 Committee on Ways and Means
No. 249, H.D. 1 Committee on Ecology, Environment and Recreation	on and	No. 389, H.D. 1 Committee on Consumer Protection and Commerce.
No. 253, H.D. 1 Committee on Economic Development	on	No. 393, H.D. 2 Committee on Committee on Agriculture, then to the Committee on Ways and Means
No. 258, H.D. 1 Committee on Ecology, Environment and Recreation	on and	No. 440 Committee on Consumer Protection and Commerce
No. 267, H.D. 2 Committee on Economic Development	on	No. 402, H.D. 1 Committee on Judiciary
No. 268, H.D. 2 Committee on Economic Development, then to the Committee on Ways and Means	on	No. 467, H.D. 1 Committee on Judiciary
No. 270 Committee on Economic Development	on	No. 502, H.D. 2 Committee on Health, then to the Committee on Ways and Means
No. 271, H.D. 1 Committee on Economic Development, then to the Committee on Ways and Means	on	No. 523, H.D. 1 Committee on Consumer Protection and Commerce
No. 274, H.D. 1 Committee on Consumer Protection and Commerce	on	No. 519, H.D. 1 Committee on Ecology, Environment and Recreation
No. 281, H.D. 1 Committee on Economic Development	on	No. 527, H.D. 1 Committee on Consumer Protection and Commerce
No. 282, H.D. 1 Committee on Consumer Protection and Commerce	on	No. 546, H.D. 2 Committee on Health, then to the Committee on Ways and Means
No. 284, H.D. 1 Committee on Consumer Protection and Commerce	on	No. 551 Committee on Ways and Means
No. 286, H.D. 2 Committee on Consumer Protection and Commerce	on	No. 576, H.D. 1 Committee on Judiciary
No. 287, H.D. 2 Committee on Consumer Protection and Commerce	on	No. 608, H.D. 1 Committee on Judiciary
No. 289, H.D. 1 Committee on Consumer Protection and Commerce	on	No. 621, H.D. 1 Committee on Consumer Protection and Commerce
No. 313, H.D. 1 Committee on Judiciary	on	No. 651, H.D. 1 Committee on Health, then to the Committee on Ways and Means
No. 320, H.D. 1 Committee on Human Resources	on	No. 662, H.D. 2 Committee on Education, then to the Committee on Ways and Means
No. 322, H.D. 1 Committee on Judiciary	on	No. 663, H.D. 2 Committee on Judiciary
No. 324, H.D. 1 Committee on Youth and Elderly Affairs, then to the Committee on Judiciary	on	No. 684 Committee on Consumer Protection and Commerce.
No. 329, H.D. 1 Committee on Economic Development, then to the Committee on Ways and Means	on	No. 688 Committee on Consumer Protection and Commerce
No. 338, H.D. 1 Jointly to the	to the	No. 689, H.D. 1 Committee on Consumer Protection and Commerce

- No. 708, H.D. 1 Committee on Housing and Urban Development, then to the Committee on Judiciary
- No. 710, H.D. 1 Committee on Housing and Urban Development, then to the Committee on Judiciary
- No. 713, H.D. 1 Committee on Consumer Protection and Commerce
- No. 752, H.D. 1 Committee on Committee on Education
- No. 761, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means
- No. 768, H.D. 1 Committee on Consumer Protection and Commerce
- No. 779, H.D. 2 Committee on Youth and Elderly Affairs, then to the Committee on Ways and Means
- No. 780, H.D. 2 Committee on Youth and Elderly Affairs, then to the Committee on Ways and Means
- No. 792, H.D. 1 Committee on Judiciary, then to the Committee on Ways and Means
- No. 796, H.D. 1 Committee on Judiciary
- No. 798 Committee on Judiciary
- No. 799, H.D. 1 Committee on Judiciary
- No. 800 Committee on Judiciary
- No. 810, H.D. 2 Committee on Consumer Protection and Commerce
- No. 811, H.D. 1 Committee on Consumer Protection and Commerce
- No. 814, H.D. 1 Committee on Housing and Urban Development
- No. 817, H.D. 1 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 837, H.D. 1 Committee on Ecology, Environment and Recreation
- No. 844, H.D. 1 Committee on Ecology, Environment and Recreation
- No. 871, H.D. 1 Committee on Ecology, Environment and Recreation
- No. 876, H.D. 1 Committee on Consumer Protection and Commerce
- No. 812, H.D. 1 Committee on Consumer Protection and Commerce
- No. 887, H.D. 2 Committee on Ecology, Environment and Recreation
- No. 897 Committee on Judiciary
- No. 913, H.D. 1 Committee on Consumer Protection and Commerce
- No. 914, H.D. 1 Committee on Consumer Protection and Commerce
- No. 966, H.D. 2 Committee on Consumer Protection and Commerce
- No. 991, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means
- No. 992, H.D. 2 Committee on Government Operations and County Relations, then to the Committee on Ways and Means
- No. 1018, H.D. 2 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
- No. 1028, H.D. 1 Committee on Judiciary
- No. 1086, H.D. 1 Committee on Health
- No. 1087, H.D. 2 Committee on Health
- No. 1090 Committee on Government Operations and County Relations, then to the Committee on Consumer Protection and Commerce
- No. 1099, H.D. 1 Committee on Judiciary
- No. 1118 Committee on Judiciary
- No. 1119, H.D. 2 Committee on Judiciary, then to the Committee on Ways and Means
- No. 1115, H.D. 1 Committee on Consumer Protection and Commerce
- No. 1120, H.D. 1 Committee on Hawaiian Programs, then to the Committee on Ways and Means
- No. 1123, H.D. 2 Committee on Economic Development

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|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----|
| No. 1179, H.D. 1 Committee on Human Resources, then to the Committee on Economic Development, then to the Committee on Ways and Means | No. 1434, H.D. 1 Committee on Education | on |
| No. 1190, H.D. 2 Committee on Agriculture, then to the Committee on Ways and Means | No. 1496, H.D. 1 Committee on Judiciary | on |
| No. 1201, H.D. 1 Committee on Consumer Protection and Commerce | No. 1557 Committee on Judiciary | on |
| No. 1207, H.D. 2 Committee on Hawaiian Programs, then to the Committee on Ways and Means | No. 1567, H.D. 2 Committee on Human Resources, then to the Committee on Ways and Means | on |
| No. 1231, H.D. 1 Committee on Housing and Urban Development, then to the Committee on Ways and Means | No. 1579, H.D. 2 Committee on Agriculture, then to the Committee on Ways and Means | on |
| No. 1232, H.D. 1 Committee on Housing and Urban Development | No. 1571, H.D. 2 Committee on Hawaiian Programs | on |
| No. 1243, H.D. 1 Committee on Government Operations and County Relations | No. 1582, H.D. 1 Committee on Human Resources | on |
| No. 1285, H.D. 2 Committee on Culture and Arts, then to the Committee on Ways and Means | No. 1583, H.D. 2 Committee on Human Resources | on |
| No. 1304, H.D. 2 Committee on Consumer Protection and Commerce | No. 1587, H.D. 1 Committee on Consumer Protection and Commerce | on |
| No. 1313, H.D. 2 Committee on Human Resources, then to the Committee on Ways and Means | No. 1588, H.D. 1 Committee on Transportation | on |
| No. 1317, H.D. 1 Committee on Transportation | No. 1602, H.D. 1 Committee on Consumer Protection and Commerce | on |
| No. 1339, H.D. 1 Committee on Judiciary, then to the Committee on Ways and Means | No. 1620, H.D. 1 Committee on Housing and Urban Development | on |
| No. 1340, H.D. 1 Committee on Consumer Protection and Commerce | No. 6, H.D. 1 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means | on |
| No. 1347, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means | No. 137 Committee on Judiciary, then to the Committee on Ways and Means | on |
| No. 1361 Committee on Judiciary, then to the Committee on Ways and Means | No. 182 Committee on Education | on |
| No. 1380 Committee on Health | No. 188, H.D. 1 Committee on Judiciary | on |
| No. 1399, H.D. 2 Committee on Economic Development, then to the Committee on Ways and Means | No. 206 Committee on Human Resources, then to the Committee on Youth and Elderly Affairs | on |
| No. 1402, H.D. 2 Committee on Consumer Protection and Commerce | No. 233 Committee on Federal Relations | on |
| No. 1417, H.D. 1 Committee on Judiciary | No. 265, H.D. 1 Committee on Human Resources | on |
| No. 1422, H.D. 1 Committee on Health | No. 325 Committee on Human Resources, then to the Committee on Ways and Means | on |
| | No. 330 Committee on Transportation, then to the Committee on Ways and Means | on |
| | No. 351 Committee | on |

Judiciary			Ways and Means		
No. 352, H.D. 1	Committee	on	No. 783	Committee	on
Judiciary			Judiciary		
No. 354	Committee	on	No. 784, H.D. 1	Committee	on
Judiciary			Judiciary		
No. 411	Committee on Human		No. 791	Committee	on
Resources			Judiciary, then to the Committee on		
			Ways and Means		
No. 452, H.D. 1	Committee	on	No. 809, H.D. 1	Committee on Human	
Judiciary			Resources, then to the Committee		
			on Ways and Means		
No. 453, H.D. 1	Committee	on	No. 830, H.D. 1	Committee	on
Judiciary			Judiciary		
No. 494, H.D. 1	Committee	on	No. 866, H.D. 1	Committee	on
Judiciary			Judiciary		
No. 497, H.D. 1	Committee	on	No. 901, H.D. 1	Committee	on
Health			Judiciary		
No. 499, H.D. 1	Committee	on	No. 915	Committee	on
Consumer Protection and Commerce			Consumer Protection and Commerce		
No. 514	Committee	on	No. 1050, H.D. 1	Committee	on
Government Operations and County			Judiciary		
Relations			No. 1061, H.D. 1	Committee	on
No. 530	Committee on Human		Housing and Urban Development,		
Resources, then to the Committee			then to the Committee on Ways and		
on Ways and Means			Means		
No. 531	Committee on Human		No. 1088, H.D. 1	Committee	on
Resources, then to the Committee			Consumer Protection and Commerce		
on Ways and Means			No. 1102, H.D. 1	Committee	on
No. 532	Committee on Human		Judiciary		
Resources, then to the Committee			No. 1116, H.D. 1	Committee	on
on Ways and Means			Agriculture		
No. 549	Committee	on	No. 1117	Committee	on
Ecology, Environment		and	Agriculture		
Recreation			No. 1121, H.D. 1	Committee	on
No. 581	Committee	on	Health, then to the Committee on		
Judiciary			Ways and Means		
No. 594	Committee on Human		No. 1126, H.D. 1	Committee on Human	
Resources, then to the Committee			Resources, then to the Committee		
on Ways and Means			on Ways and Means		
No. 601, H.D. 1	Committee	on	No. 1129	Committee	on
Transportation			Government Operations and County		
No. 646	Committee	on	Relations		
Agriculture			No. 1146	Committee	on
No. 670, H.D. 1	Committee	on	Health		
Government Operations and County			No. 1148, H.D. 1	Committee	on
Relations, then to the Committee on			Health, then to the Committee on		
Ways and Means			Judiciary		
No. 703, H.D. 1	Committee	on	No. 1221	Committee	on
Economic Development			Judiciary		
No. 722, H.D. 1	Committee	on	No. 1266, H.D. 1	Committee	on
Education			Judiciary		
No. 781, H.D. 1	Committee	on			
Judiciary, then to the Committee on					

No. 1294, H.D. 1 Committee on
Judiciary

No. 1311, H.D. 1 Committee on
Government Operations and County
Relations

No. 1342, H.D. 1 Committee on
Judiciary

No. 1363, H.D. 1 Committee on
Judiciary

No. 1438, H.D. 1 Committee on
Judiciary

No. 1562, H.D. 1 Committee on
Judiciary

No. 1580, H.D. 1 Committee on
Consumer Protection and Commerce

No. 1621, H.D. 1 Committee on
Housing and Urban Development,
then to the Committee on Ways and
Means

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

AFTERNOON SESSION

The Senate reconvened at 2:00 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

Senate Bill No. 605, S.D. 1:

By unanimous consent, action on S.B. No. 605, S.D. 1, was deferred to the end of the evening calendar.

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

By unanimous consent, action on S.B. No. 980, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 669, S.D. 1:

By unanimous consent, action on S.B. No. 669, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 969:

By unanimous consent, action on S.B. No. 969 was deferred to the end of the evening calendar.

Senate Bill No. 441, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 441, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE

WELFARE OF A MINOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kawasaki, Machida and Young).

Senate Bill No. 1093, S.D. 1:

By unanimous consent, action on S.B. No. 1093, S.D. 1, was deferred to the end of the evening calendar.

Senate Bill No. 1113:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1113, 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, none. Excused, 3 (Kawasaki, Machida and Young).

Senate Bill No. 1172, S.D. 1:

By unanimous consent, S.B. No. 1172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," was recommitted to the Committee on Judiciary.

Senate Bill No. 248, S.D. 1:

Senator Carpenter moved that S.B. No. 248, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Cayetano rose to speak on the measure as follows:

"Mr. President, I will support this bill; however, I have some reservations which I'd like to express for the record.

"This bill, as I understand it, provides for indirect initiative to all issues except appropriation of public funds and levy of taxes. That means that only issues which are really left to the public to express their feelings on will be basically civil liberties and such items.

"Indirect initiative, if you are going to have it at all, should include all matters which come before us including the appropriation of public funds and the levy of taxes. I'm really very disappointed this is the way the bill had to come out. I'm sorry that such compromises had to be made; however, I will support it."

Senator George, in support of the measure, stated:

"Mr. President, I offer the thought, in answer to the previous Senator's reservations, that once you have the initiative, even the indirect initiative, if you care to expand on the powers of the people to enact legislation, all you have to do is do it through initiative. Thank you."

Senator Kuroda spoke against the bill, as follows:

"Mr. President, I'm voting 'no' on this bill. I once supported the idea of initiative, but as I listened to the vice-chairman of the Judiciary Committee make some supportive statements not to have an initiative, as I sat in the committee hearings, I agree that today with the single-member district situation that we have, the legislators are more receptive and more accessible to the individuals and members of the public. There is no need for the initiative because we are available. Thank you."

Senator Cayetano, in response to Senator George, stated:

"Mr. President, in response to Senator George's comments, I don't believe that the initiative process can be expanded through another initiative. After all, this is a constitutional amendment and the constitution would have to be amended accordingly."

The motion was put by the Chair and carried, and S.B. No. 248, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR THE INITIATIVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hagino, Holt, Kuroda and Yamasaki). Excused, 2 (Kawasaki and Machida).

Senate Bill No. 563, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Holt and carried, S.B. No. 563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Abercrombie, Cayetano, Cobb, Fernandes Salling and Uwaine). Excused, 2 (Kawasaki

and Machida).

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

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

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

Senate Bill No. 47, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, S.B. No. 47, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHOPLIFTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 315:

Senator Carpenter moved that S.B. No. 315, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator George rose to speak against the measure as follows:

"Mr. President, I'm going to vote 'no' on this measure.

"It seems to me it would be against the current trend, which is to make more information available to our constituents.

"It seems to me to make special interest groups more powerful, to weaken the two-party system, since there is no corresponding raising of political party maximums. It casts a veil of secrecy over the disclosure of who pays for political campaigns. It would permit a maximum contribution in an election year of \$10,000 from one source, making those who are currently deemed to be powerful more powerful in influencing political decisions.

"Common Cause points out that casting a veil of secrecy over the disclosure of who pays, who contributes to campaigns, would knock out 85% of the names that are currently reported as those

contributing to campaigns under the current ceiling of one hundred dollars. Five hundred dollars is excessive.

"This bill seems to me to be a step backwards from open and honest politics which is what our constituents expect of us. Thank you."

Senator Abercrombie, in support of the measure, stated:

"Mr. President, I think that the previous remarks need a response, less they be seen as a sum and substance of what is actually at stake here in this bill.

"I think for members who have been here previously my comments will be, I'm sorry to say, repetitive.

"I'm one of the people, I think, who can say that he has not had the advantage of contributions from rich people or organizations, and so on.

"I have been fortunate in having large contributions, however. I have had campaigns where organizations were against me and other campaigns where they were for me. They gave nothing at all or gave up to the maximum. All this is recorded. Everybody can see it.

"If we're talking about vast sums, what is reputed to be vast sums, nothing prevents these from being reported.

"I think, again, members have heard me speak on this issue before about the \$5,000 contribution for an election. I was fortunate enough at one time in my first Senate campaign to have just such a contribution, precisely when I needed it. That individual, whom I asked for fifty dollars, instead gave me \$5,000. That was recorded for everyone to see, whoever cared to. I've only had that fortunate circumstance once in my life. I was dumbfounded when I received it. I attributed it to my virtue. I still do. And inasmuch as somebody was willing to put their name next to that amount of money, they're either a virtuous sort or perhaps have a whimsical sense of humor.

"So, when it comes to that, I have my objection because, if I had money personally there would be no question that I could make that kind of contribution with another zero after it, as a matter of fact.

"All this does is give those of us

who are fortunate enough to be able to not have everybody run at the very sight of us coming down the street because our hands are out, be able to get such contributions as we're able to command and still report it to the community at large. And for those who are already financially well off they'll continue to do as they've always done which is write checks to themselves and spend whatever amount of money that they have, and however much they care to spend out of their personal fortunes.

"So, this is just giving some of the rest of us a chance to catch up to those who are in that kind of a situation. And as for the raise of the threshold with which a contributor must be identified in a campaign spending report, I think that if you take a look at the cost of campaigning today, you'll see that this will actually allow more people to contribute who might not otherwise do it because they would be identified in a way that it might hurt them in their jobs and cause people to take revenge and for having contributed to you.

