

## FORTY-SIXTH DAY

Monday, April 4, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Ms. Nancy Breeker, a member of the First Church of Christ Scientist, after which the Roll was called showing all Senators present.

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

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

Senator A. Kobayashi, on behalf of the Senate, introduced visitors from the People's Republic of China, Dean Di Lu and Dean Wang Mu-Tse of the Beijing Teacher's College, accompanied by the Executive Director of the Foundation for Study Abroad, Dr. Sig Ramler.

Senator Holt, on behalf of the Senate, introduced a group of 23 second grade students from the Kamehameha Schools, accompanied by their teacher, Miss Diane Tanner.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 58 and 59) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 58), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EXEMPTION OF HAWAII FROM THE FEDERAL LAW ASSESSING DAIRY FARMERS MONEYS FROM THE GROSS PROCEEDS FOR EACH 100 POUNDS OF MILK MARKETED COMMERCIALY TO OFFSET THE NATIONWIDE MILK SURPLUS," was offered by Senators Toguchi, Hagino, Machida, Kuroda, Chang, Solomon, Holt, Mizuguchi, George, Ajifu, Uwayne, Cayetano, Abercrombie, Aki, Henderson, A. Kobayashi, Carpenter, Soares, Fernandes Salling and Kawasaki.

By unanimous consent, S.C.R. No. 58 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 59), entitled: "SENATE CONCURRENT RESOLUTION RESPECT-

FULLY REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO DISALLOW ADDITIONAL AID TO EL SALVADOR," was offered by Senators Hagino, Cayetano, Aki, Holt, Mizuguchi, Kawasaki, Abercrombie, Toguchi, Chang, Fernandes Salling, Solomon and Carpenter.

By unanimous consent, S.C.R. No. 59 was referred to the Committee on Federal Relations.

## SENATE RESOLUTION

A resolution (S.R. No. 73), entitled: "SENATE RESOLUTION REQUESTING THE EXEMPTION OF HAWAII FROM THE FEDERAL LAW ASSESSING DAIRY FARMERS MONEYS FROM THE GROSS PROCEEDS FOR EACH 100 POUNDS OF MILK MARKETED COMMERCIALY TO OFFSET THE NATIONWIDE MILK SURPLUS," was offered by Senators Toguchi, Hagino, Machida, Kuroda, Holt, Abercrombie, Mizuguchi, George, Ajifu, Soares, Solomon, Chang, Cayetano, Henderson, A. Kobayashi, Uwayne, Carpenter, Fernandes Salling and Kawasaki, and was read by the Clerk.

By unanimous consent, S.R. No. 73 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. 851) informing the Senate that Senate Concurrent Resolution Nos. 58 and 59, Senate Resolution No. 73 and Standing Committee Report No. 852 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 Aki, for the Committee on Culture and Arts, presented a report (Stand. Com. Rep. No. 852) recommending that the Senate advise and consent to the following:

Thelma Black, Elizabeth Flateau, Candace K. Lee and Edward Naihe, Sr., to the King Kamehameha Celebration Commission, in accordance with Governor's Message No.

100;

Ann B. Simpson, to the Board of Public Broadcasting, in accordance with Governor's Message No. 101;

Yukie Ueoka, to the 1984 Hawaii Statehood Silver Jubilee Committee, in accordance with Governor's Message No. 102;

Edith L.P. Bandmann and Tanya K. Shito, to the King Kamehameha Celebration Commission, in accordance with Governor's Message No. 227; and

Mary P. Steiner, Sharon Aoki, Robert T. Yokoyama and Willard Welsh, to the Board of Public Broadcasting, in accordance with Governor's Message No. 228.

By unanimous consent, action on Stand. Com. Rep. No. 852 and Gov. Msg. Nos. 100, 101, 102, 227 and 228 was deferred until Tuesday, April 5, 1983.

#### ORDER OF THE DAY

#### UNFINISHED BUSINESS FROM MARCH 31, 1983

Standing Committee Report No. 824 (H.B. No. 1, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 824, and H.B. No. 1, H.D. 1, S.D. 1, was deferred to the end of the calendar.

At 11:26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:27 o'clock a.m.

Standing Committee Report No. 825 (H.B. No. 914, H.D. 1, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 825 and H.B. No. 914, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," were recommitted to the Committee on Consumer Protection and Commerce for further consideration.

Standing Committee Report No. 826 (H.B. No. 527, H.D. 1, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 826 and H.B. No. 527, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," were recommitted to the Committee on Consumer Protection and Commerce

for further consideration.

#### THIRD READING

House Bill No. 876, H.D. 1:

By unanimous consent, action on H.B. No. 876, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1580, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1580, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 304, S.D. 1:

By unanimous consent, action on H.B. No. 304, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1304, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1304, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1602, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1602, H.D. 1, S.D. 1, was deferred to the end of the calendar.