"I hardly think that if we go to the \$500 level that we're talking about something that is going to sway an election one way or another. However, it can be very damaging for the individual who is going to be attacked as a result of being identified in that fashion.

"I think that this is a good bill.

"Now, if we can get to the area where we're talking about campaign spending limitations, then you'll be getting at the real core of what is the problem with respect to elections and money. And I might say, with respect to the campaign limitations, Mr. President, that how that money is contributed is up to the individual. This is still the United States of America. We're all equal if we have the same spending limit. Once that's accomplished, all the rest of it will fall in place, I believe."

Senator Cobb also spoke in support of the measure and stated:

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

"As far as I'm concerned this bill doesn't go far enough because in the last congressional election in 1982, 43 individuals spent over \$1 million of their personal funds. Thirty-five of those 43 individuals were elected. That means that politics, particularly in the congressional arena, has

become a playground for millionaires. This bill will help redress that situation in a small way.

"I said that it doesn't go far enough because I don't think there should be any limit at all on the amount of money that can be contributed to an individual by another individual because if a person can give himself \$1 million anybody else should be able to do exactly the same thing. So, \$5,000 is a very low threshold in terms of a limit per election, which means \$10,000 per year.

"An unsuccessful candidate for governor of New York ran and spent \$7.2 million of his own money. That's the advantage that millionaires have in the political process. That's the reality of money in the political process.

"I might add, with the Common Cause objections to this being a secrecy of the political process, that one of the most devious amendments that I've ever seen take place in my legislative career occurred in 1979 when that same organization through a trick in a House procedure managed to get in the occupation of individuals even though it was not agreed to here in the Senate and, so now, since 1979, the campaign spending forms require occupation to be reported. And that was not something that this body knowingly agreed to.

"As far as the other limits of \$500, I think it's perfectly reasonable because a very large number of contributions today are in excess of \$100 and I doubt very much if an election is going to be swayed by a \$250 or \$400 contribution. Thank you."

Then, Senator B. Kobayashi spoke against the bill as follows:

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

"I'm like one of the previous speakers, I have never been fortunate enough to possess \$5,000 worth of virtue and I would suggest that virtue of that sum raises in question one's general application to benefiting the people or the general community of your constituency.

"The particular amount of money involved, I think, is of concern because we, more and more, are seeing Hawaii politics turned into big money politics. I would agree with one of the previous speakers that the

real question here is how we put a lid, an absolute lid of some sort, on campaign spending in general that would apply to everyone.

"We all have different access to large contributions. Unfortunately, these contributions seem to go to certain individuals more than others, and that makes some of the political process unequal. Equality should be based here on merits of candidate, positions on issue, and not necessarily access to large sums of money.

"For those reasons, I'm voting against the bill. Thank you."

Senator Abercrombie, in response, stated:

"Mr. President, by way of response, inasmuch as part of the previous speaker's remarks were directed at my virtue, I might say that ... I think that it ought to be clear to people that this money doesn't go to people like me. I don't see any of it. Uncle Sam sees it at the post office, the printers see it, and as for the \$5,000, I wish Senator Kawasaki was here to hear, the Hawaii Newspaper Agency sees that. I didn't notice that they turned it down. The virtue of the newspapers, certainly, in their profits wasn't at stake, apparently.

"And the reason I had to have that \$5,000, I might add, is because I was being attacked at that time by an organization which had spent probably three times that amount to get to the constituents of my district the last ten days of the campaign in an effort to defeat me.

"So, if we want to talk about big money that I was taking when some of the biggest money in this state that was out to get me in that election ... all that salvaged me in that situation was one individual who got mad as hell that some big organizations were trying to gang up on me to knock me out of office, not on the basis of my virtue, which was apparent to everybody including the voters in that election, but on the basis that because of my virtue they didn't want me in there. So, another virtuous individual in the community scraped together the money and went in and backed me up. Now, that's the kind of thing I'm talking about.

"That was good old American politics fighting back against the people who were trying to oppress the voters' will. So let's get it

straight as to what it was, and how it was working. I was being jumped on by the big guys and one of the little guys came back and kicked back and we won, and that's good.

"All I'm saying is that this bill gives us a chance to do it when we get jumped on.

"I might say, in addition, with respect to the remarks about whether that influences the election, anybody who cares to examine my record and point out where I have been influenced or any of my colleagues have been influenced, they're welcome to do so in any campaign and take it to the voters and point it out to them so they can take their proper revenge at the polls.

"And I say in conclusion that when I was trying to raise money for the previous speaker, I didn't notice that there was any limit on what I was supposed to be raising for."

Senator George further remarked as follows:

"Mr. President, I think there has to be an effort to get this away from personal campaign reminiscences and back on the track of what we're really talking about.

"I have no objection to a good bit of the material that's in this bill, but I think it's very important to remember that what we would be doing and what some of the arguments presented here would do is to deprive the electorate of knowing where campaign money comes from unless the contribution is in excess of \$501.00. To me, this is an extremely important thing.

"The suggestion is made that people are ashamed. They want their names not known in public; therefore, they do not make contributions in excess of \$100.00. I think I have nothing in my campaign history, if we can get back to personal reminiscences, that I'm ashamed of, and I don't think anybody who's ever contributed to my campaign or for that matter to anybody else's campaign, should be ashamed of backing that person.

"If you were willing to write a check for \$50 or \$100 or \$150 or \$5,000, you should be willing to let that be known. You should be proud of your support of the candidates who speak for you and in your name.

"I beg my colleagues to consider

that in a time when sunshine is one of the important things to the people we represent that we not draw a veil over some of the political process; that we let everything hang out, so to speak. Thank you."

Senator Carpenter then rose to support the measure and stated:

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

"Not wanting to get involved in discussions on virtuosity, having had little experience in that area, I would like to point out that to some of the points mentioned earlier by my colleagues, that one of the human circumstances that impacts us at this time is that some individuals would prefer not be recorded as having made contributions to certain individuals. Because the limit is set at \$100 at the present time for recordation purposes, contributors have taken other means and devious means, perhaps, of not telling it as it is. The measure before us allows individuals who do in fact make contributions in excess of \$100 to legally do so and essentially be protected. I believe that that information certainly is accessible to the public by virtue of the records that are kept by the individual contributors or individuals running for office.

"I believe that we've created a situation by the present statute which, because some people have certain concerns, basically, have impeded their wanting to comply to the present law and in so doing circumvent that law to make dishonest people out of otherwise honest people.

"What this bill hopes to do is to make them whole again so that they can indeed express their monetary interest and support of individuals who are competent to stand for office. Thank you."

The motion was put by the Chair and carried, and Roll Call having been requested, S.B. No. 315, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Ajifu, Chang, George, Henderson, A. Kobayashi, B. Kobayashi, Kuroda, Soares and Toguchi). Excused, 2 (Kawasaki and Machida).

At 2:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:26 o'clock p.m.

Senate Bill No. 446, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 446, S.D. 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 707-741, HAWAII REVISED STATUTES, CREATING TWO CLASSES OF INCEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 923, S.D. 1:

Senator Carpenter moved that S.B. No. 923, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Fernandes Salling supported the measure and stated:

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

"We should commend the Senate Judiciary Committee for addressing this problem of excessive commissions that are being paid to trustees of charitable trusts.

"I would like to point out two things to my colleagues. First, the purpose of this bill is to modify the compensation of trustees of charitable trusts with annual incomes in excess of \$205,000. Trusts whose annual income is under this amount will be unaffected. Secondly, the commission schedule set out in the bill is similar to what is contained in the probate code for personal representatives.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 923, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Holt, Mizuguchi and Wong). Excused, 2 (Kawasaki and Machida).

Standing Committee Report No. 390

(S.B. No. 505, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 390 and S.B. No. 505, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE TRANSITION TO WORK SYSTEM," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 393 (S.B. No. 1173, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 393 was adopted and S.B. No. 1173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, the Chair made the following announcement:

"Members of the Senate, we will take a recess very shortly to reconvene at approximately 5:00 o'clock p.m. to take up the afternoon calendar. During the recess, I would like to ask the members to submit their requests for 'end of calendar' placement of bills to the President's office."

At 2:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

EVENING SESSION

The Senate reconvened at 8:10 o'clock p.m. with all members present.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 281 to 290), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 281) transmitting House Bill No. 1, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1, H.D., entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First

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

A communication from the House (Hse. Com. No. 282) transmitting House Bill No. 144, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 144, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF JURISDICTION," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 283) transmitting House Bill No. 387, H.D. 2, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 387, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 284) transmitting House Bill No. 702, H.D. 2, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 702, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was referred to the Committee on Hawaiian Programs, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 285) transmitting House Bill No. 187, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 187, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 286) transmitting House Bill No. 353, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 353, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS INSTRUMENTS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 287) transmitting House Bill No. 538, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 538, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMITATION CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 288) transmitting House Bill No. 579, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 579, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED USE OF LAW ENFORCEMENT SYMBOLS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 289) transmitting House Bill No. 1153, H.D. 1, which passed Third Reading in the House of Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1153, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 290) transmitting House Bill No. 1237, which passed Third Reading in the House of

Representatives on March 16, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1237, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE LICENSES," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Toguchi for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 611) recommending that Senate Concurrent Resolution No. 44 be adopted.

On motion by Senator Toguchi, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING NATIONAL 'AGRICULTURE DAY' AND DESIGNATING MARCH 21, 1983 AS 'HAWAII AGRICULTURE DAY'," was adopted.

Senator Toguchi for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 612) recommending that Senate Resolution No. 56 be adopted.

On motion by Senator Toguchi, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 56, entitled: "SENATE RESOLUTION RECOGNIZING NATIONAL 'AGRICULTURE DAY' AND DESIGNATING MARCH 21, 1983 AS 'HAWAII AGRICULTURE DAY'," was adopted.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM THE MORNING CALENDAR

Senate Bill No. 605, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, S.B. No. 605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Abercrombie, Cayetano, Carpenter, Fernandes

Salling, Kawasaki, and Yamasaki). Excused, 1 (Uwaine).

At 8:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:15 o'clock p.m.

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

By unanimous consent, S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY HOSPITALS," was recommitted to the Committee on Health.

Senate Bill No. 669, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, S.B. No. 669, S.D. 1, 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, 22. Noes, 2 (Ajifu and George). Excused, 1 (Uwaine).

Senate Bill No. 969:

By unanimous consent, S.B. No. 969, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was recommitted to the Committee on Housing and Urban Development.

THIRD READING

Senate Bill No. 221, S.D. 1:

By unanimous consent, S.B. No. 221, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION," was recommitted jointly to the Committee on Education and the Committee on Higher Education.

Senate Bill No. 1254:

On motion by Senator Holt, seconded by Senator Abercrombie and carried, S.B. No. 1254, 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, 24. Noes, none. Excused, 1 (Uwaine).

Senate Bill No. 1258, S.D. 1:

Senator Holt moved that S.B. No. 1258, S.D. 1, having been read throughout, pass Third Reading,

seconded by Senator Uwaine.

Senator Kawasaki rose to speak against the measure as follows:

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

"While it is generally said that the bill and what it provides is mandated by the Constitution and the Constitutional Convention delegates, I lack the confidence that I should have in the ability of the administration at the Manoa campus to be given complete autonomy in the governing of their affairs. This is the result of my observations of the University's administration there for many years, not the least of which is the scandalous fashion in which the former chancellor was dismissed.

"I am a little disturbed about the manner in which, unilaterally, the University administration has raised salaries without any concern about the financial wherewithal available to the Legislature to provide for the salary increases that they have granted for certain categories of their administrative staff.

"There are many other instances of this manner in which the administration (some of the Board of Regents members) has attended to the affairs of the University.

"Until I am assured that we can confidently place the responsibility on their shoulders squarely and support them by means of appropriations that we appropriate in the Legislature here, I can't quite vote for this bill, and for that reason, I will go on record as voting against this bill."

The motion was put by the Chair and carried, and S.B. No. 1258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Cobb, Fernandes Salling, Kawasaki, B. Kobayashi, Solomon and Yamasaki).

Senate Bill No. 19, S.D. 1:

By unanimous consent, S.B. No. 19, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF BUSINESS OPPORTUNITIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 33, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 33, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

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

Senator Cobb moved that S.B. No. 55, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Cayetano, although in support of the bill, stated:

"Mr. President, I'm going to vote for this bill; however, in my discussion with the chairman, I expect that after the bill is passed the University of Hawaii Law School and other legal experts will be involved to examine and advise the future Legislature accordingly."

Senator Cobb, in response, stated:

"Mr. President, I might add that the University Law School, several of its professors and many of its students and former students, have been involved in the formulation of this measure, as well as the Hawaii Bar Association, on a rather intimate basis. I expect such review and input to continue."

Senator Carpenter then added: "Mr. President, I just hope that in the process the 33,000 corporations that exist in the State of Hawaii somehow get informed of this bill too. Thank you."

The motion was put by the Chair and carried, S.B. No. 55, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BUSINESS CORPORATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 184, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF

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

Ayes, 25. Noes, none.

Senate Bill No. 435, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 435, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 469:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 469, 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, 25. Noes, none.

Senate Bill No. 777:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 777, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN LENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 798:

By unanimous consent, S.B. No. 798, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 950, S.D. 1:

By unanimous consent, S.B. No. 950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CORPORATIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1001:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO THE INDUSTRIAL LOAN COMPANY GUARANTY ACT," having been read

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

Ayes, 25. Noes, none.

Senate Bill No. 1295, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1295, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1339, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1339, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 516, S.D. 1:

By unanimous consent, S.B. No. 516, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSECUTION OF CONSUMER COMPLAINTS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 142, S.D. 1:

By unanimous consent, S.B. No. 142, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 760, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, S.B. No. 760, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 662:

By unanimous consent, S.B. No. 662, entitled: "A BILL FOR AN ACT

RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 1351, S.D. 2:

On motion by Senator Chang, seconded by Senator Hagino and carried, S.B. No. 1351, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senate Bill No. 913, S.D. 1:

By unanimous consent, S.B. No. 913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY," was recommitted to the Committee on Ecology, Environment and Recreation.

Senate Bill No. 953:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, S.B. No. 953, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 66:

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, S.B. No. 66, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1290, S.D. 1:

By unanimous consent, S.B. No. 1290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," was recommitted to the Committee on Human Resources.

Senate Bill No. 372, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 372, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE DEFINITION OF STANDARD BAR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 664, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, S.B. No. 664, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 977, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Cayetano and carried, S.B. No. 977, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, George, Fernandes Salling, Kawasaki and B. Kobayashi).

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

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 167, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACTORY-BUILT HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1003, S.D. 1:

On motion by Senator Cobb, seconded by Senator Young and carried, S.B. No. 1003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 688, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 688, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LIQUOR

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

Ayes, 25. Noes, none.

Senate Bill No. 678, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXCHANGE OF REAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1004, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1004, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 806, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 806, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 663:

By unanimous consent, S.B. No. 663, entitled: "A BILL FOR AN ACT RELATING TO CONCESSION BID DEPOSITS," was recommitted to the Committee on Government Operations and County Relations.

Senate Bill No. 546, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 546, 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, 25. Noes, none.

Senate Bill No. 1283, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 8:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:28 o'clock p.m.

Senate Bill No. 309, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARTHQUAKES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Mizuguchi, Toguchi and Soares).

Senate Bill No. 656, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, S.B. No. 656, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senate Bill No. 1285, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, S.B. No. 1285, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 276, S.D. 1:

By unanimous consent, S.B. No. 276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," was recommitted to the Committee on Education.

Senate Bill No. 1046, S.D. 1:

By unanimous consent, S.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL PRIORITY FUND," was recommitted to the Committee on Education.

Senate Bill No. 1047:

By unanimous consent, S.B. No. 1047, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION FOR VANDALISM OF PUBLIC SCHOOLS," was recommitted to the Committee on Education.

Senate Bill No. 1050:

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, S.B. No. 1050, entitled: "A BILL FOR AN ACT RELATING TO ATTENDANCE AT CLASSES OUTSIDE A SCHOOL DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cayetano).

Senate Bill No. 1057, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, S.B. No. 1057, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION INSTRUCTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1270, S.D. 1:

By unanimous consent, S.B. No. 1270, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," was recommitted to the Committee on Education.

Senate Bill No. 1372, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, S.B. No. 1372, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Toguchi).

Senate Bill No. 369:

By unanimous consent, S.B. No. 369, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW," was recommitted to

the Committee on Transportation.

Senate Bill No. 418, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, S.B. No. 418, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KONA AIRPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 449 (S.B. No. 741, S.D. 1):

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 449 was adopted and S.B. No. 741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY VEHICULAR TAX REFUNDS; VEHICLES REMOVED FROM THE STATE; JUNKED VEHICLES; VEHICLES BROUGHT INTO THE STATE; EXEMPTIONS FOR STORED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 450 (S.B. No. 742, S.D. 2):

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, Stand. Com. Rep. No. 450 was adopted and S.B. No. 742, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE; SALE OF ABANDONED VEHICLES BY TOWING COMPANIES; AND MOTOR VEHICLE REPAIR BUSINESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 749:

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, S.B. No. 749, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1247, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, S.B. No. 1247, S.D. 1,

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

Ayes, 25. Noes, none.

Senate Bill No. 324, S.D. 1:

Senator Toguchi moved that S.B. No. 324, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Solomon.

Senator Abercrombie, for the record, stated:

"Mr. President, I wish merely to note for the record my joy at seeing that bee semen was retained in the bill. All the beekeepers in Hawaii and those of us who enjoy the benefits of the bee industry are very happy to see that the semen is well in hand, so to speak."

The motion was put by the Chair and carried, and S.B. No. 324, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 383, S.D. 1:

By unanimous consent, S.B. No. 383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," was recommitted to the Committee on Agriculture.

Senate Bill No. 388, S.D. 1:

By unanimous consent, S.B. No. 388, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT PROMOTION," was recommitted to the Committee on Agriculture.

Senate Bill No. 651:

By unanimous consent, S.B. No. 651, entitled: "A BILL FOR AN ACT RELATING TO STATE FAIRS," was recommitted to the Committee on Agriculture.

Senate Bill No. 194, S.D. 1:

On motion by Senator Aki, seconded by Senator Carpenter and carried, S.B. No. 194, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN AMENDMENT TO SECTION 314-8,

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

Ayes, 25. Noes, none.

Senate Bill No. 956, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 956, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUITS AGAINST THE STATE AND THE VARIOUS COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Carpenter, seconded by Senator Abercrombie and carried, S.B. No. 1161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Cayetano, Fernandes Salling and Uwayne).

Senate Bill No. 1239, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES FOR FRIVOLOUS CLAIMS OR DEFENSES IN CIVIL ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 747, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 747, 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. 313, S.D. 1:

By unanimous consent, action on

S.B. No. 313, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 196, S.D. 1:

By unanimous consent, S.B. No. 196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE OF IMPRISONMENT," was recommitted to the Committee on Judiciary.

Senate Bill No. 347, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cobb and carried, S.B. No. 347, 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, 19. Noes, 6 (Abercrombie, Cayetano, Chang, Fernandes Salling, Henderson and Solomon).

Senate Bill No. 1092, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1157, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 1157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

By unanimous consent, S.B. No. 596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was recommitted to the Committee on Judiciary.

Senate Bill No. 580, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE INVESTIGATING COMMITTEES," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1140:

By unanimous consent, action on S.B. No. 1140, was deferred to the end of the calendar.

Senate Bill No. 748, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 748, 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. 569, S.D. 1:

By unanimous consent, action on S.B. No. 569, S.D. 1, was deferred to the end of the calendar.

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

By unanimous consent, S.B. No. 489, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was recommitted to the Committee on Judiciary.

Standing Committee Report No. 473 (S.B. No. 1100, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 473 and S.B. No. 1100, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 58:

By unanimous consent, action on S.B. No. 58, was deferred to the end of the calendar.

Senate Bill No. 924:

On motion by Senator Fernandes Salling, seconded by Senator Machida and carried, S.B. No. 924, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 724, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Machida

and carried, S.B. No. 724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Young).

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

Senator Machida moved that S.B. No. 934, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Young.

Senator Machida rose to speak in support of the bill and stated:

"Mr. President, just a few remarks in support of the bill.

"In our caucus a concern was expressed and I'd like to pass it on to the members.

"This is the bill that calls for a ten-year retention of medical records and, the concern expressed was that before destruction the patient be given the opportunity to retain the records on his own.

"We will transmit this information to the House and hope that they will amend the bill to that effect."

The motion was put by the Chair and carried, and S.B. No. 934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 361, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, S.B. No. 361, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Senate Bill No. 359, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, S.B. No. 359, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOODS, DRUGS, AND COSMETICS," having been read throughout, passed Third Reading on

the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Carpenter, Henderson and Soares).

Senate Bill No. 236, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, S.B. No. 236, 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, 1 (George).

Senate Bill No. 993:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, S.B. No. 993, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1146, S.D. 1:

On motion by Senator Solomon, seconded by Senator Toguchi and carried, S.B. No. 1146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 483 (S.B. No. 717, S.D. 1):

On motion by Senator Solomon, seconded by Senator Toguchi and carried, Stand. Com. Rep. No. 483 was adopted and S.B. No. 717, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTIVE MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 850:

By unanimous consent, S.B. No. 850, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 328, HAWAII REVISED STATUTES," was recommitted to the Committee on Health.

Senate Bill No. 851:

By unanimous consent, S.B. No. 851, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 328, HAWAII REVISED STATUTES," was recommitted to the Committee on Health.

Senate Bill No. 764, S.D. 1:

Senator Cobb moved that S.B. No. 764, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Kawasaki rose to speak against the measure as follows:

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

"In effect, this is another of those bills that's come before us where the consumer interest has been abandoned. This bill increases the interest rate payable by consumers who are credit cardholders on their credit card balances.

"These balances would, if not paid within a specified time, now carry an interest charge of 21 percent. It appears to me that conditions regarding interest rate charges have become quite appalling. About a year and a half, two years ago, we'd throw people in jail for charging 13 percent interest as being an offense against the usury laws of this state. Now, we, in rather cavalier fashion, seem to have no concern about passing interest rate charges to credit cardholders as high as 21 percent. This, in my judgment, does not help the consumer population of this state which is practically everybody, other than the rich.

"It seems that this is a bad bill. We're encouraging these companies that provide credit cards to charge what is statutorily allowable up to 21 percent. It is a bad bill and I will vote against it.

Senator Cobb, in support of the measure, stated:

"Mr. President, first of all, to correct the statement that credit card interest for the last ten years or so has been 18 percent.

"This bill provides that an institution, be it a bank, a retailer or anyone else, may either charge 18 percent with a service fee which is currently allowed under the law today or 21 percent with no service fee. The determination of whether or not that is to be done is a business decision.

"I would further state that in the matter of usury, we have had a 24 percent usury ceiling for Chapter 408 and 18 percent usury ceiling for Chapter 476 for some time now, and the present rates being charged are no where near those ceilings. Competition being the prime determinant in the marketplace.

"Furthermore, Mr. President, it was pointed out both in the caucus as well as in committee that, in effect, cash purchasers are subsidizing those who use credit cards and then do not pay off all their balance or pay it off slowly. This will at least in some manner redress that, while at the same time allowing business to make a decision whether or not it wants to go with the service fee as the banks are today, or not to go with the service fee.

"I have asked the members' support because I think it's a reasonable bill, and it also has a sunset of June 30, 1985, along with all other usury statutes."

Senator Abercrombie spoke against the bill as follows:

"Mr. President, speaking against the bill, I was of a couple of different minds on this bill for a while and I concluded that I should vote against it on the basis of the representation made by the chairman.

"I think he's probably correct in one sense, that is to say that if you have the cash by a certain work of art, if you will, you can say you're subsidizing the people who are buying on credit. But I would submit to you that there would be very few businesses in business today were they not able to extend credit, and did they not extend credit in the ordinary course of doing business. I would not like to see a situation where the only people who would be able to participate in the economy are those who have sufficient cash available to them that they could operate in terms of purchases while the rest of us who do not have sufficient cash could not operate.

"I might point out, if we're going to adopt that kind of a system, the State of Hawaii will go out of business. And the United States Government will go out of business. That might be a good idea from some points of view.

"But to extend credit, it seems to me, and then to turn around and say that the people who are utilizing the

extension of credit are somehow less worthy individuals than those who have the capacity to pay cash, I think, is a disservice to the people who have credit. I might point out that those people who are most likely to have cash to spend these days are the people who are growing dope."

Senator B. Kobayashi then spoke for the measure as follows:

"Mr. President, I rise to speak in favor.

"The bill really addresses three groups of consumers. The first group of consumers would be those who pay cash. The second group of consumers are those people who use credit cards but pay off their monthly balances completely and hence do not pay any interest. The third group of people are the people who use credit cards but who do not pay up monthly balances completely.

"What you have is a system in which each of the groups below the other subsidizes the other to one degree or another; that is, the people who pay cash subsidize the other two groups, those who use credit cards in one fashion or another.

"Those who use credit cards and pay off their bills at the end of the month completely subsidize the people who don't pay off their credit card balances completely at the end of the month.

"What we don't want to see is a situation in which one set of customers subsidizes another set of customers without good public reason. There is no public benefit derived when you have indiscriminate self-choice where one group of people can elect to be subsidized by another group of individuals. This bill goes a short measure to resolve that problem. Thank you."

Senator Abercrombie, in response, stated:

"Mr. President, in response to the previous statement, if this is the case, why don't all the companies who have that kind of credit all cancel their credit cards?

"If they're so concerned about it and we're so concerned about the public interest, cancel the credit card unless you're able to pay the full amount every single month. I don't know how many of you have credit cards in here and I don't know how many of you are able to pay 'em off

every single month.

One of the reasons for having credit cards and, by the way, one of the reasons that various businesses extend credit to a certain number is that they recognize that in some months you may have expenses beyond that which you are able to cover in that particular month that's why you're allowed a certain level of money, \$400, \$1,000, \$1500. It's not expected that you'd be able to do it.

"I have no objection to paying a certain amount of interest. Some months I'm able to pay on the credit card the entire amount. Sometimes I am not. I expect to pay interest under those circumstances. The question here that was raised originally by Senator Kawasaki was, is this a fair rate?

"Even if one does not dispute some of the essentials of the arguments made by the two speakers in favor of making this change, in effect, it's almost as if we're saying that the businesses are going to punish those people who are not able to pay the full amount every month. Well, if they didn't want that kind of business, then they should not extend credit to those of us who cannot pay the full amount every month.

"I don't think it's fair to raise the amount from 18 to 21 percent as long as the companies who are extending the credit know perfectly well that not everybody is going to be able to do that and extend the credit to you on that basis with the full knowledge that not every month will the full sum be paid."

Senator Chang spoke in support of the measure as follows:

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

"I think one of the beneficiaries of this bill would be that sector of commerce, the small retailer, who as a community service extends credit to such groups as youth sports teams who do not have a ready cash reserve but wish to participate in leagues which require or suggest that the teams have uniforms and equipment. The retailer, wishing to perform a community service, extends credit to such groups but in the process has the cost of the credit to carry because of the statutory maximum. Really, this amount of money is a burden.

"This bill represents a compromise

whereby the small retailer can continue to perform a community service but be permitted to pass on the carrying charges for such credit to the consumer."

Senator Kawasaki further remarked on the measure as follows:

"Mr. President, I just want to add a short comment.

"The only reason why a credit cardholder, when he is charged 18 percent on a balance that he hasn't paid within a reasonable amount of time, and I assume this to be 30 days, the only reason, more often than not, is that he does not pay this balance when he has to pay 18 percent interest, if he doesn't do it on time, is because he simply hasn't got the money.

"In a situation where the preponderance of these people who do not pay in time have the burden of trying to find the money to pay the balance that they owe, to raise this interest rate up to 21 percent is just encouraging the merchants who do offer this kind of service to charge the full 21 percent.

"The bottom line end result is primarily what most business people, including credit card companies, are concerned about and I'm afraid the enactment of this interest statute only works a hardship on these people who really can't afford to pay on time.

The motion was put by the Chair and carried, and S.B. No. 764, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Cayetano, Fernandes Salling, Kawasaki and A. Kobayashi).

At 8:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:01 o'clock p.m.

Senate Bill No. 810, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 810, 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, 19. Noes, 6 (Abercrombie, Cayetano, Fernandes Salling, Kawasaki, Solomon and Young).

Senate Bill No. 191, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 177, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 177, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 640, S.D. 1:

By unanimous consent, action on S.B. No. 640, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 169, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Fernandes Salling and Kawasaki).

Senate Bill No. 785, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 786, S.D. 1:

Senator Cobb moved that S.B. No. 786, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Abercrombie rose to speak against the bill as follows:

"Mr. President, I oppose this bill not so much because of the intent associated with it, but rather the circumstances that it allows; that is to say, when you have language that provides for no new time share unit or time share plan to be created unless explicitly and prominently authorized, etc., in the project instruments. What we're saying here again is that we're encouraging the extension of time sharing.

"Apparently, this monster continues to be able to garble up the State of Hawaii like a gigantic 'Pac-Man.' The sad part about it is that it isn't a game. The sad part about it is that as was indicated in a recent Wall Street Journal article that this parasitic industry is actually being encouraged to infest the body of real estate activity here in the State of Hawaii.

"You can put fancy labels on it. You can make fancy apartments out of the time sharing situation as apparently United Airlines and the Ilikai Hotel are going to do, or you can have the sleazy operations that are all too typical of many of these so-called clubs, but it all comes down to the same thing.

"The time sharing industry in this state, as in any other state that it takes place, is nothing more than a form of organized real estate mugging of the consumer and will never be anything else; can't be anything else; and the fact that we continue to encourage it in this state is something that fills me with a great deal of sadness.

"It all strikes me as interesting that we keep talking about promoting tourism in Hawaii, visitor satisfaction, and yet we allow this kind of an operation to get underway because a few individuals are able to make a great deal of money. That's really what it's all about.

"It doesn't service the tourist industry; it doesn't service the tourist consumer; it doesn't service the overall majority of the people in the State of Hawaii. If anything, it's a positive detriment in terms of the housing situation in Hawaii where money is likely to be invested.

"We have a constant problem with the Housing Committee always trying to come up with ideas for extending the capacity for people to be able to purchase housing or rent housing,

and yet we encourage an industry which can only take capital away from such projects; can only encourage capital to enter these markets because it's so lucrative in the short term; and can only encourage the fly-by-night operations and the visitor dissatisfaction that we see on every side reported every day continue."

Senator Cobb spoke in support of the measure as follows:

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

"This bill is a further restriction on time sharing, not an encouragement of it. It addresses the problem that exists where you have a mixed-use project in a permitted zone, and a resort zone, and it turns the situation completely around where at the present time sharing may continue in such a mixed-use project unless it is specifically and explicitly authorized in the project instruments.

"This bill will provide that it is banned from further expansion in an already existing unit where time sharing is already present unless the project instruments are amended in whatever bylaws requirement there is to allow for it."

The motion was put by the Chair and carried, and S.B. No. 786, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Henderson, Kawasaki and Soares).

Senate Bill No. 452:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 452, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Soares).

Senate Bill No. 801, S.D. 1:

By unanimous consent, S.B. No. 801, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 757, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 529, S.D. 1:

By unanimous consent, S.B. No. 529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 558:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 558, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 29, S.D. 1:

Senator Cobb moved that S.B. No. 29, S.D. 1, having been read throughout pass Third Reading, seconded by Senator Chang.

Senator Abercrombie, against the measure, remarked: "Mr. President, I notice that this is related to prizes and gift offers. I wonder when the time sharing people will offer us a gift of peace?"

The motion was put by the Chair and carried, and S.B. No. 29, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1465, S.D. 2:

By unanimous consent, S.B. No. 1465, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

Senate Bill No. 1464, S.D. 2:

By unanimous consent, action on S.B. No. 1464, S.D. 2, was deferred

to the end of the calendar.

Standing Committee Report No. 502 (S.B. No. 1461, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 502 and S.B. No. 1461, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1077, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERISM IN PUBLIC UTILITIES REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 21. Noes, 4 (Ajifu, George, A. Kobayashi and Soares).

Senate Bill No. 613, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 613, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Ajifu, George, A. Kobayashi and Soares).

Senate Bill No. 114, S.D. 1:

By unanimous consent, S.B. No. 114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was recommitted to the Committee on Economic Development.

Senate Bill No. 156, S.D. 1:

By unanimous consent, S.B. No. 156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," was recommitted to the Committee on Economic Development.

Senate Bill No. 137, S.D. 1:

By unanimous consent, S.B. No. 137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Economic Development.

Senate Bill No. 1075, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 1075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ajifu).

Senate Bill No. 195:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 195, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 9:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:12 o'clock p.m.

Senate Bill No. 526:

By unanimous consent, S.B. No. 526, entitled: "A BILL FOR AN ACT RELATING TO WIND ENERGY," was recommitted to the Committee on Economic Development.

Senate Bill No. 756:

By unanimous consent, action on S.B. No. 756, was deferred to the end of the calendar.

Senate Bill No. 1008:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 1008, 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, 25. Noes, none.

Senate Bill No. 1082, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 1082, 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, 21. Noes, 4 (Hagino, Kawasaki, Toguchi and Yamasaki).

Senate Bill No. 131, S.D. 1:

Senator Cayetano moved that S.B. No. 131, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawasaki.

Senator Soares rose to ask if the chairman of the committee would yield to a question and Senator Cayetano having replied in the affirmative, Senator Soares asked:

"Mr. President, I'd like to just find out in the discussion of the bill during the hearing ... I know we discussed the costs of the repair of the dams ... in looking at the digest and also the bill, it refers to repairs of a dams in the bill and I wanted to find out from the committee chairman, did we ever have that answer made to the committee as to who's going to be paying the cost for those repairs of all those dams? Are they both public and private, or whatever?"

Senator Cayetano answered: "Mr. President, the repairs of the dams, as far as I know, will be made by the private sector."

Senator Soares responded: "Mr. President, okay, because in the copy of the bill it says it provides penalties and it provides for repairs, and I wonder whether or not there'll be some cost to the state in the repairing of the dams or not. Thank you."

Senator Henderson also asked if the chairman would yield to a question and Senator Cayetano having replied in the affirmative, Senator Henderson asked:

"Mr. President, I'd like to know where these dams are located, and if there are any federal funds that could be used to repair them and what sort of exposure there is to persons or property from these dams?"

Senator Cayetano answered: "Mr. President, I think they're located in proximity to water.

"Mr. President, they're all over the state, as the Senator knows, including plantations. We don't have

the kind of dams that they have on the Mainland. Our dams are relatively small, but most of them are on plantations."

Senator Henderson further inquired: "Mr. President, I wonder if the chairman could advise us if these dams are located in places that would be a potential hazard or danger to people or property? Are there settlements below the dams, housing?"