#### ADVISE AND CONSENT

Standing Committee Report No. 778 (Gov. Msg. Nos. 232, 233, 234, 235, 236, 237, 238, 265, 266 and 267):

Senator Cobb moved that Stand. Com. Rep. No. 778 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Charles G. Clark, as Director of Health, term to expire December 1, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Solomon P. McCurdy, to the Advisory Commission on Drug Abuse and Controlled Substances, term to expire December 31, 1984;

William J. Eggers, III, to the Advisory Commission on Drug Abuse and Controlled Substances, term to expire December 31, 1986; and

Eugene R. Uemura, to the Advisory Commission on Drug Abuse and Controlled Substances, term to expire December 31, 1983,

seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of Patrick R. Cullen, John J. Volanti, Cullen T. Hayashida and MaBel Fujiuchi, to the Statewide Health Coordinating Council, terms to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of Amy F. Hamane, Craig Y. Shikuma, M.D. and Mildred Mosher to the Hawaii County Subarea Health Planning Council, terms to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of Marion Leslie Hanlon, M.D., Tony Krieg, Jerry A. Walker, Jr. and Clark H. Nakamoto to the Maui County Subarea Health Planning Council, terms to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of Glenn M. Lovejoy, Veronica Sanchez and Peter M. Kim, M.D. to the Kauai County Subarea Health Planning Council, terms to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nomination of Martha Imogene Pelletier to the County Hospital Advisory Committee, City and County of Honolulu, term to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of the following:

Roger B. Brault, M.D., to the Board of Health, term to expire December 31, 1985; and

Ralph M. Beddow, M.D., Patricia Ann Roberti and Rosalina S. Domondon, to the Board of Health, terms to expire December 31, 1986,

seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nominations of Arvid Tadao Youngquist and Nora L. Tejero to the West Honolulu Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Cobb then moved that the Senate advise and consent to the nomination of Merl W. Hawthorne to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 779 (Gov. Msg. No. 245):

Senator Cobb moved that Stand. Com. Rep. No. 779 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate consent to the nomination of Herman T.F. Lum as Chief Justice of the State Supreme Court, for a ten year term, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Soares.

Senator Carpenter rose and stated:

"Mr. President, very briefly, in speaking for the nomination, I think that Justice Herman Lum will bring a fresh approach to the administrative problems and concerns of the entire Judiciary. And, I look forward with hopeful anticipation that he will carry out that task with the full understanding that as a jurist, he has certainly proven himself in the past. There are many challenging problems before the Judiciary as a part of the State process and I wish him well in his task. Thank you."

Senator Kawasaki then rose and stated:

"I, too, rise to speak in support of the confirmation of Judge Lum. I have known the gentleman for several decades now, and have known him to be a man of competence and good character and I trust that in his position as Chief Justice, that he would do all he can to urge upon the members of the Supreme Court the importance of appointing to the Bishop Estate trusteeship, people well qualified to serve competently, on that very important board, and I trust that this message will be added into the Senate Journal.

"One of the problems that we have had with the management of Bishop Estate affairs was perhaps, that we've been rather cavalier about the quality of the people serving on the trusteeship, which is now the responsibility of the Supreme Court. I hope that with the appointment of Judge Lum as Chief Justice, he would provide the leadership on that Supreme Court level to make sure the appointments to the Bishop Estate trusteeship are good people."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, the President stated:

"At this time, the Chair would like to announce that all Third Reading bills, which includes the Budget, will be taken up on the 2:00 p.m. session that we are planning to have. Maybe as a kind of plan for the evening, we will be remaining in session after 2:00 p.m. this afternoon for whatever time is necessary. We will take a dinner break, roughly around 5:00 o'clock, and return here to the Senate at around 7:00 and finish off our agenda, even if it takes us up to the next legislative day. I want to remind all Senators, that the Chair expects all of you to be present, at the session both at 2:00 and at 7:00."

### THIRD READING

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

By unanimous consent, action on H.B. No. 338, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 311, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 311, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 239, S.D. 1:

By unanimous consent, action on H.B. No. 239, S.D. 1, was deferred to the end of the calendar.

House Bill No. 245, S.D. 1:

By unanimous consent, action on H.B. No. 245, S.D. 1, was deferred to the end of the calendar.

House Bill No. 753, S.D. 1:

By unanimous consent, action on H.B. No. 753, S.D. 1, was deferred to the end of the calendar.

House Bill No. 269, S.D. 1:

By unanimous consent, action on H.B. No. 269, S.D. 1, was deferred to the end of the calendar.

House Bill No. 813, S.D. 1:

By unanimous consent, action on H.B. No. 813, S.D. 1, was deferred to the end of the calendar.

House Bill No. 321:

By unanimous consent, action on H.B. No. 321 was deferred to the end of the calendar.

House Bill No. 411, S.D. 1:

By unanimous consent, action on H.B. No. 411, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1582, H.D. 1:

By unanimous consent, action on H.B. No. 1582, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1583, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1583, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 499, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 499, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 621, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 621, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 812, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 812, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 913, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 913, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 258, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 258, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 519, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 519, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1128, S.D. 1:

By unanimous consent, action on H.B. No. 1128, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 711 (H.B. No. 1090, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 711 and H.B. No. 1090, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1340, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1340, H.D. 1, S.D. 1, was

deferred to the end of the calendar.

House Bill No. 844, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 844, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1102, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1102, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1438, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1438, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1221:

By unanimous consent, action on H.B. No. 1221 was deferred to the end of the calendar.

House Bill No. 535, S.D. 1:

By unanimous consent, action on H.B. No. 535, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1050, H.D. 1:

By unanimous consent, action on H.B. No. 1050, H.D. 1, was deferred to the end of the calendar.

House Bill No. 830, H.D. 1:

By unanimous consent, action on H.B. No. 830, H.D. 1, was deferred to the end of the calendar.