Senator Cayetano answered: "Mr. President, you know, actually, I should have given this bill to Senator Hagino. I think he wanted it in the first place.

"Mr. President, I don't know of any dam that is located above a settlement of any kind. I don't think we have dams that large here.

"During the hearing, if I recall correctly, however, there was some testimony that there was flooding in the 1970's, I believe, either down in Waialua or Haleiwa, someplace, and as a result of the flooding one of the dams broke and I think there was a loss of life."

Senator Henderson then remarked: "Mr. President, my concern here, as you can see, is that some of these dams are located in remote sections of the state.

The plantation reservoir dams are located usually in gulches where there are no settlements or housing or cities or towns anywhere related to them.

"We're putting an additional burden on our basic sugar industry in this state by asking that these dams be repaired at who knows what cost, at a particular time that the industry is hard pressed.

"I just feel that this bill, at this particular time, when you don't identify the particular dams that you're concerned about, is ill-advised. Thank you."

Senator Cayetano responded: "Mr. President, I don't think it is the function of the bill to identify those dams. I think the dams will be identified by the government agencies which will be doing the enforcement and inspection.

"The Senator brings up a very good point. The committee weighed the merits and demerits of the bill. We certainly took into consideration the possible economic impact this bill may have on the plantations, but in

the wash we felt it was best to pass the bill out."

The motion was put by the Chair and carried, and S.B. No. 131, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 164, S.D. 1:

By unanimous consent, S.B. No. 164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was recommitted to the Committee on Economic Development.

Senate Bill No. 907:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 907, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 9:18 o'clock p.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:19 o'clock p.m.

Senate Bill No. 1072, S.D. 1:

By unanimous consent, action on S.B. No. 1072, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 903, S.D. 1:

By unanimous consent, action on S.B. No. 903, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1080, S.D. 1:

By unanimous consent, action on S.B. No. 1080, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 521 (S.B. No. 649, S.D. 2):

On motion by Senator Cobb, seconded by Senator Chang and carried, Stand. Com. Rep. No. 521 was adopted and S.B. No. 649, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," having been read throughout, passed Third Reading on the following showing of

Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 285, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 285, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE OF LIMITATIONS FOR MOTOR VEHICLE REPARATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1288, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 808:

By unanimous consent, S.B. No. 808, entitled: "A BILL FOR AN ACT RELATING TO RECEIPTS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1338, S.D. 2:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1338, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 186, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 186, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE INVESTIGATORS AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Senate Bill No. 800, S.D. 1:

By unanimous consent, action on S.B. No. 800, S.D. 1, was deferred

to the end of the calendar.

Senate Bill No. 782, S.D. 1:

By unanimous consent, S.B. No. 782, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 176, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 176, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1014, S.D. 1:

By unanimous consent, S.B. No. 1014, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 809, S.D. 1:

By unanimous consent, S.B. No. 809, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1040, S.D. 1:

By unanimous consent, S.B. No. 1040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 14:

By unanimous consent, S.B. No. 14, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 53, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 53, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 193, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 769, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 769, 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, 24. Noes, 1 (Kawasaki).

Senate Bill No. 787, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 787, 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. 515, S.D. 1:

By unanimous consent, S.B. No. 515, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES AND FRAUDS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 326, S.D. 1:

Senator Cobb moved that S.B. No. 326, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Carpenter.

Senator Fernandes Salling rose to ask if the chairman would yield to a question and Senator Cobb having replied in the affirmative, Senator Fernandes Salling asked:

"Could you explain why you inserted in here that duration of the occupancy be changed from 30 days to 63 days?"

Senator Cobb answered:

"Mr. President, because there were a number of residential units where there might be short term rentals that would then fall under the provisions of the existing statute; whereas, limiting it as it is now under the law to resort areas, it would be much less likely that you would have successive changes of residences or residential renters in the case where it was 62 days. If you had a recurring pattern like that it would obviously be of much more of a rental agreement signed with a managing agent for the purpose of transient vacation rentals."

The motion was put by the Chair and carried, and S.B. No. 326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT VACATION RENTALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Senate Bill No. 451, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 450, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 42, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELEVATOR MECHANICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 666, S.D. 1:

By unanimous consent, S.B. No. 666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1337, S.D. 2:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1337, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 26, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 26, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1248:

By unanimous consent, action on S.B. No. 1248, was deferred to the end of the calendar.

Senate Bill No. 34, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 34, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGY AND AUDIOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Ajifu, Carpenter, George, Henderson, A. Kobayashi, Solomon, Soares and Yamasaki).

Senate Bill No. 805, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE ACCIDENT REPARATIONS SYSTEM," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 711, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICING PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 767, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 767, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 707, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 707, 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, 24. Noes, 1 (Ajifu).

Senate Bill No. 187, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 187, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS AND SURVEYORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 904, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 904, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR DEALERSHIP PRACTICES," having been read throughout, passed Third Reading on

the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 790, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 790, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 163, S.D. 1:

By unanimous consent, S.B. No. 163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENTS' COMPENSATION FUND," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 4, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, S.B. No. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND MAKING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 557 (S.B. No. 5, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 557 was adopted and S.B. No. 5, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 558 (S.B. No. 370, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 558 was adopted and S.B. No. 370, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 559 (S.B. No. 949, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 559 was adopted and S.B. No. 949, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Standing Committee Report No. 560 (S.B. No. 905, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 560 was adopted and S.B. No. 905, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PRODUCT DEVELOPMENT CORPORATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 561 (S.B. No. 1061, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 561 was adopted and S.B. No. 1061, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF OVERSEAS SALES OF HAWAII MANUFACTURED ELECTRONIC EQUIPMENT FROM THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 562 (S.B. No. 1062, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 562 was adopted and S.B. No. 1062, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 563
(S.B. No. 1085, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 563 was adopted and S.B. No. 1085, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 564
(S.B. No. 833, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 564 was adopted and S.B. No. 833, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB TRAINING PARTNERSHIP ACT OF 1982," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 565
(S.B. No. 834, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 565 was adopted and S.B. No. 834, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 566
(S.B. No. 459, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Aki and carried, Stand. Com. Rep. No. 566 and S.B. No. 459, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Abercrombie, Cayetano, Carpenter, Fernandes Salling, Henderson, Kawasaki and B. Kobayashi).

Standing Committee Report No. 567

(S.B. No. 1279, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 567 was adopted and S.B. No. 1279, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Standing Committee Report No. 568
(S.B. No. 126, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 568 and S.B. No. 126, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF CREDIT CARDS FOR HOSPITAL CHARGES," were recommitted to the Committee on the Committee on Ways and Means.

Standing Committee Report No. 569
(S.B. No. 306, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 569 be adopted and S.B. No. 306, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Soares asked if the chairman of Ways and Means would yield to a question and Senator Yamasaki answered in the affirmative.

Senator Soares asked: "Mr. President, I'd like to ask the chairman if he could tell us what the cost of this bill will be with the Department of Health program? How much is it going to cost us?"

Senator Yamasaki answered: "Mr. President, there is no appropriation in this bill."

Senator Soares further inquired: "Mr. President, can the chairman estimate as to what the cost is going to be? Wasn't there an appropriation when the bill came to the committee from Human Resources, I guess?"

Senator Yamasaki answered: "Mr. President, I don't think there was any appropriation attached to this bill."

Senator Soares further inquired: "Mr. President, will there be a need test as to how they qualify for this assistance?"

Senator Yamasaki answered: "Mr. President, I'm not certain whether a need test will be ... whether there'll

be one or not."

Senator Soares then asked: "You're not certain? Will you get an answer for us before we vote sometime next month on this bill?"

Senator B. Kobayashi rose to answer as follows:

"Mr. President, maybe I can explain this bill because it's mine. There was no appropriation attached to this bill or the original draft. The original intention of this bill was to provide by statute a means by which currently operating programs can legally exist as has been raised in question by our Attorney General's office.

"We have had programs in numerous areas in health specified by law. These include mental health, Hansen's disease, tuberculosis, and such others. However, there is nowhere in our statutes that specifically require or allow for infant and maternal child health programs. Because of that the Attorney General has in previous years decided that the Department of Health has no specific authorization to fund maternal child health programs, and as such has delayed the passing or approving of contracts in the maternal and child health program areas.

"Now, these programs have included, among other things, infant stimulation and development programs. We have, interestingly enough, infant stimulation and development programs in two levels. We have these programs run by our own Department of Health with state employees and we have also infant stimulation and development programs run in the private sector through grants-in-aids.

"This bill intends to recognize that maternal and child health programs shall be a recognized part of the program of the Department of Health. It does no more than that; allow for, hopefully, speedy passage of appropriations which we currently have had on the books for years and clearance of [programs related to] grants-in-aid through the Attorney General's office."

Senator Soares further inquired as follows:

"Mr. President, I still want to ask the question, are you saying that the present staff and the present Department of Health personnel will

handle this program at no additional cost? Is that what you're saying?"

Senator B. Kobayashi answered: "Yes."

Senator Kawasaki then posed a question to Senator Kobayashi as follows:

"Mr. President, a question to Senator Kobayashi. Could we not have accomplished the same end by not using the mandating language, the Department 'shall,' and have instead, the Department 'may' and still address the problems you recited earlier?"

Senator B. Kobayashi replied: "Mr. President, we could have, but all 'shall' says in this area is that 'we shall have a program of at least one individual.'

"I hope we don't ever get to the situation in which we abandon completely any and all programs in child and maternal health. So, so long as the Department of Health complies by having one individual work in this program area I think the shall clause will be fulfilled."

Senator George then remarked and asked:

"Mr. President, I am still disturbed. Piggybacking on earlier discussions, if I may, Mr. President, 'Such a program shall provide for developing, extending and improving ...' and I don't see how existing personnel, Mr. President, can without augmenting the budgets for the department. I just don't see how it can be extended and improved and developed and expanded, and I wonder if either the previous speaker or the chairman can react to that language?"

Senator Yamasaki answered: "Mr. President, as I recall, on page 2 of the bill it provides for grants-in-aid in which the Department of Health may enter into agreements with various agencies."

Senator A. Kobayashi, in opposition of the measure, stated:

"Mr. President, I will be voting against this measure. It sounds like I'm against motherhood, and I do strongly believe in this program, but after sitting through all the heptachlor hearings I cannot with good conscience vote for a measure that would entrust this program to

the Department of Health."

Senator Kawasaki, although in support of the bill, stated:

"Mr. President, while I support this bill, I think I'd like to make a suggestion to the conferees on this bill, if there is a conference committee meeting on this bill between the House and the Senate, that perhaps as suggested by Senator Soares, we provide an income means test so that this program will be applicable to those families who could not financially afford to provide this type of services for their youngsters."

Senator Carpenter then rose to speak in support of the bill and stated:

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

"I think this is one of the few areas that we will have mandated the Department of Health to carry out any particular program. All of the language that exist in our present statutes basically require them to look into a number of things. We have a hundred million dollar operation annually in the Department of Health and no real requirements for all of the operating divisions within that department.

"We have some 5,000 people in the field of services supplied by the department, none of whom has a specific charge as this particular bill holds to. I hope this is first of many to come."

Senator Cobb added his comments as follows: "Mr. President, as a fellow sufferer on the heptachlor committee I just would like to say that if there's some reservations about putting it under the Department of Health, I'd like to suggest we consider the Department of Commerce and Consumer Affairs. It that's not forthcoming, maybe we should review the sunset procedures of the Department of Health. After fifteen hearings on the heptachlor committee I was less than impressed by their performance."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 569 was adopted and S.B. No. 306, S.D. 1, 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, 21. Noes, 4 (George, Henderson, A. Kobayashi and Soares).

Standing Committee Report No. 570 (S.B. No. 423, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 570 be adopted and S.B. No. 423, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Abercrombie then rose to inquire as follows:

"Mr. President, before I vote on the bill, I would like to know exactly what this accomplishes with respect to the myriad of alcohol and drug abuse, and mental and emotional illness agencies programs, groups, etc., that already exist in the state.

"I see what the sensible purposes are of the bill, but I wonder if this does not create some kind of super agency, and, again, I suppose the question would be what is the object and what is the cost, and what in the end will be accomplished?

"It came out of Ways and Means, although the Ways and Means chairman may not be the best person to answer, other than to the cost implication. I would like to know the answer to those questions from anybody that can provide it."

Senator Yamasaki responded as follows:

"Mr. President, the various agencies such as the National Association of Social Workers, the Hawaii Mental Health Coalition, the Mental Health Association of Hawaii, and the Department of Health, Mental Health Division, have met and they have agreed upon a program to integrate mental health programs and, also, of substance abuse programs in the State of Hawaii. They are confident that by integrating these programs that they could do a better job delivering programs to the people in this state."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 570 was adopted and S.B. No. 423, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 571
(S.B. No. 540, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 571 be adopted and S.B. No. 540, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Soares asked if the chairman of Ways and Means would yield to a question and Senator Yamasaki answered in the affirmative.

Senator Soares asked: "Mr. President, I should apologize for this, I'm certainly not questioning the merits of the bill, but I'd like to ask the committee chairman a question. I should apologize to the chairman for signing the bill free and clear, not asking the question in committee but I'd like to ask a question here.

"The department is not now doing this, Mr. President, at all? This is a new program?"

Senator Yamasaki answered as follows:

"Mr. President, yes, it is the same for this bill also. It says, the department 'shall,' and, also, further on, it says that the department may enter into agreements. The private agencies will be contracted through agreements and deliver the services."

Senator Soares asked: "Mr. President, by DSSH? Being contracted by DSSH, is that right? Do you have any idea what the cost figure is going to be?"

Senator Yamasaki answered: "Yes, by the Department of Social Services and Housing."

Senator Soares further inquired: "Then you have no idea how much money is involved in this bill?"

Senator Yamasaki answered: "At the present, yes."

Senator Carpenter on a point of clarification stated:

"Mr. President, I would just like to point out the point that I made earlier.

"There's nothing in this program that requires them to cure people from mental health problems. It merely points out that the department shall foster and coordinate some kind of comprehensive system by utilizing public and private resources to try to reduce the incidence of problems occurring in this field.

"I think, to the question asked by the previous speaker, the limit of resources allocated for this particular sub-agency of the Department of Health has to be the means, a limit.

"Even though the language said, you shall cure mental health problems in the State of Hawaii, it can only, obviously, be done within the means allocated to the system of budgeting within our statutes."

Senator Soares further remarked and inquired as follows:

"Mr. President, I rise to a point of inquiry of the chairman on my asking questions primarily because here we've been going through the budget, making cuts all over the place, and my only concern was not the merits of the program or the reasons behind it but more so in terms of whether we are spending more dollars and is it costing more money for programs that can already be taken care of by the department? If so, how much it's going to cost us? That's all."

Senator B. Kobayashi, vice-chairman of Ways and Means, responded as follows:

"Mr. President, in this bill, S.B. 540, relating to child care, and also in the previous one, relating to maternal and child health care, what we have are ongoing programs, caring for under so-called miscellaneous clauses, that is, the Department of Health and, in this case, the Department of Social Services and Housing are providing care for children under a catchall category that has something like this ... to care for the public health and welfare of the citizens of the State of Hawaii.

"We want to make it specific and it has been pointed out to us by the Attorney General's office that that overall catchall language about caring for the general health and welfare of the citizens might not be specific enough language to provide for ongoing care, in this case, for child abuse.

"Now, the Department of Social Services has ongoing programs in child abuse, but it is sometimes questioned by our own legal advisors as to whether there is statutory authority for Social Services to have child abuse kinds of programs. And in this case, we're trying to address that question."

Senator Henderson then asked if Senator B. Kobayashi would yield to a question and the Senator having

replied in the affirmative asked:

"Mr. President, I think one of our concerns here is that when we start putting mandatory language into the statutes like 'shall' and then we don't provide the services to the public, do we expose the state to any sort of liability? Could there be a law suit where we're not able to provide the services? Can they go in to the federal court and demand that the state provide the service to that group?"

Senator B. Kobayashi replied: "Mr. President, I would say, yes, if we reduce our program in child care to absolutely zero. We do not mandate level of services or number of clients or area of coverage or type of program in this particular instance."

Senator Henderson then said: "Mr. President, it seems to me that we've had experience in the past where we've been involved in very expensive services to a large group of people in regard to health care. I wonder if we're not exposing ourselves, by the particular language in these bills, to further expenditures."

"I'm not an attorney, Senator Cayetano, but I read the papers and it seems to me that that could be a possibility that might come out of these bills."

Senator Cayetano responded as follows:

"Mr. President, I voted for these bills and I'd like to answer Senator Henderson's question."

"Mr. President, I think he's absolutely right. By mandating these services we have opened or exposed the state to liability."

"I disagree with Senator Kobayashi. I don't think we have to reach level zero to be sued. But, very frankly, watching all of the bills that we've passed tonight, I don't think it's too bad that we provide in our laws that people with problems regarding child care, maternal care, and all of that, get a few things from the state. After all, we gave a helluva lot away to industry."

"I think it's a good idea and I think it's the Democratic Party's choice to mandate these necessary services to our people."

Senator Soares then retorted: "Mr.

President, I take exception to the previous speaker's comments about Democratic choice. I think these questions were very sincerely asked of the chairman."

Senator Cayetano interjected: "Mr. President, I said party, Democratic Party."

Senator Soares continued: "Mr. President, the Republican Party has five guys over here and I've got four more potential guys to join this group. I've seen nine votes pretty much around today."

"Seriously, Mr. President, I think the whole intent of our questioning was not trying to put anyone on the spot or try to look as though we are nitpicking at costs, but, essentially, to take a look at some things that appear not to have numbers on that may or will have some later on. We wanted to check that out."