House Bill No. 796, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 796, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 576, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 576, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 313, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 313, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 243:

By unanimous consent, action on H.B. No. 243 was deferred to the end of the calendar.

House Bill No. 1531, H.D. 1:

By unanimous consent, action on H.B. No. 1531, H.D. 1, was deferred

to the end of the calendar.

House Bill No. 1528, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1528, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 389, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 389, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 282, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 282, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1115, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1115, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 713, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 713, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 768, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 768, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1311, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1311, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 42, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 42, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 43, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 43, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 208, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 208, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 209, S.D. 1:

By unanimous consent, action on H.B. No. 209, S.D. 1, was deferred to the end of the calendar.

House Bill No. 210, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 210, H.D. 1, S.D. 1, was

deferred to the end of the calendar.

House Bill No. 211, S.D. 1:

By unanimous consent, action on H.B. No. 211, S.D. 1, was deferred to the end of the calendar.

House Bill No. 319, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 319, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 814, H.D. 1:

By unanimous consent, action on H.B. No. 814, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1232, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1232, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1620, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1620, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 3, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 743 (H.B. No. 1119, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 743 and H.B. No. 1119, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 744 (H.B. No. 1190, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 744 and H.B. No. 1190, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 745 (H.B. No. 45, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 745 and H.B. No. 45, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 746 (H.B. No. 1399, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 746 and H.B. No. 1399, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 747 (H.B. No. 809, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 747 and H.B. No. 809, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 748 (H.B. No. 114, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 748 and H.B. No. 114, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 749 (H.B. No. 1313, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 749 and H.B. No. 1313, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 750 (H.B. No. 817, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 750 and H.B. No. 817, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 751 (H.B. No. 1231, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 751 and H.B. No. 1231, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 752 (H.B. No. 1621, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 752 and H.B. No. 1621, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 753 (H.B. No. 325, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 753 and H.B. No. 325, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 754 (H.B. No. 1567, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 754 and H.B. No. 1567, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 755 (H.B. No. 80, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 755 and H.B. No. 80, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 765, S.D. 1:

By unanimous consent, action on

H.B. No. 765, S.D. 1, was deferred to the end of the calendar.

House Bill No. 5, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 5, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 225, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 225, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1568, S.D. 1:

By unanimous consent, action on H.B. No. 1568, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1151, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1151, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 761 (H.B. No. 1297, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 761 and H.B. No. 1297, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1401, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1401, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 763 (H.B. No. 6, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 763 and H.B. No. 6, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 764 (H.B. No. 992, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 764 and H.B. No. 992, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 765 (H.B. No. 1237, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 765 and H.B. No. 1237, S.D. 1, was deferred to the end of the calendar.

House Bill No. 334, H.D. 1:

By unanimous consent, action on H.B. No. 334, H.D. 1, was deferred to the end of the calendar.

House Bill No. 337, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 337, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 601, H.D. 1:

By unanimous consent, action on H.B. No. 601, H.D. 1, was deferred to the end of the calendar.

House Bill No. 890, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 890, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1317, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1317, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1243, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1243, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 182, S.D. 1:

By unanimous consent, action on H.B. No. 182, S.D. 1, was deferred to the end of the calendar.

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

By unanimous consent, action on H.B. No. 722, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 752, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 752, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1434, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1434, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1087, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1087, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 497, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 497, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1028, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1028, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 663, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 663, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 11, H.D. 1:

By unanimous consent, action on H.B. No. 11, H.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 783 (H.B. No. 710, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 783 and H.B. No. 710, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 784 (H.B. No. 69, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 784 and H.B. No. 69, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 351, S.D. 1:

By unanimous consent, action on H.B. No. 351, S.D. 1, was deferred to the end of the calendar.

House Bill No. 390, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 390, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1342, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1342, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 453, H.D. 1:

By unanimous consent, action on H.B. No. 453, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1266, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1266, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 322, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 322, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1037, S.D. 1:

By unanimous consent, action on H.B. No. 1037, S.D. 1, was deferred to the end of the calendar.

House Bill No. 783, S.D. 1:

By unanimous consent, action on



H.B. No. 783, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1294, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1294, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 866, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 866, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 494, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 494, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1417, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1417, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1118, S.D. 1:

By unanimous consent, action on H.B. No. 1118, S.D. 1, was deferred to the end of the calendar.

House Bill No. 452, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 452, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 402, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 402, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 15, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 15, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 118, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 118, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1363, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1363, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1557, S.D. 1:

By unanimous consent, action on H.B. No. 1557, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1562, H.D. 1, S.D. 1:

By unanimous consent, action on

H.B. No. 1562, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 805 (H.B. No. 1153, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 805 and H.B. No. 1153, H.D. 1, S.D. 2, was deferred to the end of the calendar.

House Bill No. 901, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 901, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 807 (H.B. No. 34, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 807 and H.B. No. 34, H.D. 1, S.D. 2, was deferred to the end of the calendar.

House Bill No. 10, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 10, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 809 (H.B. No. 1126, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 809 and H.B. No. 1126, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 810 (H.B. No. 708, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 810 and H.B. No. 708, H.D. 1, S.D. 2, was deferred to the end of the calendar.

House Bill No. 1496, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1496, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 467, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 467, H.D. 1, S.D. 1, was deferred to the end of the calendar.

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

By unanimous consent, action on H.B. No. 800, S.D. 1, was deferred to the end of the calendar.

House Bill No. 253, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 253, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 256, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 256, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 257:

By unanimous consent, action on H.B. No. 257 was deferred to the end of the calendar.

House Bill No. 272, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 272, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 280, S.D. 1:

By unanimous consent, action on H.B. No. 280, S.D. 1, was deferred to the end of the calendar.

House Bill No. 966, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 966, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 287, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 287, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 291, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 291, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1402, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1402, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 289, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 289, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1088, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1088, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 811, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 811, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 810, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 810, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 915, S.D. 1:

By unanimous consent, action on H.B. No. 915, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1587, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1587, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 659, S.D. 1:

By unanimous consent, action on H.B. No. 659, S.D. 1, was deferred to the end of the calendar.

House Bill No. 286, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 286, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 274, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 274, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 835 (H.B. No. 702, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 835 and H.B. No. 702, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 836 (H.B. No. 387, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 836 and H.B. No. 387, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 837 (H.B. No. 268, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 837 and H.B. No. 268, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 838 (H.B. No. 1018, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 838 and H.B. No. 1018, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 839 (H.B. No. 1505, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 839 and H.B. No. 1505, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 840 (H.B. No. 393, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 840 and H.B. No. 393, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 841 (H.B. No. 502, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 841 and H.B. No. 502, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 842 (H.B. No. 1121, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 842 and H.B. No. 1121, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 843 (H.B. No. 314, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 843 and H.B. No. 314, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 844 (H.B. No. 1061, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 844 and H.B. No. 1061, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 845 (H.B. No. 236, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 845 and H.B. No. 236, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 846 (H.B. No. 81, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 846 and H.B. No. 81, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 847 (H.B. No. 329, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 847 and H.B. No. 329, H.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 848 (H.B. No. 670, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 848 and H.B. No. 670, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 849 (H.B. No. 781, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 849 and H.B. No. 781, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1123, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1123, H.D. 2, S.D. 1, was deferred to the end of the calendar.

At 11:32 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 2:00 o'clock p.m.

#### AFTERNOON SESSION

The Senate reconvened at 2:00 o'clock p.m., with all members present.

#### HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 316) transmitting House Concurrent Resolution No. 165, which was adopted by the House of Representatives on March 31, 1983, was read by the Clerk and was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE MEMORY OF MITSUYUKI 'MITS' KIDO," was adopted.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 60 and 61) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 60), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM STUDY COMMITTEE TO UNDERTAKE A REVIEW OF THE HAWAII LAW AND RULES RELATING TO THE PRACTICE OF PSYCHOLOGY AND TO RECOMMEND APPROPRIATE AMENDMENTS," was offered by Senators Cobb, Kuroda, Yamasaki, B. Kobayashi, Cayetano, Uwayne, Machida and Young.

By unanimous consent, S.C.R. No. 60 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 61), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ARRANGE FOR A STUDY OF THE WORKERS'

COMPENSATION PROGRAM BY THE LEGISLATIVE AUDITOR," was offered by Senators Wong, Cobb and Mizuguchi.

By unanimous consent, S.C.R. No. 61 was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 74 to 77) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 74), entitled: "SENATE RESOLUTION RECOGNIZING THE FINANCIAL PLIGHT OF HAWAII'S FARMERS AND REQUESTING LENDING INSTITUTIONS TO IMPLEMENT MEASURES TO DEFER OR REDUCE THE REPAYMENT AMOUNTS OF LOANS MADE TO CERTAIN FARMERS," was offered by Senators Carpenter, Solomon and Henderson.

By unanimous consent, S.R. No. 74 was referred to the Committee on Agriculture.

A resolution (S.R. No. 75), entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM STUDY COMMITTEE TO UNDERTAKE A REVIEW OF THE HAWAII LAW AND RULES RELATING TO THE PRACTICE OF PSYCHOLOGY AND TO RECOMMEND APPROPRIATE AMENDMENTS," was offered by Senators Cobb, Kuroda, Yamasaki, B. Kobayashi, Cayetano, Uwayne, Machida and Young.

By unanimous consent, S.R. No. 75 was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management.

A resolution (S.R. No. 76), entitled: "SENATE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE HOW PRIVATE MEDICAL INSURANCE MAY BE USED TO PROVIDE LONG-TERM CARE BENEFITS TO HAWAII'S ELDERLY PEOPLE," was offered by Senators Mizuguchi, Machida, George, Ajifu, Cayetano and A. Kobayashi.

By unanimous consent, S.R. No. 76 was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources.

A resolution (S.R. No. 77), entitled: "SENATE RESOLUTION RE-

QUESTING THE PRESIDENT OF THE SENATE TO ARRANGE FOR A STUDY OF THE WORKERS' COMPENSATION PROGRAM BY THE LEGISLATIVE AUDITOR," was offered by Senators Wong, Cobb and Mizuguchi.

By unanimous consent, S.R. No. 77 was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources, then to the Committee on Legislative Management.

#### STANDING COMMITTEE REPORTS

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 853) recommending that the Senate advise and consent to the nominations of the following:

Kayo R. Chung, to the Hawaii Paroling Authority, in accordance with Governor's Message No. 141; and

James A. King, to the Commission to Promote Uniform Legislation, in accordance with Governor's Message No. 146.