Senator Solomon, in support of the measure, stated:

"Mr. President, I would just like to reiterate what Senator B. Kobayashi informed my fellow Senators."

"The department currently provides these kinds of child care services for these children as well as for children who are in need of this care who come from homes where child abuse or neglect has occurred. Funds, however, for child care services for the developmentally delayed are not protected because the department statutes do not state that they must provide these services. To allow the department flexibility with this new amendment to their statute, the Human Resources Committee added the amendment that these child health care services for developmentally delayed children only be provided 'when deemed necessary by the department.'

"The bill is important because it clarifies and strengthens the department's mandate concerning child care. Thank you."

Senator Yamasaki, on a point of clarification, stated:

"Mr. President, just to clarify the word 'mandate' because in those three bills the section of the bills merely says that 'The department of health shall administer...' The other one says, 'The department of health shall foster and coordinate ...'; and the third bill says, 'The department of social services and housing shall

administer, establish programs and standards ...'

"It's not the kind of mandate that members seem to indicate that they are afraid of."

Senator Cobb, although in support of the measure, stated:

"Mr. President, taking a leaf from the newspapers, the vice president of the Senate's favorite subject, I would just like to go on record that if there should be a class action suit based on a lack of services stemming from anyone of these three bills then I think the time will come to repeal the law, but then it would truly be a mandate with unlimited dollar implications. Short of that, and if it's confined to the level of services presently being provided by the Department of Health, I'll support the measure with reservations."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 571 was adopted and S.B. No. 540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 572 (S.B. No. 821, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 572 was adopted and S.B. No. 821, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH GERONTOLOGY UNIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 573 (S.B. No. 824, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 573 be adopted and S.B. No. 824, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Kawasaki, although in support of the bill, stated:

"Mr. President, this bill points out perhaps very dramatically, the inconsistencies of our statutes here and the bill providing for services to these disadvantaged people.

"This bill's language is permissive. It says, 'The department of health may...'

"I think this is the kind of language that perhaps would help avoid legal entanglements that the Republican Senators are concerned about. And I share their concern.

"I think perhaps it behooves us, in conference committee, to perhaps change the language to 'may' rather than the mandated 'shall.'

"And, again, with this bill along with the others providing human services to the disadvantaged group of citizens in our community, we should provide an income means test that only those people who are truly in need, in terms of services they need and in terms of their financial capabilities to provide for their own needs, that this kind of standard be established and then we have some reasonable assurance that monies would not be squandered on claims for state aid by people financially qualified to provide their own help ... these kinds of claims would not be attended to."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 573 was adopted and S.B. No. 824, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 574 (S.B. No. 826, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 574 was adopted and S.B. No. 826, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING A SUPPLEMENTARY APPROPRIATION TO FINANCE MEDICARE AND MEDICAID REIMBURSEMENTS LOST AS A RESULT OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (TEFRA '82)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki)..

Standing Committee Report No. 575 (S.B. No. 994, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi

and carried, Stand. Com. Rep. No. 575 was adopted and S.B. No. 994, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI GENERAL HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 576 (S.B. No. 119, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 576 be adopted and S.B. No. 119, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Cayetano, in support of the measure, stated:

"Mr. President, I'm going to vote for this bill but I wonder if what we have done in this bill really accomplishes the purpose for which this program is slated.

"We have increased the limits for loans to lessees from \$50,000 to \$60,000. Frankly, I don't know what you can build today for \$60,000 and it seems to me that that limit is much too low and maybe when this bill gets to the House, we should consider increasing it."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 576 was adopted and S.B. No. 119, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 577 (S.B. No. 608, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 577 was adopted and S.B. No. 608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 578 (S.B. No. 704, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 578 and S.B. No. 704, 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. 579 (S.B. No. 965, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 579 was adopted and S.B. No. 965, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 580 (S.B. No. 966, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 580 was adopted and S.B. No. 966, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 581 (S.B. No. 1027, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 581 was adopted and S.B. No. 1027, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 582 (S.B. No. 368, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 582 was adopted and S.B. No. 368, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 5. Noes, none.

Standing Committee Report No. 583 (S.B. No. 402, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi

and carried, Stand. Com. Rep. No. 583 was adopted and S.B. No. 402, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 584 (S.B. No. 1048, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 584 was adopted and S.B. No. 1048, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFTER-SCHOOL PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 585 (S.B. No. 1049, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 585 was adopted and S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ajifu).

Standing Committee Report No. 586 (S.B. No. 1089, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 586 be adopted and S.B. No. 1089, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Abercrombie spoke in support of the measure as follows:

"Mr. President, I just wanted to make a brief statement with respect to this bill.

"With its passage, we will be achieving the first step towards providing an opportunity for our aquarium to be of world class variety. I think that if we continue to take advantage of what this bill will provide, the benefits to our people, the benefits to the tourism industry, the benefits for us in terms of research, in terms of what will be available to us on an educational basis

will be manifest to the greatest degree."

Senator Henderson also spoke in support of the measure and stated:

"Mr. President, I'd like to speak in favor of this bill.

"This particular project is long overdue and I think it's through the good efforts of Senator Abercrombie and some of the others of the Senators here that we got this thing off the ground, and I'd like to see it passed and moved along rapidly. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 586 was adopted and S.B. No. 1089, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AQUARIUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 587 (S.B. No. 1122, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 587 was adopted and S.B. No. 1122, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 588 (S.B. No. 900, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 588 and S.B. No. 900, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 937, S.D. 1:

By unanimous consent, action on S.B. No. 937, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 590 (S.B. No. 555, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 590 was adopted and S.B. No. 555, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES," having been read throughout, passed Third Reading on the following

showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 591
(S.B. No. 472, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 591 was adopted and S.B. No. 472, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 592
(S.B. No. 1192, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 592 and S.B. No. 1192, S.D. 2, was deferred the end of the calendar.

Standing Committee Report No. 593
(S.B. No. 20, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 593 be adopted and S.B. No. 20, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator B. Kobayashi spoke in support of the bill as follows:

"Mr. President, a short comment in favor of the bill.

"The bill was amended to delete the word 'original' in terms of requiring the Department of Accounting and General Services to have 'original' invoices in order to make payment.

"What has happened is that the department has been such a stickler in requiring so-called original invoices that if you send them an invoice that is an original that says 'remittance copy' or that says 'accounting copy' as some organizations throughout the country do, the Department of Accounting and General Services exercises infallible logic and says that even though this may be an original invoice, because the top copy says 'remittance copy' or accounting copy' it must hence be a copy, not an original, and they send the invoice back to the Mainland from which it came from, and, hence, delay payment.

"So, I think that we should pass the bill and relieve the Department of Accounting General services of that

burden."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 593 was adopted and S.B. No. 20, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 594
(S.B. No. 607, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 594 was adopted and S.B. No. 607, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 595
(S.B. No. 1200, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 595 was adopted and S.B. No. 1200, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GUARANTIES BY COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1251, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, S.B. No. 1251, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 597
(S.B. No. 1177, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 597 was adopted and S.B. No. 1177, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY COUNTIES TO FINANCE

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

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 598 (S.B. No. 755, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 598 and S.B. No. 755, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR CONSTRUCTION OF AN ETHANOL PLANT," was recommitted to the Committee on Ways and Means.

Standing Committee Report No. 599 (S.B. No. 827, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 599 and S.B. No. 827, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR QUEEN'S MEDICAL CENTER, OAHU," was recommitted to the Committee on Ways and Means.

Standing Committee Report No. 600 (S.B. No. 1178, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 1178, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY COUNTIES TO FINANCE INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 601 (S.B. No. 857, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 601 and S.B. No. 857, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 602 (S.B. No. 995, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 602 and S.B. No. 995, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 603 (S.B. No. 1245, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 603 and S.B. No. 1245, S.D. 1, 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. 604 (S.B. No. 799, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 604 was adopted and S.B. No. 799, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 198, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, S.B. No. 198, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 129, S.D. 1:

Senator Yamasaki moved that S.B. No. 129, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Abercrombie, in support of the measure, stated:

"Mr. President, I believe that this bill has been amended and now reflects the addition of at least one resident from each of the counties, including the County of Kalawao.

"For the purposes of the record, I would like to indicate for those who might not know, Kalawao County is where Kalaupapa is. I think that we are taking a step forward today in the passage of this bill in recognizing for the first time since the kingdom, the territory, and the state came into existence that the patients at Kalaupapa in the County of Kalawao, who are now administered by the Department of Health, shall have a say as to what the Board of Health will be doing by virtue of being on

the advisory board.

"This is something that is long overdue, to say the very least, and I think perhaps we might see a flagging out of some of the problems with respect to Kalaupapa come forward a great deal sooner than they would otherwise.

"I think that this is a real opportunity for the state to recognize the contribution that the patients at Kalaupapa can make on the Board of Health, not only with respect to the settlement itself on Molokai, but by utilizing their insight for problems with respect to the Department of Health, statewide."

The motion was put by the Chair and carried, S.B. No. 129, S.D. 1, 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, 25. Noes, none.

At 10:04 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.

MATTERS DEFERRED
TO THE END OF THE CALENDAR

THIRD READING

Senate Bill No. 1093, S.D. 1:

Senator Carpenter moved that S.B. No. 1093, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator George spoke against the bill as follows:

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

"In the first place, I feel that it would provide for the balkanization of the political process. I don't know who we might find on the ballot in an even-numbered year were this to be passed.

"The problem is the qualification. It would provide that after three successive elections of a political party which qualified to be on the ballot, it would then automatically be on the ballot for the next ten years. This sounds okay, but the qualification consists only of securing some 4,000 signatures in order to get

the name of the party on the ballot.

"It would not be necessary, in any one of these three election years, for that party to field candidates. In other words, for three different elections, not one vote need to be cast for any of these parties. They would then qualify given the petition process and be automatically on the ballot for ten years.

"I'm not sure we need this proliferation of the political process. Thank you."

Senator Abercrombie spoke in support of the measure and stated:

"Mr. President, just very briefly, speaking in favor of the bill.

"Proliferation, I think was the word utilized with respect to the ballot. I think it might be good for the body politic. Revitalization of party activity both by the Democrats and the Republicans, I think, is probably in order.

"The party process across the county is constantly, these days, being pronounced morbid. Both parties appear to have difficulties in getting the bulk of the people of the country to identify with them. I think a challenge is good for whetting the political appetite in terms of cleaning up one's own act as in one's own party.

"And, in listening to some of the concerns that might arise out of the third party or fourth party, I might say just in addition, Mr. President, if another party is able to arise and succeed for three separate elections in getting on the ballot, the people involved must really be serious.

"We've seen parties come and go in a given election, but to come three times in a row and succeed means that they are in all likelihood fielding candidates. They may not be electing people right away, but they are articulating a point of view, a point of view which the major parties, I think, could well pay attention to. I don't think you'll see the rise of these parties if the major parties are doing their job. If they're not it's the kind of thing that the major parties need to give them a step in the direction that's necessary to respond to the events of the day.

"Thank you."

The motion was put by the Chair and carried, and S.B. No. 1093,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Cobb, George, Henderson, A. Kobayashi, B. Kobayashi, Kuroda and Soares).

Senate Bill No. 313, S.D. 1:

Senator Carpenter moved that S.B. No. 313, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator George rose to speak against the bill as follows:

"Mr. President, I seem to be specializing in campaign contributions and election laws tonight. I rise to speak against this particular bill. Frankly, I think it's a terrible bill.

"The overt purpose would purport to be a good one; that is, it would make current campaign spending limits mandatory for all candidates. And, on a once-over-lightly basis this sounds good to a lot of people.

"What disturbs me about this is that we don't all start even. I think those of us who sit in this hall recognize that we start out with a big advantage.

"By making the campaign spending limit the same for everybody what we're doing is firming that advantage up for ourselves and insisting the challengers start off back there some place else. We have the name familiarity. We have that measurable advantage over candidates who are not incumbents.

"One of the things that bothers me about this is that it flies in the face of Buckley v. Valeo. It's a Supreme Court decision with which all of us should be intimately familiar.

"The Supreme Court has said you can't do it, in effect. We can try it. I think it will be challenged. It will be expensive. It will go to court because it simply flies in the face of every word that's been written in commentary as well as in the original Buckley v. Valeo decision.

"Once again, it casts a veil of secrecy over the process by tearing down the reporting requirements that we presently have. I think it's the public's interest to know who gives, who gets, and what it's spent for.

And if we cut down on the number of reports there's not going to be any way of policing this thing.

"There are no real sanctions in it. The only sanction is publication of names in the newspaper, on the theory, I think, that the public will punish those who do not conform.

"If there's no reporting, how's the public supposed to find out who's conforming and who is not? This makes the pot of money that is built up by campaign check-off ... I don't think this pot is ever a very generous one. At the moment, it's probably pretty well at zero level, and if we put this into effect there'll be a very small amount of money to divide among a great many candidates, all of whom will be eligible for it.

"I think that's probably as long a catalog of objections as I care to get into this evening. I do urge my colleagues to vote against it. Thank you, Mr. President."

Senator Carpenter, in support of the measure, stated:

"Mr. President, in 1980 when I took office as a state Senator, I swore to uphold the Constitution of the State of Hawaii. I think a number of my colleagues did the same in 1982, this past year, and on opening day some of my other colleagues, the other half of this body, swore to uphold that same Constitution.

"Mr. President, in Section 5 of Article II, under Suffrage and Elections, it reads: 'The legislature shall establish a campaign fund to be used for partial public financing of campaigns for public offices of the state and its political subdivisions as provided by law' and we have done that. 'The legislature shall provide a limit on the campaign spending of candidates' and we have done that. That was an enactment of 1978 Constitutional Convention.

"Mr. President, I think that notwithstanding Buckley v. Valeo, which is a case certainly we're familiar with, the 1978 Constitutional Convention saw fit to add this provision into Article V, and I think as good citizens of the state and with good intentions to reinstate that which existed prior to Buckley v. Valeo, which certainly would allow many more candidates to offer themselves for public office an opportunity to do so, I think, is in the best interest of the people of the

State of Hawaii. Thank you."

Senator Cobb, in opposition of the measure, stated: "Mr. President, having heard the language, I don't believe that it says mandatory. It just says 'establish campaign spending limits'; but it could be either mandatory or voluntary as they are today."

Senator Abercrombie, in support of the measure, stated:

"Mr. President, speaking in favor of the bill, just for the record, with respect to incumbency.

"I understand that, but there are at least four Senators in this hall now, Senator Machida, Senator Mizuguchi, Senator Cayetano, and myself, who were elected in 1974, which was the election in which there were, in fact, campaign spending limits. We may be anachronisms in more than one way, I don't know, but we certainly were a part of history in this state and in this country because we came in at that time.

"And I know that I would not have been elected to office, this may be an argument I see parenthetically against having campaign spending limits, but there's no question in my mind that the campaign spending limitation contributed to the fact that I was able to win, not because I was an incumbent but because the incumbent took the race a little more lightly than it should have. I think the electioneering was done elsewhere than in the district, and with the campaign spending limit, it was not easy for me to raise the necessary funds and I expect it wasn't as easy for the other candidates who are Senators now here, as well.

"Nonetheless, it was within our grasp. We were able to do it with hard work. So, I think to a degree the incumbency factor is true, but I think with a campaign spending limit that incumbency factor is just as likely to decline in terms of its advantage, as opposed to increasing the opportunity for the incumbent."

The motion was put by the Chair and carried, S.B. No. 313, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES," having been read throughout, passed Third Reading on the following showing of Ayes and

Ayes, 18. Noes, 7 (Chang, Cobb, George, Henderson, A. Kobayashi, Kuroda and Soares).

Senate Bill No. 1140:

Senator Carpenter moved that S.B. No. 1140, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Carpenter, chairman of the Judiciary Committee, informed the body of the following omission in the bill:

"Mr. President, I would just like to inform the body that Senate Bill No. 1140, as it should have emerged from the printshop should have had a line which would have read at the very bottom of page 1, at approximately 16, the words: 'person who is not arraigned within five days after indictment.'

"Mr. President, the committee report submitted by the Judiciary Committee to the printshop had these words when it was submitted to the Clerk and, inadvertently, there appears to be an omission.

"I want to inform the members of the body that I have copies here of the language that ought to be inserted, the bill as sent forward in its original form.

"I hope that you will indulge that this bill is not defective because of this inadvertent mistake."

The Chair announced that the "Journal will so note."

Senator Cayetano spoke against the measure as follows:

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

"There are some portions of the bill which I think are good, but the part that I oppose is the provision that empowers the court to ask questions or to conduct the voir dire of prospective jurors.

"Voir dire, Mr. President, is the questioning of jurors to find out whether the jurors have any bias, conflicts of interest, whether they can serve as jurors in a criminal case and make fair and unbiased judgments.

"In the federal courts the judges are allowed to accept questions from

the attorneys, both the attorney for the state and the attorney for the defendant. And the judge, at his discretion, will decide what questions to ask the particular juror.

"My own impression, having tried cases both in federal and state courts, is that this is not a good procedure for the defendant. The defendant and his lawyer have a particular interest in seeing that the jurors who are selected are fair. Because of this interest, they put more time to developing the kinds of questions that the defense lawyer will be asking the juror.

"To turn this over to the judge, as it is done in federal court, it may in fact speed up the proceedings; however, I doubt very much whether it would do anything to enhance the defendant's right to a fair and impartial trial."

Senator Fernandes Salling also rose to speak against the bill as follows:

"Mr. President, I also rise to speak in opposition to this bill.

"I ask that the Senators really give this a lot of thought. This is making a drastic change to our system of justice here.