By unanimous consent, action on Stand. Com. Rep. No. 853 and Gov. Msg. Nos. 141 and 146 was deferred until Tuesday, April 5, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 854) recommending that the Senate advise and consent to the nominations of the following:

Tany S. Hong, as Attorney General, in accordance with Governor's Message No. 246;

Cora Lum, to the Hawaii Crime Commission, in accordance with Governor's Message No. 247;

Lois J. Evora, Blossom Y. Tyau, Teresa M. McGraw and Alice I. Yamanishi, to the Commission on the Status of Women, in accordance with Governor's Message No. 248.

By unanimous consent, action on Stand. Com. Rep. 854 and Gov. Msg. Nos. 246, 247 and 248 was deferred until Tuesday, April 5, 1983.

Senator Carpenter, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 855) recommending that the Senate advise and consent to the nominations of the following:

Boyd Mossman, to the Juvenile Justice Interagency Board, in accordance with Governor's Message No. 142;

Judy T. Makinodan and Ruth Fujimoto, to the Commission on the Status of Women, in accordance with Governor's Message No. 143;

Shota Sakai, to the Board of Registration, Island of Oahu, in accordance with Governor's Message No. 144;

Yuriko N. Tasaka, to the Board of Registration, Kauai and Niihau, in accordance with Governor's Message No. 145;

Gilbert Lee, to the Criminal Injuries Compensation Commission, in accordance with Governor's Message No. 201;

Charles M.L.S. Nakoa, to the Juvenile Justice Interagency Board, in accordance with Governor's Message No. 202; and

Sanford S. Sakumoto, to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, in accordance with Governor's Message No. 203.

By unanimous consent, action on Stand. Com. Rep. No. 855 and Gov. Msg. Nos. 142, 143, 144, 145, 201, 202 and 203 was deferred until Tuesday, April 5, 1983.

Senator Cayetano, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 856) recommending that House Bill No. 703, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.B. No. 703, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 6, 1983.

#### ORDER OF THE DAY

#### MATTER DEFERRED FROM MARCH 31, 1983

Senate Bill No. 133, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 133, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE AND

PLANTS," was deferred until Tuesday, April 5, 1983.

At this time, Senator Abercrombie rose and queried:

"Mr. President, just a point of inquiry at this juncture, please. Can you tell me the status of the State Plan. What's your pleasure on it. We were to get them in this afternoon. I had it in last week, and I don't believe that at this time it is in my office. It's difficult to get the signatures and get everything done without it.

The President replied:

"The State Plan?"

Senator Abercrombie then replied:

"The State Functional Plan."

The President then replied:

"As I understand, the only thing that I know of that will be pending before the Senate will be the resolutions. The bill to change the language in the statutory law...."

Senator Abercrombie then interjected:

"Of the resolutions, yes. Excuse me, let me just ask this. Is it still the intent to have them in by 4:30 this afternoon? Those were our original instructions.

The President then responded:

"If you possibly can, I think you ought to try and get it in. But for the moment...."

Senator Abercrombie then replied:

"I had it in last week, and I just wanted to indicate that I would like to go ahead with it. But I just wondered if there was a logistical problem?"

The President then replied:

"No, resolutions can be passed later on in the session."

Senator Abercrombie then continued:

"So, this afternoon's deadline is not fixed?"

The President replied:

"It is not fixed."

Senator Abercrombie then concluded

his remarks stating:

"Thank you, Mr. President."

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

SECOND READING

Standing Committee Report No. 824  
(H.B. No. 1, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 824 and H.B. No. 1, H.D. 1, S.D. 1, was deferred to the end of the calendar.

THIRD READING

House Bill No. 876, H.D. 1:

On motion by Senator Cobb, seconded by Chang and carried, H.B. No. 876, H.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.

House Bill No. 1580, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 1580, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Abercrombie rose to speak on the measure stating:

"Mr. President, would the Chairman yield to a question, please?"

The question was posed and Senator Cobb, having answered in the affirmative, Senator Abercrombie continued:

"Mr. President, would you ask the Chairman to comment on the part of the report which indicates that the Director of the Department of Commerce and Consumer Affairs has assured your committee that repayment of this loan to the state will not be jeopardized by the enactment of this bill. I do in fact take that to be the case, having read the bill, but perhaps, for the purposes of the record, it would be appropriate to indicate as to how that assurance was given and exactly, what the assurance is."

Senator Cobb then replied:

"Yes, Mr. President, the terms of FDIC insurance are that an assessment of one-twelfth of one percent of

the deposits is made for the purpose of achieving and obtaining FDIC insurance, whereas the percentage requirement for the thrift guaranty fund is one-half of one percent.

"During the committee hearing, we found that if the double payment were assessed, and it was prorated, subtracting the one-twelfth of one percent from the one-half of one percent, that the thrift guaranty fund would continue to receive its payments from all of the industrial loan companies, even after they had converted to the FDIC. This requirement was specifically written into the bill to insure that such payments would continue after all industrial loan companies had shifted over to FDIC insurance.

"The question that I posed to the Director, and which he assured me of was that this proviso would in no way slow down the payments to the thrift guaranty fund, nor jeopardize the solvency of that fund by converting over to the FDIC."