"The voir dire process has been a very critical process in a trial. To establish that relationship between the attorney and the jurors can affect the outcome of the verdict for one's client.

"Please give it your consideration. This is a very serious matter. Thank you."

Senator Carpenter spoke for the measure and stated:

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

"I want to point out to the members of this body that I sent a communication to the chief judge of the federal court, Sam King, who responded that ... in part he concurred with the previous speaker, Senator Cayetano, in that perhaps the requirement for the present allowance in federal court for the judge to conduct the voir dire may not in all cases be in the best interest of the court, depending on the personalities involved, and he spoke to the personalities of particular judges.

"However, I believe, in the Hawaii Rules of Evidence there is a passage,

I'm not exactly sure what the language or the number is, but it certainly allows the judge to exercise a great deal of discretion in terms of determining who should conduct the voir dire and, in fact, allows the judge to presently, '...as meets the needs of justice' to conduct the voir dire if he deems it necessary to do so in the conduct of the court's business.

"So, this is already within the Rules of Evidence of the State of Hawaii and allowance of the court. Thank you."

Senator Cayetano, in response, stated:

"Mr. President, I agree with the previous speaker but it is not practiced in our courts because our judges, I think, are of the common mind that it is best to leave the questioning of these jurors to the attorneys for the state, the attorneys for the defense. Questions that we ask jurors are made only after much homework and thought.

"I submit that if we are required to submit a written list of questions to the judge, and this has been my experience in the past, often he will disagree as to whether a certain question should be asked and not to ask the question. I suppose we could pursue those things on appeal but it is very unlikely that given the wide discretion the federal judges are given in federal courts that one would be successful.

"The comment by the chairman of the Judiciary Committee that this is already provided, I think, is the best argument against passing this particular bill. The court can do it now; our courts have chosen not to do it, except in circumstances which are special or maybe because of personalities, then the court will step in. There is no need to pass a law to mandate that this be done."

Senator Carpenter answered as follows:

"Mr. President, a brief response.

"The bill goes to more, obviously, than to merely the conducting of the voir dire of jurors. It goes to quite a number of points which address each facet of speeding up trials within the court system. That is the basic intent of the bill and the parameters set forth, not only pertaining to the Judiciary, but other agencies of the criminal justice system

as well."

The motion was put by the Chair and carried, and S.B. No. 1140, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM IMPROVEMENT ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Cayetano, Fernandes Salling and Uwaine).

Senate Bill No. 569, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, S.B. No. 569, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 473 (S.B. No. 1100, S.D. 1):

Senator Carpenter moved that Stand. Com. Rep. No. 473 be adopted and S.B. No. 1100, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator George asked if the chairman of the Judiciary Committee would yield to a question and Senator Carpenter having replied in the affirmative, Senator George asked:

"Mr. President, during our considerable discussion of this matter in the Judiciary Committee, toward the very end of taking it around the table, the question was asked of the health department as to our preemption in this area by the federal government, more specifically, the Food and Drug Act.

"My understanding of the response made is that we are indeed preempted and would not be able to make medical use of marijuana except under federal regulations as we are presently doing. I wonder if the chairman's understanding of the response of the health department was pretty much as I have stated it?"

At 10:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:37 o'clock p.m.

At this time, Senator Carpenter responded as follows:

"Mr. President, in response to the question previously put, Senator Abercrombie was in much closer contact with Mr. Estavillio of the Food and Drug Administration, Enforcement Section, who in fact addressed that question.

"The federal government allows the State of Hawaii or any state that adopts a statute to use the protocol set up within the federal guidelines so that the question you put allows the State of Hawaii to do it rather than to preempt, in this case."

Senator George then commented as follows:

"Mr. President, if I may, the state is already participating under federal protocol so that six pharmacies in the state are permitted to dispense what the federal Food and Drug people have allowed, which is one of the ingredients, one of the cannabis ingredients in marijuana, and that is the extent to which we will be allowed to participate until the drug is, indeed, cleared by Food and Drug."

Senator Carpenter responded as follows:

"Mr. President, that is so, except that in this particular case, this bill speaks to the manufacture, locally, and the making available for certain medicinal purposes. That is slightly different than the individuals who presently, in the pharmacies area, are allowed to use the federal protocols under state guidelines."

Senator George further remarked: "Mr. President, if I may, I think the preemption to which I referred and about which I asked was going beyond what we're doing now. My understanding is that we are preempted from doing anything beyond what we are presently allowed to do under federal protocol."

Senator Cayetano explained as follows: "Mr. President, this bill calls for activity which is purely intrastate. I don't see how the federal government can preempt us from doing anything. The marijuana we are talking about is confiscated here and provided by our local police departments. We are doing it here,

the federal government has no jurisdiction."

Senator George answered: "Mr. President, I don't concur with the previous speaker. I'm going to vote against the bill. Thank you very much."

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

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

"Mr. President, in particular, I wanted to thank Senator Cayetano for his suggestion at the hearing. The suggestion being, to utilize the confiscated marijuana. For once, we might be able to see this 'Green Harvest' kind of operation come to a useful end instead of just having it all smoked by an incinerator, that which makes it to the incinerator. So, that cuts through the logjam of difficulties that are involved here.

"Senator George is quite correct that there are very strict federal guidelines, I guess the common word is protocols that are associated with research, with respect to marijuana, and rightly so. Research with any kind of drug is something that puts people at risk and it's important that this kind of thing be done.

"The difference here is, and this I think by the way, again parenthetically, Mr. President, is the value of a public hearing. It's too bad that sometimes we don't broadcast a few more of these things, that the technology isn't available or the interest isn't there for it because this public hearing did what public hearings are supposed to do in a democracy. It got people together who had differing points of view, who weren't quite sure where they wanted to go, who wanted to see something accomplished, who had good hearts to understand what this is. What's involved here is to relieve pain and suffering and that's the bottom line of this bill, to relieve pain and suffering.

"And we figured out in a public forum how we might be able to do it, and we worked with the police department, we worked with the Department of Health, and the language was worked out with the Department of Health.

"What's important here to understand is, unless we pass a bill like this, to be able to utilize marijuana for medicinal purposes with

respect to, especially, terminal cancer and glaucoma, unless we pass this bill, we will be restricted to such research as is taking place under federal law. We will be opening up, on the state level, the far greater capacity to be able to utilize this drug which certainly in some instances can be harmful, but in the instances with which it is addressed in this bill, is going to be beneficial, that is to say, will bring relief to people who are suffering and people whose illnesses can respond favorably with the utilization of the drug.

"What we have here in this bill is a combination of circumstances that takes an idea that is going to be difficult to work out in actuality, that is to say, once you get to the language, very difficult to work out because of legalities involved and because people of goodwill got together and worked hard to try to accomplish the bottom line, end the relief of pain and suffering, and were able to succeed.

"I hope we pass this bill with a good majority tonight and carry forward with this in the other House so that we can bring relief to even one person, who might otherwise be wracked with pain that he or she might not otherwise suffer. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 473 was adopted and S.B. No. 1100, S.D. 1, 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, 20. Noes, 5 (Ajifu, George, Solomon, Soares and Uwaine).

Senate Bill No. 58:

Senator Carpenter moved that S.B. No. 58, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Carpenter rose to speak in support of the bill and stated:

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

"Mr. President, the United States Supreme Court has held that the death penalty does not constitute cruel and unusual punishment in all cases, but rather, the constitution will be complied with so long as these types of statutes assure that the sentencing authority is given

adequate guidance as to when the death penalty will be imposed.

"Mr. President, this does not conflict with any of the death penalty cases decided by the Supreme Court in recent years for the following reasons:

"First, this bill provides for a non-mandatory death penalty;

"Second, the death penalty will be imposed for carefully defined categories of murder;

"Third, the sentencing authority is given limited and carefully controlled discretion in determining the imposition of that death penalty; and

"Fourth, the bill requires consideration of mitigating factors in the defendants favor. Not just consideration, but requires consideration of mitigating factors.

"Mr. President, the basic tenet in the American system of justice is that the punishment should fit the crime.

"Since the founding of this country, its citizens have tried to project and perfect a system under which the inhabitants of this great land can live free from fear and in harmony with each other.

"Unfortunately, we have, here in Hawaii, been witness to an alarming number of murders and other types of violent crime.

"The crime of murder, which results in the elimination of a human life forever from this earth, is a particularly heinous offense.

"To assure that certain types of individuals who commit murder receive the punishment that the crime deserves and to provide a deterrent to individuals who would contemplate the commission of such a heinous crime, your Committee on Judiciary has passed out Senate Bill 58 and recommends passage by this body.

"Some of you may ask, 'Is the death penalty really a deterrent?' Let me cite a few case histories:

"Margaret Elizabeth Daly of San Pedro who was arrested on August 28, 1961 for assaulting Pete Gibbons with a knife. She stated to investigating officers, 'Yeah, I cut him and I should have killed him, but I didn't want to go to the gas chamber.'

"Louis Joseph Turck, alias Glenn Hooper, alias Joe Moreno, an ex-convict with a felony record dating from 1941, was arrested on May 20, 1961, for robbery. His modus operandi was that he had used guns in prior robberies in other states but simulated a gun in the robbery here. He told investigating officers that he was aware of the California death penalty although he had been in this state for only one month, and he said, when asked why he had only simulated a gun, 'I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber.'

"Salvador A. Estrada, a 19-year old youth with a four-year criminal record, was arrested February 2, 1960, just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officers: 'I want to ask you one question. Do you think they will repeal the capital punishment law? Because if they do, we can kill all you cops and judges without worrying about it.'

"Mr. President, this bill provides for the reinstatement of the death penalty as a possible sentence for first degree or premeditated murder and for the establishment of a procedure to determine whether such a penalty should in fact be imposed.

"This court would conduct a separate sentencing procedure, after a finding of guilt, for the crime of murder, to determine whether certain aggravating or mitigating circumstances, which are enumerated in this bill existed at the time of the commission of the murder.

"After hearing all the evidence, the jury would deliberate and then render an advisory sentence to the court. The court would then impose a sentence on the defendant.

"Mr. President, your Committee on Judiciary has concluded that in murders where the sufficiency and extent of the aggravating circumstances do exist, a sentence less than death would depreciate from the seriousness of the offense, and would not serve as adequate punishment in our system of justice.

"Mr. President, I recognize this issue is deserving of the most serious consideration of this honorable body

-- it is a tough decision, but it is a responsibility and it goes to each of us in service to the people of Hawaii. Mr. President and members of the Senate, the decision is yours."

Senator Kawasaki, also in support of the bill, stated as follows:

"Mr. President, for the third time in my sixteen years of serving in this honorable body, I rise to speak in favor of passage of the death penalty statute.

"Mr. President, if this Senate is serious about reducing violence and premeditated murders from our society, we must have the courage to enact legislation that will effectively help in that endeavor. If studies and statistics show that the certainty of severe punishment will help to deter violent crimes, then we must effectuate measures that will assure the certainty of severe punishment for the perpetration of violent crimes such as premeditated killings.

"Studies show that the more permissive a state, the higher the crime rate. Today's soaring crime rate is in part, the price our society is paying for a decade of permissiveness, in catching, convicting and imprisoning criminals.

Empirical studies show that punishment, as well as increased economic opportunities, can deter crime. And, recent findings conclude that the death penalty does indeed deter murders.

"In the year 1968, Gary Becker of the University of Chicago, in an article called 'Crime and Punishment: An Economic Approach,' demonstrated with stunning theoretical precision, that criminal behavior could be incorporated into a theory of economic choice. Becker, in effect, argued against the sociological view that the criminal was, '...irrational, sick, or a robot-like creature produced by an unjust environment.' He maintained rather, that most criminals are, '...-decision-makers who arrive at their choice of crime by weighing the costs and benefits of crime against the costs and benefits of legitimate activities.'

"Thus, it followed, according to Becker, that '...either increasing the likelihood of punishment, or raising of legitimate opportunities would reduce crime.'

"Says Gordon Tullock of Virginia Polytechnic Institute, who, in the late

1969's, had been doing work along the same lines as Becker: 'There is no question any longer that economists in the U.S., Canada, and England have shown conclusively that punishment does cut down on crime.'

"Isaac Ehrlich of the University of Chicago is the key economist in the empirical investigation of crime. He demonstrates, after statistically adjusting for other factors, that states with better police protection, higher certainty of conviction and imprisonment, and longer prison sentences have lower crime rates than more permissive states. And he finds that this holds true for crimes like murder and rape as well as for economically motivated crimes like robbery. Says Ehrlich: '...the evidence is strong that fewer rapes occur where the chance of punishment is higher.'

"Sheldon Danziger of the University of Wisconsin's Institute for Research on Poverty cautions that the data are poor. The crime data that most economists work with comes from the Federal Bureau of Investigation and cover only reported crimes. But data from the Census Bureau, based on personal interviews, show that for certain crimes, such as rape and assault, the actual number may exceed the reported figures by 500%. 'I have no doubt that punishment does discourage crime,' he says.

"Economists view the problem of rehabilitating the criminal differently than most social scientists do. Even liberal economists say that money spent to rehabilitate offenders by making them less 'criminal-like' is money down the drain. They point to the findings of Robert Martinson, a sociologist at the City University of New York, who in a very exhaustive study of prison reform, concludes that, 'rehabilitation does not work.'

"Says Duke University economist Philip J. Cook: 'We simply don't know how to change personality.'

"According to Virginia Polytechnic Institute's Gordon Tullock, '...a dramatic effect on crime will result only from increasing the punishment deterrent.'

"Does the death penalty deter murder? The results of a study done by Ehrlich appeared in the June 1975 issue of the 'American Economic Review.' Examining national data for the years 1933 - 1969, he finds the increased likelihood of being executed has a great impact in preventing

murders, and I think later on, my colleague Senator Cobb will articulate some findings that he has come across regarding the local situation."

"Gary Thatcher, staff writer of the 'Christian Science Monitor' says, 'To cut down crime rates, concentrate more on swift and certain punishment and less on underlying causes.' I'm sure this statement alarms some of you. That seems to be the view, however, of a growing number of criminal law specialists in the United States today.

"Mr. President, as I said before, society's first and foremost responsibility, is to protect its citizens and consonant with this view, like President Ronald Reagan, former Presidents Carter and Ford, and the former Attorney General of the United States, and many others in and out of the Congress of the United States, and many others here in the Legislature, including members of the Hawaii Senate, I have been a strong proponent of the idea that the reenactment of capital punishment has, unfortunately, become absolutely necessary.

"Thirty-seven out of fifty states in the union have, at last count, reestablished the death penalty since 1968 and after experiencing much of the same kind of agony, soul searching, and debate as we did in the Hawaii Senate when we passed the death penalty bill, twice before.

"Of the top four states elected as the outstanding states among the fifty in the union, by a citizens' panel evaluating the quality of their legislatures, all of the four states have reenacted the death penalty. These are California, New York, Florida, and Illinois.

"It is only because we want to save human lives, innocent human lives, of the victims of the armed robber, or the rapist who mercilessly kills his victim, to to remove evidence, because we want to save the lives of the victims of contract killers, the policemen, the murder trial judges, the lives of witnesses, and the people who serve the public in penal institutions, the victim of an offender felon, who has been convicted many times and released to society to repeat his crime ... it is an effort to save these valuable human lives that we have introduced, since 1973, the death penalty bill.

"SB 58, as we have before us, as Senator Carpenter has said, was

patterned after Florida's statute, and has met all constitutional tests. I contains very carefully conceived safeguards against the possible execution of an innocent person. Proponents of the bill feel that the death penalty law does indeed serve as a deterrent to some premeditating murderers, such as contract killers, their employers, murderers of judges, witnesses to criminal trials, and offenders who might kill a person during the process of a felonious act such as armed robbery, rape and arson. These categories of offenders will be subject to the death penalty if, and only if, mitigating circumstances enumerated in SB 58 do not apply.

"Mr. President, between the years 1935 and 1955, when a number of states had death penalty laws, the number of homicides and murders decreased markedly, at a period when the population of the U.S. was rapidly increasing dramatically. Since 2955, when death penalty laws were being repealed, and through 1968, when all such laws were removed, the rate of murders and homicides increased greatly. Today, the rate of homicides in the U.S. is about 32,000 cases annually.

"If we can save even a few innocent potential victims from premeditated murders, it is worth enacting a death penalty law. Law enforcement officers and guards at the prison have voluntarily approached me in these years, pleading that we enact the law to make their daily working conditions safer and easier.

"I'd like to ask a question of the people who now say they want to save murderers' lives. Where were they when we introduced resolutions, and when the Hawaii Senate held hearings on resolutions asking Congress and the U.S. Government to pull out of involvement in congressionally undeclared wars such as Vietnam, Cambodia and Laos, and not support corrupt dictatorships in order that we might save thousands of young, innocent American lives, some of the 54,000 American lives we lost in Vietnam? These people were not around these halls.

"These opponents of capital punishment for professional killers and destroyers of innocent victim lives were not around to express their horror over the needless loss of lives of Americans in those senseless excursions overseas!

"As for the subject of deterrence,

the execution of a confirmed murderer will not just deter, it will guarantee that he will not repeat his crime.

"It disturbs me greatly to read statistics quoted last year by the prosecutor to the effect that there is a murder-homicide committed in this state every five days, and that there is a violent crime committed every three hours in Hawaii.

"In a public poll conducted last year among 250,000 college students in 540 colleges, 65 percent of the respondents favored the death penalty.

"If execution is a deterrent, refusing to execute killers in a special situation amounts to refusing to prevent the deaths of innocent persons, and this is, in the judgment of thirty-seven states, clearly immoral.

"Finally, Mr. President, let me recite the names of the states that found it absolutely necessary to reenact the death penalty in order to save innocent lives of unfortunate victims of violent crimes. The names of the states are as follows:

"Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington and Wyoming."

"Mr. President, I submit it is time for Hawaii to enact the death penalty statute so we can save innocent human lives."

Senator Kuroda, also in support of the measure, stated:

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

"In the two times that this body has voted on the proposal to permit the sentence of capital punishment, I have spoken in support of and I do so again on this third occasion.

"On both occasions, I have stated, and I say again, I was elected to a vacant position in this body twelve years ago. A vacancy that was created in 1970 when the late Senator Larry Kuriyama was shot to death by

a hired killer.

"Among other provisions in this bill, I agree with the sentence of death penalty for the person who commits murder for remuneration in which event, both the person hired and the person responsible for hiring the killer.

"I urge my colleagues to pass this measure again."

Senator Soares also spoke for the measure as follows:

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

"Mr. President, I think the Senate made history a few years ago when we had a committee of the whole meeting on this floor on this issue. The publicity was paramount; it was emotional; it was in some cases, almost frustrating. We sat on this Senate floor from 7:00 one evening until 5:00 a.m. the next morning, parading witness after witness, letting everybody, from all sectors of the state speak their piece, for and against this measure.

"We had a very difficult decision to make. However, I would have to say that while I am strongly in the belief that it is definitely a deterrent, and I share very strongly the statements made by the good Senator, Senator Kawasaki, and I admire him for the work and the diligent efforts he has had in this regard and I support him 110 percent, I found that at 5:00 o'clock in the morning, one speaker made a statement that moved me to no end. I have to admit that even though before he spoke I was convinced that I was going to vote 'aye' for this bill.

"He spoke about the family, while we were talking about the wrong person being electrocuted, given lethal gas or whatever, making a mistake and having the wrong person, and having all the attorneys coming before this body saying it would be an unfair situation, we may make a mistake and put the wrong guy away, and we never took for one minute, not one minute, the concern of a mother or a father whose rookie son in the police department, on his first beat and seeing a crime committed, would run over to do his job and get gunned down in the line of his duty.

"Consider the traumatic experience, the tragedy for the family left behind with the loss of someone like that. Consider the loss of a husband for a

wife, in the line of his duty.

"Now, many of us were tired and we had gone through a harrowing night but when this gentleman spoke he woke everyone of us up. And I do believe that while it is very difficult to make this decision, that I'm sorry that I don't see the same hearing again tonight because we would have heard everything, except what I just said a few minutes ago, how about the victim's family, who gets gunned down, how about them? Don't we owe a possible policeman or a guard's family some protection?"

"I am a firm believer that this bill will serve as a deterrent. There is no doubt in my mind. And I join my other Senators who spoke so profoundly tonight on this issue, and I ask my colleagues to think very hard and vote for this bill."

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

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

"I'm sure my fellow colleagues have all heard the pros and cons about capital punishment. I would just like to cite the last execution that occurred in the United States as an example as to why I am against this bill.

"The last person to be executed in the United States was Charles Brooks, Jr., in Huntsville, Texas, on December 7, 1982.

"Charles Brooks, Jr. and Woody Loudres, in separate trials, were convicted and sentenced to death for the December 1976 slaying of a Fort Worth auto mechanic who had been bound, gagged, and shot once in the head.

"Loudres' sentence was later reversed because of a technicality in the jury selection process. With plea bargaining, in October 1982, he was given a 40-year sentence, making him eligible for parole in six and a half years.

"It was never determined whether it was Brooks or Loudres who actually fired the fatal shot and neither man ever volunteered that information. The man who had prosecuted Brooks, former Terant County District Attorney, Jack Strickland, later joined Brooks' attorneys in seeking ways to stay his execution on the grounds that Brooks and Loudres sentences were unacceptably

disproportionate.

"Strickland was later to say that 'only one shot was fired, and you don't know who fired it. One guy lives and one guy dies, and that strikes the citizens as unfair. The death may have come gently, but it was no consolation.'

"At this time, I would like to read an excerpt that appeared in the recent U.S. News and World Report magazine, and I quote: 'President Reagan backed lethal injection when he was Governor of California, liking it to a veterinarian's shot for an injured horse. Said Reagan, "'The horse goes to sleep, that's it.'"

"Mr. President, that reminds me of a movie I saw many years ago in which Jane Fonda portrayed a young lady trying to survive the depression by entering a marathon dance contest. She did not win the top prize but the lower cash prize that she won was soon dissipated when she had to pay for some of their contest expenses. Out of frustration, she committed suicide and as she shoots herself, there is a voice-over saying, 'They shoot horses, don't they.'

"Mr. President, this is one of many reasons I am voting against this bill. Thank you."

Senator Uwaine also spoke against the measure as follows:

"Mr. President, I wasn't planning to say anything tonight but after the very moving speech by the Minority Floor Leader on how he decided to vote 'aye' on this bill, I thought it would be appropriate that I also mention how I have come about to vote 'no' on this bill.

"Mr. President, it was about six years ago, when I was first elected to this Legislature. As a freshman state representative, I sat in a hearing for about six hours in the state auditorium, after the Senate through its long deliberations sent the death penalty bill to the state House. At that hearing, as a new freshman legislator, I was very indecisive as far as what I was going to be doing on this particular bill. And at the time of the hearing, I was not sure how I was going to vote.

"As you well know, the hearing at that time ran very long, maybe four to six hours. During that hearing, there was a big crowd in the auditorium and numerous amount of speakers, like in the Senate, who

went through testifying both in favor and against the bill. One of the things that struck me was that one particular lady, who was there very patiently waiting for her turn to testify, when it was her turn to testify, which was about 11:00 o'clock at night and the auditorium was really empty and most of the representatives had left already, she proceeded up to the podium to give her testimony.

"At the end of her testimony, she made a very profound statement that makes me again vote 'no' on this bill on the death penalty. That statement, Mr. President, was, 'Why do we kill people to teach other people that killing is wrong?' Today, again, Mr. President, I shall vote 'no.'"

Then Senator Toguchi spoke against the bill and stated:

"Mr. President, I rise to speak against Senate Bill 58.

"Mr. President, I also came from the House and in past years I have also opposed any bill that supports capital punishment. In listening to the discussion tonight, I'd like to touch upon four things that were mentioned here this evening.

"First of all, the question, 'Does the death penalty deter capital crimes?' You know, we can bring out different statistics, and I think the first speaker brought out some cases, but I also have before me some testimony from the ACLU who also cite other studies. For example, they cite studies in Michigan, compared to Ohio, about Indiana, about the state that eliminated the death penalty and showed no increase in capital crimes. The ACLU cited other studies from Minnesota and Rhode Island, as compared to Iowa and Massachusetts, for example. In which the states which eliminated the death penalty saw reduction of 40 percent in homicide over a period of 10 years, compared to the two states which maintained the right to inflict the death penalty.

"The point that I am trying to make here is that it really depends on what state and what study you are looking at, and on that basis as far as the deterrence, I am not totally convinced. This is point number one.

"Second, in the studies that I have looked at, and also it is reflected in many of the testimonies at the hearings, it can be shown very

clearly that the people that face this type of a sentence are usually the economically poor. Those that cannot afford the better lawyers in town. Take a look at our own prison system; take a look at the people that are there; look at what kind of life they had; what happened to them in our educational system; and if we had capital crime in Hawaii, look at the people that we will be executing. This is point number two.

"The third point, I think, was touched upon by several of you tonight and that is the possibility of error in judgment and the irreversibility of the penalty. It is going to be impossible to make an restitution. I understand some of your concerns about the victims but, again, I would like to cite also the last speaker's statement. I was also in that auditorium that day and I have to agree with him that we're telling people that in order not to kill, that we have to kill you.

"The fourth point I would like to make about this bill is that, also with this bill, we create a special class of people. I understand that these people that are listed in this bill before us are people that are very important to us. They are people that help with the crime, our police officers, people that work in the enforcement agencies. I understand that they are very important in that they take a lot of risks. But, I think, we are also saying with this bill, we're going beyond that ... we're creating a special class of people. We are saying that they are more important than other people and the type of crime committed against these people, listed in the bill, should be treated differently.

"Mr. President, I would like to go on further, but in the interest of time, I think we have to move on so I'd just like to say that for those four reasons that I have cited, I have not changed my mind. I voted against it in the House and although I am here in the Senate now I still am opposed to this bill."

Senator Cobb, in support of the bill, stated:

"Mr. President, very briefly, I realize that the subject of capital punishment is very much a matter of philosophy. I would like to share though a brief experience.

"When I was first elected eleven years ago, I was against capital punishment from a philosophical as

well as from a point of view of having read surveys and heard statistics. And then, I had the privilege, while serving as the chairman of the Corrections and Rehabilitation Committee in the House, of visiting Oahu Prison.

"During that occasion, I asked that twenty convicted murderers of the first degree be locked in a room with me, with no guards present, so that I could have an honest dialogue. I put the question to them, they who had been convicted of premeditated murder, whether if they knew that there was a death penalty statute and they stood a reasonable certainty of being executed for what they did, whether that would constitute a deterrent. Nineteen out of twenty said yes, one was not sure.

"That to me, Mr. President, was the most convincing evidence of all because I didn't rely on my friends, the social workers or the psychologists or others who might theorize about the subject. These individuals, above all others in society, are the resident experts on the subject of capital punishment because they are the ones that have to face the possibility of execution. Nineteen out of twenty of those experts said, 'Yes, that is a deterrent.'

"Next, Mr. President, if we look at the economic reality of the situation, if you look at states that have a death penalty statute and compare them with states that do not, you will find that the price of a contract killing is approximately ten times higher in states with a death penalty than in states that do not. It's a matter of economics and occupational hazard.

"Mr. President, I was there for that hearing when that question was asked, 'Why do we kill people to show that killing is wrong?' But there was a parenthetical question that was also asked and has never been answered, and that is, 'Why do we allow people who kill people to go on killing people?'"

"Thank you."

Senator Cayetano spoke against the measure as follows:

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

"First, let me say that Senator Abercrombie and I signed 'with reservations' on the committee report

in deference to our colleagues Senators Kawasaki and Carpenter so we could have the kind of dialogue that we are having tonight on this very, very emotional issue.

"I appreciate the remarks of pro and con from my colleagues. Hopefully, this will not be repeated next year and we can put this matter rest, once and for all tonight.

"One of the questions that has never been answered in my mind, is the question of mistake. As one who has practiced in the courts, I can tell you that our system of justice is hardly infallible. In fact mistakes are made over and over again.

"About a month ago on 'Sixty Minutes' there was a story about a young, black man in Illinois, I believe it was, who had been convicted for multiple rapes and imprisoned for a period of five years ... five years, Mr. President, before the real person was found.

"The State of Illinois can pay that man back something for the five years that he lost. Had he committed a capital crime, he would have been executed by now. There is no compensation that can pay for the loss of a life under those circumstances.

"Right here in our own state about a year ago, if I recall correctly, a young man in Manoa was arrested for multiple rape. He had been positively identified by two of the rape victims. Well, as it turned out, after languishing in jail, he was unable to make bond, for about three months, it was a case of mistaken identify, he was released and another person is being tried for those crimes.

"The point of all of this, I think, goes to the heart of our judicial system. I have always believed that it is better to let ten guilty men go free than to convict one innocent person. Most of us, I think, believe that. If you don't then I think that we have a disagreement about what our system of justice should be. Opposing capital punishment, I think, is totally consistent with that principle.

"I would like an answer from the proponents of the bill, 'How do we deal, how do we compensate with the families of those who have been wrongly executed?'"

Senator Kawasaki then offered a response, as follows:

"Mr. President, since a response is requested, I think if the good Senator, a friend of mine, from Waipahu, would have read the language of Senate Bill No. 58 ..."

Senator Cayetano interjected: "Pearl City, Mr. President."

Senator Kawasaki continued: "I stand corrected, Mr. President, Pearl City, would have read the bill he would see that we have, as I stated previously, provided very exacting standards before we adjudge a man guilty."

"The list of mitigating circumstances would have prevented the execution of the youngster who was put into jail for several weeks on a mistaken identify, because he had had no appreciable serious criminal history. That puts him in the category of someone who would have been the beneficiary of mitigating circumstances and he would not have been executed under any circumstances as the language provides for in Senate Bill 58."

"I am a little astonished that those people who advance the cause of non-enactment of this bill really haven't read the bill carefully. I have come to the conclusion some time ago that sometimes logic and facts presented before legislative bodies fall on deaf ears or dumb minds, one or the other, and I feel that this is basically an issue to be decided on emotional arguments, I accept that fact, but I do hope that some of you will read in the papers in the future that some unfortunate woman, who was raped and also murdered because the offender desired not to have evidence remaining, I would hope that you people who vote against this bill can really search your conscience and not feel satisfied, when you read of a victim of an armed robbery incident, that happens on occasion in this city, an armed robbery victim who was also murdered by the offender. I think the enactment of a death penalty statute, at least, more often than not, might very possibly prevent the killing by the offender of a victim of such offenses."

"If we save but one life, if we save but two lives during the course of a year, these categories of offenses, then it's worth enacting this bill, even if there is a remotest possibility that we might have executed a person erroneously. I don't think that this is going to happen but I do want to give a chance for this bill to be

enacted so we can save the lives of human beings who are victims of rapists, of armed robbers, et cetera."

Senator Abercrombie spoke against the measure as follows:

"Mr. President, I realize that the hour is late but I feel that as someone who did sign with reservations, out of respect for the amount of work that has gone into this bill, that I should make a couple of remarks."

"I have indeed read this bill very, very thoroughly and I do respect the people that brought it forward and the reasons that have been given. I have to speak against the bill and I have thought about it since that time. I didn't do it for perfunctory reasons. I went over it again and again and I have gone over it again and again. I am one of the few people in this room, on this floor, who was in one of the categories of occupation that is listed in the so-called 'special class.' I was a probation officer for three years."

"I had occasion to enter into a situation, as outlined by Senator Kawasaki, where mitigating circumstances occurred where someone was not necessarily under extreme mental or emotional disturbance."

"I was called by the police one afternoon to ... and I feel, again, this may be an individual story, but I think those individual stories have been useful here this evening ... where a person was not even on probation, I was doing a pre-plea report, and this is the kind of thing that I think speaks ultimately against the bill, the person involved was especially disturbed and had a shotgun; I had established a rapport with this person, and so the police decided to give me the opportunity to go into the house, if I would, instead of the police, because they feared that there would be a gunfight. And, I can remember very well, Mr. President, exactly in my mind's eye, how it felt walking up that walk, 'they do not pay me enough money to do this.' I'm not precisely sure why, now, I did go ahead and do it, a sense of duty, I was an officer of the court."

"So, I feel very strongly for the judiciary chairman's emphasis in this area, that you are speaking about people who come into a situation of danger, and for that reason, I think that they are selected out, and

rightly so, if you believe in this bill.

"I have done reports on murderers. The first report that I was required to do was a pre-hearing probation report for a murderer in San Quentin Prison. He also would have come under the mitigating circumstances section inasmuch as he was a borderline moron, mentally retarded, severely so, and had committed a necrophilic murder at the age of eighteen.

"I have met with people and seen situations in San Quentin and other places that probably approximate some of the discussions that have been held here tonight. And, I've recommended people to go to prison because there was nothing else that could be done. But, Mr. President, as a result of all that, I have not concluded then, that execution at San Quentin or in the State of Hawaii, is the way to handle these things. On the contrary, I think the mere fact that this bill has to be as detailed as it is, with respect to mitigating circumstances, indicates that the kinds of cases that would allow for the taking of a life by society are so few, that even the proponents of the bill are not in favor of capital punishment per se, but capital punishment under highly restrictive circumstances. And, I do not think then, as a result that logic follows that it is in fact a thing that a civilized society should do.

"My view of history is that execution has been the way of those who are the oppressors, and I include in this instance, those people who do take lives and who would go to prison for taking those lives. They are the oppressors. There is no question about that. But, on the whole, you will find that these people are of a category on a mentality for whom the deterrent effect is absent, with respect to capital punishment, with respect to the crimes that they commit, including premeditated murder.

"Murder most often takes place, Mr. President, after all the statistics are over with, among people who know each other, during highly emotionally charged circumstances. So, in the end, what I have to conclude is, how are we to become better people? How are we to set a standard to the degree that we can set it at all in a legislative body with respect to what we want or what we expect of ourselves in other people.

"If we impose a death penalty as

the policy of the state with respect to death then we have in fact let those who are most reprehensible in our society set the standards by which society shall live. They certainly have set the standard by which someone else should die. I do not think that we should put ourselves on that level as a society. We have the violent power of the state at our command. The only power of violence that should be exercised is the power to protect ourselves collectively. To exercise it in the same manner as those who abused it seems to me to create a lesson beyond doubt in my mind for those who are growing up that this kind of activity is in fact acceptable under some circumstances. You merely have to be able to have the power to do it. Therefore, I must vote against the bill."

At this time, the Chair made the following observation:

"Members of the Senate, I think we have heard all the discussion on the matter and we are now prepared to vote on the bill. The hour is late and the Chair would like to get on with the other bills."

The motion was put by the Chair and carried, and S.B. No. 58, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL CRIMES," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 9. Noes, 16 (Abercrombie, Cayetano, Chang, Fernandes Salling, George, Hagino, Holt, B. Kobayashi, Machida, Mizuguchi, Solomon, Toguchi, Uwaine, Yamasaki, Young and Wong).

The Chair then made the following announcement:

"Senators, before proceeding, the Chair would like to request of you that should you have testimony on the remaining bills, that they be submitted to the Clerk to be entered into the Journal. I would like for us to get to the voting of the bills."