Senator Abercrombie then replied:

"Yes, I understand that was the assurance, but how, in fact is that to take place is the question. That is to say, I understand what the chairman is indicating, but did the Director indicate as to how that was to take place? The legislation itself indicates that the Thrift Guaranty Corporation shall not insure thrift accounts after June 30, 1984. I understand that part. But I am not certain as to the mechanism that she outlined to the chairman to make sure that the payments would take place as indicated."

Senator Cobb then replied:

"Payments will take place, Mr. President, on an ongoing basis until such time as all payment obligations of the thrift guaranty fund are satisfied, one, to the depositors, and two, to the state. It will be an ongoing assessment basis as it is now, only it will continue to both the thrift guaranty fund and the FDIC."

Senator Abercrombie then responded:

"So, am I correct in understanding that in no way will the present assessment process be affected by the legislation with respect to seeing that all obligations are taken care of?"

Senator Cobb then replied:

"That is correct. I insisted on that as a condition of passage of the bill."

The motion was put by the Chair and H.B. No. 1580, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill 304, S.D.1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 304, 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.

House Bill No. 1304, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1304, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANY GUARANTY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1602, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1602, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Abercrombie, seconded by Senator Holt and carried, H.B. No. 338, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 311, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Carpenter and carried, H.B. No. 311, H.D. 1, 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.

House Bill No. 239, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, H.B. No. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABOLISHMENT OF THE PREMARITAL EXAMINATION FOR SY-PHILIS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:31 o'clock p.m.

House Bill 245, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, H.B. No. 245, 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.

House Bill 753, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Machida and carried, H.B. No. 753, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 269, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 269, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF MEMBERS TO

THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 813, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 813, 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.

House Bill No. 321:

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, H.B. No. 321, entitled: "A BILL FOR AN ACT RELATING TO VISITATION AND SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 411, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, H.B. No. 411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1582, H.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, H.B. No. 1582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF CHILD SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1583, H.D. 2, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, H.B. No. 1583, H.D. 2, 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.

House Bill No. 499, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 499, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cayetano).

House Bill No. 621, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 621, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 812, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 812, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

At this time, Senator Abercrombie rose and stated:

"Mr. President, with respect to this, if the Chairman would indicate what the Attorney General..., excuse me, the point that I want to raise is what is the rationale with respect to the present staffing of the Attorney General's office and the legal staff of the Department of Commerce and Consumer Affairs? Is there to be a change then in the Attorney General's office if this takes place?"

Senator Cobb then replied:

"As far as I know, there is not a change to be taking place within the Attorney General's office. This is just clarifying that the legal staff of Commerce and Consumer Affairs does have the authority to prosecute these kinds of complaints."

Senator Abercrombie then stated:

"Would in fact then, the attorneys for the Commerce and Consumer Affairs Department be handling it as opposed to the Attorney General?"

Senator Cobb then replied:



"Most generally, yes, and also get into matters of very substantial litigation."

Senator Abercrombie then replied:

"Okay, thank you."

The motion was put by the Chair and H.B. No. 812, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSECUTION OF CONSUMER COMPLAINTS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Abercrombie then rose and stated:

"Mr. President, I just wanted to point out that I'm sure that many of these questions could have been resolved had we had a caucus at Third Reading. So, I trust that you understand that some of these questions are for the purpose of the record and might not have otherwise been touched upon other than if the chairman cared to enunciate them in the first place."

The President then replied:

"The Chair is very much aware of the...."

Senator Abercrombie then interjected:

"If you want to take a recess and have a caucus on these bills, I would certainly welcome the opportunity."

The President then replied:

"I'd prefer not to."

Senator Cobb then rose and stated:

"Speaking as a chairman, Mr. President, I don't see any need for a caucus either. Thank you."

Senator Abercrombie then stated:

"Mr. President, is it the point then that with regard to Third Reading bills there need not be a caucus on the bills?"

The President then replied:

"Well, it is not opportune at this late hour, the decision has been made to proceed with the order of business. I think perhaps in the future we can discuss the propriety of a

caucus before the readings of the bills."

Senator Abercrombie then concluded:

"I am so happy to hear the word 'we,' Mr. President. Thank you."

House Bill No. 913, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 913, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 258, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, H.B. No. 258, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 519, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, H.B. No. 519, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1128, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, H.B. No. 1128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 711 (H.B. No. 1090, S.D. 1):

On motion by Senator Cobb, seconded by Senator Chang and carried, Stand. Com. Rep. No. 711 was adopted and H.B. No. 1090, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOL BUYING TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1340, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1340, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 844, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Hagino and carried, H.B. No. 844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1102, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1102, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1438, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1438, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1221:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 535, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ADMINISTRATIVE PROCEDURE ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1050, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1050, H.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.

House Bill No. 830, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 830, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 796, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 796, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 576, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 576, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 313, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 313, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE OF IMPRISONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cobb).

House Bill No. 243:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 243, entitled: "A

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

Ayes, 25. Noes, none.

At 2:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:43 o'clock p.m.

House Bill No. 1531, H.D. 1:

By unanimous consent, action on H.B. No. 1531, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1528, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1528, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 389, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 389, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECEIPTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 282, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REINSTATEMENT OF A SUSPENDED LICENSE OR PERMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1115, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1115, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 713, H.D. 1, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Chang and carried, H.B. No. 713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:47 o'clock p.m.