Senate Bill No. 640, S.D. 1:

Senator Cobb moved that S.B. No. 640, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, very briefly, I rise

to speak against this bill.

"What this bill does is to provide a statute of limitations to limit the tort actions arising out of the planning, design, suretyship, manufacturing and supplying of materials, construction, relating to an improvement to real property, to two years after accrual but no more than six years after completion of the improvement.

"Mr. President, the general statute of limitations for any tort action is two years after the date of the accident or the date the person who was injured had reason to know of the tort. What this bill would do is cover an exception for those who are engaged primarily in the business of designing and constructing buildings and other kinds of structures.

"This bill has a history which goes back to approximately six years. And, what has happened in those six years is that the law has been declared unconstitutional by our Supreme Court on two occasions, and in each occasion, the court has ruled that this law is unconstitutional because it is a violation of the equal protection clause of the United States Constitution and that there is no rational basis to justify the class discrimination that we have in this statute.

"Each time the law has been declared unconstitutional, the industry has come back and lobbied, all they have done each time is to expand the class a little more. They've done that twice. Now they're back again. Perhaps they are adding people who observe construction now. I'm not sure.

"In any event, my prediction is that this bill, this law will be struck down because it violates the equal protection clause. There is no reason to give the members of this particular profession this kind of protection. Moreover, there is a good public policy reason why we should not.

"I cite the committee report, on the second page where it says, 'It is the obligation of the Legislature to do all it can to control the high cost of housing so that the dream of home ownership does not slip from the grasp from an even greater number of Hawaii's residents.' That is good testimonial to vote against this bill.

"The fact is, Mr. President, that if this bill passes, anyone who purchases a home had better hope

that he does not discover a defect in the construction of that home after six years. Simply put, he will not be able to seek any redress against the people who constructed the home.

"This building, for example, if that chandelier were to fall, Mr. President, while the Republicans were caucusing underneath..."

Senator Soares interjected: "Mr. President, point of order, there's more of us and one of them."

Senator Cayetano continued: "... because of faulty construction, and that construction was done over six years ago, Mr. President, no lawsuit, no redress could be found.

"So, what we are talking about there is a basic policy question. This is a special exception and I don't think we should do this."

The motion was put by the Chair and carried, and S.B. No. 640, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Cayetano, Fernandes Salling, Hagino and B. Kobayashi).

Senate Bill No. 1464, S.D. 2:

Senator Yamasaki moved that S.B. No. 1464, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Soares rose to speak against the bill and stated:

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

"Mr. President, we have faced many difficult decisions this session but none as critical as those relating to the state's finances. As responsible Senators, we must examine each proposal on its merits. Currently, we don't believe that increasing the general excise tax is in the best interests of the people of this state. It again flags out the hue and cry that we have just gone through recently that Hawaii is anti-business.

"It is certainly going to affect the cost of business. It is certainly going to affect the prices in the marketplace. It is certainly going to echo throughout the state and throughout the country that we are

again adding taxes to our way of doing business.

"I am concerned that taxing our local residents and local businesses is contrary to our clear and present need to improve our business climate. Mr. President, saying that we are doing it temporarily, only means that it will be permanent.

"I urge all of this body to vote this tax measure down."

Senator Kawasaki, also in opposition of the measure, stated:

"Mr. President, I believe the previous speaker is absolutely correct in his concerns about the end effects of raising the gross income tax. This step might be the first door opener, so to speak, for tax increases that we have resisted so far for many, many years. I don't think that this is necessary at the moment.

"In the first place, this type of tax is perhaps the most regressive that we can find in the whole spectrum of tax legislation. I think, you, yourself, Mr. President, expressing the wishes of most of the members of this Senate, have articulated to the public that the Senate does not feel that tax increases are necessary and we will not increase taxes at this time."

Senator Yamasaki then rose to speak for the measure and stated:

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

"Throughout our nation, state revenues have fallen \$8.0 billion below estimates for fiscal 1983 in less than a year, according to an article in the State Government News of February 1983.

"Also, the aggregate deficit in 41 states that responded to a survey could total \$2.0 billion.

"Some of the states experiencing budget problems include California, Colorado, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and Wisconsin.

"The survey also found that over half of the 39 states responding had limited hiring or made budget cuts in fiscal 1982. Across-the-board budget cuts were adopted by 15 states in 1982 and 18 in 1983, and layoffs in 12 states in 1982 and 15 in 1983. Taxes increased in 22 states in the two years, according to the survey.

"Taxes were raised in December by several states. New Jersey increased its sales tax to 6 percent and its income tax to 3.5 percent on incomes of more than \$50,000, effective January 3, 1983, for a \$180 million estimated new tax revenue plus budget cuts of \$30 million and use of \$43 million of surplus funds.

"Minnesota increased its sales tax by 1 percent to 6 percent, the second such raise in recent years. In December, income tax surcharge was raised from 7 percent to 10 percent, made \$140 million in spending cuts and delayed a \$100 million school aid payment from June to July so it falls in the new fiscal year.

"Michigan, Mississippi, Indiana, and Wisconsin also raised their taxes in some form.

"This information, Mr. President, indicates that, nationally, nearly every state with few exceptions have fiscal problems due to declining revenues from their own resources and by cutback of federal funds and programs.

"In the State of Hawaii, our visitor count for 1982 reached the 4,000,000 mark and on the rise, and our unemployment rate appears to be fairly steady.

"The Council on Revenues which met on March 10th issued a report yesterday, the 15th, which says that it has decided that the general fund revenues estimates should remain the same as last reported to us on January 12, 1983. All members of the council are most optimistic about the state's economy over the next several years. And it further states that a better economy, however, does not necessarily mean higher tax revenues.

"The real tax collection as of the end of February is 3.3 percent over the 8 months of this fiscal year, lagging behind by 5 percent of the projected 8.2 percent growth. The collections for March and April should be a better indicator of the trend as we would have most of the quarterly returns and annual income tax returns in this period. Therefore, until more revealing figures are in, at least for March, we need to have some standby form of revenue producing measure if we are to meet some of the more critical demands of our citizens for economic development, an investment to provide more jobs, to meet urgent social and human services programs, to address the needs of our elderly and disabled and

to return to the people their tax dollars through a variety of government services.

"Through this measure, Mr. President, which is a temporary one, it is possible to begin making an investment in the future of Hawaii. It will allow us to provide funds for our needed after school and community activity programs for our youngsters in an enrichment of our communities.

"We will be able to redirect our priorities with resources to take a bold step to stem the tide in reducing the incidences of crime. Much of our inability to address the need to prevent crime has been money, and here is an opportunity for this body to say, 'Yes, we can address the issue of crime and here is how we will do it,' with a modified tax measure in which local taxpayers are expected to shoulder about one-half of the burden through a tax credit.

"I urge, Mr. President, that this body vote unanimously for this bill and to indicate to the people of Hawaii that these additional resources will be used to move Hawaii forward.

"I would like to remind this body that during the session of 1980, Senate Bill No. 2813, a bill on taxation for a 1 percent general excise tax bill was voted upon by this Senate and moved to the House.

"This bill is just a temporary one, for one year. Thank you very much, Mr. President."

Senator Cayetano spoke against the measure as follows:

"Mr. President, very briefly, I rise to speak against any tax increase.

"We tried, Mr. President. We introduced a lottery bill to raise revenues and we lost that fight. We tried to introduce a tourist tax and the biggest argument against the tourist tax at that time was that the imposition of a tourist tax would hurt the tourist industry and the economy as a whole. Under such circumstances, it hardly makes sense to pass this tax bill."

Senator Uwaine, in support of the measure, stated:

"Mr. President, very briefly, in favor of this bill.

"It reminds me of an old saying,

Mr. President, 'Everybody wants to dance but nobody wants to pay the band.'"

Senator Soares added his opposition to the bill as follows:

"Mr. President, I would be remiss in not making concluding statements against this bill because we are convinced that we haven't had the time to really look at the general financing of the state. We've talked about it. We haven't sat down to really do the options available to us and we say that, during the last campaign and there were all kinds of statements made, we are financially solvent, we have a surplus of \$200 million, and now we want a temporary, I repeat, a temporary increase.

"We're going to be voting 'no' on this bill."

Senator Mizuguchi opposed the measure and stated:

"Mr. President, I am obliged to oppose this bill to increase taxes. I believe that it is a premature and precipitous reaction to a financial situation which is not at all clear.

"No one has been able to present a convincing case that the state faces financial catastrophe if taxes are not increased. The state administration, which first sounded the alarm, still remains confident that state spending can be managed without raising taxes.

"There are a number of signs which indicate that the wiser and more prudent course would be to wait and see.

"The general fund financial plan in the executive budget seems to indicate that expenditures in the current fiscal year will be close to the amounts appropriated. Yet, we know that in fiscal year 1982, \$45 million was lapsed, and with the tighter controls being exercised by the governor in this fiscal year, a larger amount might be lapsed, and then carried over into the next biennium.

"Then, there is the \$70 million in disputed liquor taxes. We can't begin spending it yet, but the rulings thus far have been favorable to the state.

"Also, the revenue performance has been most peculiar. Why did January general fund taxes increase by 27 percent over the amount collected in

January of 1982?

"Some of these signs are contradictory. Without more information, and especially without knowing with reasonable confidence what the state's condition will be at June 30 of this year, it would simply be a mistake to impose an additional tax burden at this time."

The motion was put by the Chair and carried, and S.B. No. 1464, 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, 14. Noes, 11 (Abercrombie, Ajifu, Cayetano, Fernandes Salling, George, Henderson, Holt, Kawasaki, A. Kobayashi, Mizuguchi and Soares).

Senator Soares, on point of order, remarked: "Mr. President, on a point of order, I don't think the count was 14 to 11."

The Chair answered: "Senator Soares, yes, it was 14 to 11."

Standing Committee Report No. 502 (S.B. No. 1461, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 502 be adopted and S.B. No. 1461, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Soares spoke against the measure as follows:

"Mr. President, your Republicans are going to be voting against this bill for the same reasons ... we're trying again ... the total package, together. We have surpluses, now we are taking away what we gave to our taxpayers. Again, we are not utilizing our resources and looking at the total package."

Senator Mizuguchi also spoke against the measure and stated:

"Mr. President, I oppose this bill which would repeal the constitutional provisions for special tax refunds and tax credits under certain conditions.

"The present constitutional arrangement seems to me to be fair and reasonable. It was proposed in 1978 as a measure of fairness to taxpayers. It was also developed as a safety valve against the development of any snow-balling surplus because of constitutional

spending limitations.

"Some have been saying that the present constitutional provision is responsible for the state's current financial predicament. It could be that the \$90 million in tax credits which were authorized for 1982 cut too deeply in the state surplus. But this was an amount determined by the Legislature as a matter completely within its discretion -- not an amount required by the Constitution.

"It was not too long ago that the state's revenue performance was strong, and if the national and local economies improve, we might see a more predictable and positive trend in state finances.

"We should resist repealing an amendment which was drawn on behalf of taxpayers just because the situation is a little cloudy.

"The present provision is clearly on the side of the individual taxpayer in this state, and it deserves to be kept."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 502 was adopted and S.B. No. 1461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CONSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Ajifu, Cayetano, Chang, Fernandes Salling, George, Henderson, Holt, Kawasaki, A. Kobayashi, B. Kobayashi, Mizuguchi and Soares).

Senate Bill No. 756:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 756, entitled: "A BILL FOR AN ACT RELATING TO FILM MAKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1072, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 1072, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 903, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 903, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1080, S.D. 1:

By unanimous consent, action on S.B. No. 1080, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 800, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONAL CONCILIATION PANEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Cayetano, Fernandes Salling, Kawasaki and Solomon).

Senate Bill No. 1248:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1248, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 588 (S.B. No. 900, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 588 was adopted and S.B. No. 900, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 937, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi

and carried, S.B. No. 937, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 592 (S.B. No. 1192, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 592 was adopted and S.B. No. 1192, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Carpenter, Henderson and Solomon).

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Senator Cayetano, at this time, inquired of the Chair: "Mr. President, before going on to Senate Bill 1080, did Senate Bill 1100 pass?"

The Chair replied: "Yes, it did, Senator Cayetano."

Senate Bill No. 1080, S.D. 1:

Senator Cayetano moved that S.B. No. 1080, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawasaki.

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

"Mr. President, I suppose it is fitting that this is the last bill because, frankly, I'm not too hopeful about its prospects. However, occasionally, we need to bring these bills to the floor for a vote. Primarily, to flag out some issues, and I hope my colleagues will listen because this bill will resurface again, I assure you.

"Mr. President, this bill was drafted in response to the urgent pleas and cries of the utilities. The utilities came to the Economic Development Committee, told us of their problems, the problems especially with respect to the lag time in the decisions made on their applications for rate increases, and they proposed a bill where if a reapplication was filed, and the PUC did not make a decision within nine months, the PUC would be forced to

award a temporary rate increase ranging between 40 and 60 percent of the so-called probable entitlement.

"After the hearing, we listened to them and we felt that they had a case."

The Chair, at this time, warned Senator Cayetano that it was only a few minutes before 12 o'clock midnight to which Senator Cayetano replied: "Yes, Mr. President, I know, I guess that means six minutes, right?"

The Chair replied in the affirmative and the Senator remarked: "I don't think it will make too much difference."

Senator Cayetano continued: "And so, Mr. President, in drafting the legislation, we looked to the way the PUC treated the water carriers, namely, Young Brothers. And with respect to Young Brothers, when a rate application is filed, they have what is called a file and suspend system -- if the PUC does not make a decision within six months, it is forced to make an award.

"The burden of proof with Young Brothers or with the water carrier is what is called 'clear and convincing evidence.' The burden of proof with the other utilities for rate increases, and this would be the electric companies, the telephone companies, all of whom are now asking for increases, in fact the telephone company has an application pending before the PUC which will result, if awarded, in over \$100 million, if I recall correctly, their burden of proof is called 'preponderance of the evidence.' Preponderance of the evidence is a much lesser burden of proof than clear and convincing evidence.

"Now, we drafted this bill to match the way that the PUC deals with the water carriers; namely, if a rate application is filed and the PUC does not make a decision within a certain time, the bill reads that the PUC 'shall' award the utility anywhere from zero to 100 percent of what it is probably entitled to. And consistent with the burden of proof that is applied to water carriers, we changed that burden of proof from preponderance of the evidence to clear and convincing evidence. It didn't seem like such a big thing at that time because what we did was standardize the procedures before the PUC for the waters carriers and for the energy utilities.

"Lo and behold, this morning, I could not believe my eyes. I saw what must have been the entire administrative staff of the PRI, of GASCO, of Hawaiian Electric, Hawaiian Telephone buzzing in and out of the offices here, lobbying for the 'capital punishment' of this bill. Well, they may have succeeded.

"Unfortunately, I think that some of you who are going to vote against this bill don't really know why. You haven't really read the bill but you got the message from the lobbyists. And, it's really kind of sad because today, I mean tonight, we have here, in a way, given a 'helluva' lot to the industry. Everybody has made out except the consumer.

"We've given points to the industrial loan companies. We've given other things to these utilities. Everybody, all of the industry has made out, except the consumer.

"This is a consumer bill, Mr. President. In voting for this bill I think the people have to decide, as was once put to Senator Abercrombie by a former state Senator, this bill ..."

The Chair interjected to again warn Senator Cayetano of the hour of the clock and Senator Cayetano answered: "Yes, Mr. President, I know, that's two minutes, right? I'm going to use up all of this time, it doesn't make a difference."

Senator Cayetano continued: "If you vote for this bill, you are for the consumer. If you vote against this bill, you are for the utilities. It is really that simple.

"And if you look at what's happening with the high cost of electricity, is there anything wrong with holding these utilities to a higher standard of proof when they want their money in advance, as we do with the water carriers? I don't think so.

"In any event, I'm ready for the vote.

"Let me tell the public utilities, though, that if they achieve a victory here tonight, it may be a very Pyrrhic victory. The other bill is coming up.

"Thank you."

Senator Soares responded as follows:

"Mr. President, I think it is best if I just keep talking on this bill."

The Chair replied: "If you do, the clock will run out."

Senator Soares replied and remarked: "Let it run out ... because as far as I'm concerned, I don't think it's fair to put the Senate on the floor saying, 'if you vote for the bill you're voting for the utilities and not for the consumer.'"

"Mr. President, I think that my chairman, and I stand with him, win or lose, on a lot of things, and I think this is one of the things we may be separated on because the ad hoc committee of which I was chairman, spent three months with the utilities, spent three months trying to work out what is fair to both the consumer and the utilities."

"We met hour upon end and we tried to come up with language in a bill, which I presented to the committee from the ad hoc committee, talking about the nine months versus twelve months, discussing the merits of trying to give the consumer the break as far as rates, but when it comes to producing evidence, Mr.

President ..."

Senator Abercrombie interjected: "Point of order, Mr. President. It's 12:00 o'clock."

Senator Soares answered and continued: "I have the floor, Mr. President, ... would be that that case was based on the water carriers, the water carriers have a problem between the tug and barge and Young Brothers has nothing to do with the utilities, Mr. President, and, therefore, if it's 12:00 o'clock we're in a new day and the bill is dead."

The Chair answered: "That is correct, Senator Soares. The Chair has noted that the time has expired. We will begin a new day and continue this."

"The legislative day is ended and we will reconvene here at approximately 12:05 a.m."

ADJOURNMENT

At 12:02 o'clock a.m., the President declared the Senate adjourned until 12:05 o'clock a.m., Thursday, March 17, 1983.