House Bill No. 768, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 768, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1311, H.D. 1, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.B. No. 1311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

House Bill No. 42, H.D. 2, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 42, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 43, H.D. 2, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 43, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT PROMOTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 208, H.D. 1, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 208, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRADES AND STANDARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 209, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF DEALERS IN FARM PRODUCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 210, H.D. 1, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHICKEN EGGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 211, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, H.B. No. 211, S.D. 1, entitled: "A BILL FOR AN ACT AMENDING SECTION 142-12, HAWAII REVISED STATUTES, RELATING TO PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 319, H.D. 1, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 319, H.D. 1, 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.

House Bill No. 814, H.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 814, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Aye, 24. Noes, 1 (Abercrombie).

House Bill No. 1232, H.D. 1, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 1232, H.D. 1, 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, 24. Noes, 1 (Abercrombie).

House Bill No. 1620, H.D. 1, S.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, H.B. No. 1620, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COOPERATIVE HOUSING CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 743 (H.B. No. 1119, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 743 was adopted and H.B. No. 1119, H.D. 2, S.D. 1, 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. 744 (H.B. No. 1190, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 744 be adopted and H.B. No. 1190, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator

B. Kobayashi.

Senator Kawasaki then rose and stated:

"Mr. President, I wonder if the Chairman of the Agriculture Committee would yield to a question?"

The question was posed and Senator Toguchi having answered in the affirmative, Senator Kawasaki continued:

"I'd like to know, in the determination of these emergency farm loans, are there any standards that are established before these people qualify for these loans? Standards possibly by the Feds and by the Department of Agriculture personnel here?"

Senator Toguchi replied:

"Yes, it's in the HRS."

Senator Kawasaki then concluded:

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 744 was adopted and H.B. No. 1190, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY FARM LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 745 (H.B. No. 45, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 745 be adopted and H.B. No. 45, H.D. 2, S.D. 2, having been read throughout pass Third Reading seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, I am voting against this bill, primarily because in this day and age when we are talking about the shortfall in finances to take care of human services requirements, it seems to me, funding \$2 million for research for an industry that has been in existence for over a century perhaps is not the wisest thing to do. It just seems to me, notwithstanding the problems that the sugar industry has had in the last two years, perhaps it behooves them in the past when they had record profit, for example in 1974 and 1980, when their

sugar profits were unprecedented, that the sugar industry would have set aside a certain amount of monies to provide for these kinds of research. I would also assume that research has been going on continuously for this primary industry in Hawaii and for our funding them another \$2 million at this time, perhaps, is not justified, and for that reason, I speak against passage of this bill."

By unanimous consent, action on Stand. Com. Rep. No. 745 and H.B. No. 45, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 746 (H.B. No. 1399, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 746 was adopted and H.B. No. 1399, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 747 (H.B. No. 809, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 747 was adopted and H.B. No. 809, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 748 (H.B. 114, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 748 be adopted and H.B. No. 114, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, I rise to speak in favor of this bill and the Ways and Means Committee is to be commended in placing a means test to make sure that funds given to unfortunate families with hemophiliacs in their family would qualify for this fund only providing that they pass some

kind of income means test, which was not a provision in the House bill when it came over, and I think the Ways and Means Committee did the right thing in providing for these means tests. I urge the passage of this bill."

The motion was put by the Chair and carried Stand. Com. Rep. No. 748 was adopted and H.B. No. 114, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEMOPHILIA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 749 (H.B. No. 1313, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 749 and H.B. No. 1313, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 750 (H.B. No. 817, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 750 was adopted and H.B. No. 817, H.D. 1, 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. 751 (H.B. No. 1231, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 751 was adopted and H.B. No. 1231, H.D. 1, 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. 752 (H.B. No. 1621, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 752 was adopted and H.B. No. 1621, H.D. 1, 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. 753 (H.B. No. 325, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 753 was adopted and H.B. No. 325, 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.

Standing Committee Report No. 754 (H.B. No. 1567, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 754 and H.B. No. 1567, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 755 (H.B. No. 80, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 755 was adopted and H.B. No. 80, H.D. 1, 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, 25. Noes, none.

House Bill No. 765, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, H.B. No. 765, 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, 25. Noes, none.

House Bill No. 5, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, H.B. No. 5, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 225, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 225, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, I am speaking against passage of this bill. I think this bill goes a little too far in lifting the interest ceiling paid by the state on their obligation bonds from nine and one-half percent to fourteen percent. It just seems to me that perhaps a more limited ceiling established would have been a little more sensible.

"You know, there used to be a time when the State Administration very gingerly came to the Legislature to ask for the lifting or raising of the ceiling on these interest rates payable by the state to bond holders. At the time as I recall, it came for a nine and one-half percent ceiling when it was eight percent. They were rather timid about it but this one here, this bill, completely raises the ceiling to a point that is completely untenable from nine and one-half percent to fourteen percent...."

Senator Abercrombie then interjected:

"Mr. President, would the speaker yield?"

The question was posed and Senator Kawasaki, having answered in the affirmative, Senator Abercrombie continued:

"Mr. President, I had intended to rise, not quite as fast apparently as Senator Kawasaki to...."

The President then stated:

"To request for end of calendar?"

Senator Abercrombie then replied:

"Yes, to the end of the calendar, please."

By unanimous consent, action on H.B. No. 225, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1568, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, H.B. No. 1568, S.D. 1, entitled: "A BILL FOR AN ACT

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

Ayes, 25. Noes, none.

House Bill No. 1151, H.D. 2, S.D. 1:

Senator Yamasaki moved that H.B. No. 1151, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, I rise to speak against this bill. This bill provides the floating, the allowing of the special purpose revenue bonds, which means simply that the state would not charge taxes on the income derived by bond holders of this category.

"Now, I don't mind too much allowing the Kaiser Hospital, who has come for the first time to ask for this category of bonds to help them, a bill limited to Kaiser for passing, but added to this bill is a provision for the third time to the Queen's Hospital. As you well know, we allowed these kinds of special purpose revenue bonds to be floated which, to me in effect, denies the state of some revenues. And, the Queen's Hospital got this kind of a bond from us for, as I recall, \$60 million once. They came back again for another \$20 million. They are now coming back for a third time for a special purpose revenue bond amounting to another \$20 million for a total of \$100 million.

"I'm just afraid that this sets a precedent for other hospitals to come back when they want to float these types of bonds for a second or third time because we have already established, by the passage of this bill, allowing a third floatation to a hospital, and I am just afraid that this opens the door for future requests of this sort. For that reason, if this bill, in conference committee, could be separated so that Kaiser Hospital, (who comes in for the first time and as I recall that St. Francis is coming in, Wahiawa Hospital is coming in, these people are requesting their first special purpose revenue bonds) will be treated separately from Queen's Hospital's request, I would support it. But in the case of Queen's Hospital being tied to this Kaiser Bill, coming for their third one, perhaps this goes a little too far and this just opens the door. I vote against this bill for that reason."

The motion was put by the Chair and carried and H.B. No. 1151, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading, by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling and Kawasaki).

Standing Committee Report No. 761 (H.B. No. 1297, H.D. 2, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 761 be adopted and H.B. No. 1297, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Abercrombie rose and stated:

"Mr. President, would the Chairman of the Ways and Means Committee yield to a question?"

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

"Mr. President, if I understand the bill correctly, the St. Francis Hospital does not presently have the necessary application approval; that is to say, the certificate of need approval from the State Health Planning and Development Agency. Is that correct?"

Senator Yamasaki replied:

"That is correct."

Senator Abercrombie continued:

"Mr. President, so I wonder if the chairman would care to explain the policy. Is it a good precedent for us to pass a measure allowing special purpose bonds as we would do if we pass this, before permission has been received to do it? Would this not have the effect...."

Senator Kuroda then interjected:

"Mr. President, could we take up this bill at the end of the calendar?"

The President then replied:

"Would you let Senator Yamasaki respond?"

Senator Kuroda acquiesced and Senator Yamasaki then replied:

"Mr. President, as the committee report indicates, the authorization to issue special purpose revenue bonds in this bill is contingent upon approval by SHPDA for this project. Upon approval of the issuance of the bonds, considerable savings will be issued to St. Francis Hospital, etcetera."

Senator Abercrombie then replied:

"Yes, thank you, I will defer to Senator Kuroda if he wishes."

Senator Kuroda then replied:

"Yes, I do have interest in this one too, so I would like to request end of calendar on this bill."

By unanimous consent, action on Stand. Com. Rep. No. 761 and H.B. No. 1297, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1401, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 1401, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Mizuguchi rose to ask for a ruling of the Chair as to a possible conflict of interest as he sits on the board of Wahiawa General Hospital, and the President then ruled that there was no conflict.

Senator Abercrombie then rose and stated:

"Mr. President, perhaps the chairman of committee could answer this question for me. My assumption is that because the SHPDA approval is not mentioned in this, perhaps Senator Mizuguchi could answer this as well, that approval has been received. Is that a correct assumption?"

Senator Yamasaki replied in the affirmative and Senator Abercrombie concluded his remarks stating:

"Thank you, Mr. President."

The motion was put by the Chair and carried and H.B. No. 1401, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," having been read



throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling and Kawasaki).

Standing Committee Report No. 763 (H.B. No. 6, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 763 was adopted and H.B. No. 6, H.D. 1, S.D. 2, 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.

Standing Committee Report No. 764 (H.B. No. 992, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 764 was adopted and H.B. No. 992, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOG CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 765 (H.B. No. 1237, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 765 was adopted and H.B. No. 1237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 334, H.D. 1:

By unanimous consent, H.B. No. 334, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," was recommitted to the Committee on Transportation for further consideration."

House Bill No. 337, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 337, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 601, H.D. 1:

By unanimous consent, H.B. No. 601, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EQUIPMENT," was recommitted to the Committee on Transportation for further consideration.

House Bill No. 890, H.D. 1, S.D. 1:

Senator Uwayne moved that H.B. No. 890, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Yamasaki.

At this time, Senator Abercrombie rose and queried:

"Mr. President, would the chairman of the committee yield to a question?"

Senator Uwayne declined and Senator Abercrombie then continued:

"Very well, Mr. President, I shall take it that the chairman will have no rejoinder as well.

"Mr. President, as I understand it, taking a look at this bill, with respect to child passenger restraints, no person shall operate a vehicle on a public highway, transport a child under the age of four, except under certain circumstances. I had intended to ask the chairman something about the kinds of equipment that are available or whether or not there are certain people who would qualify for this equipment, whether this has been decided upon. I don't know whether we're referring to Consumer Union or Consumer Reports or anything of the kind there is a discussion here, in the committee report about the number of accidents that takes place, but no discussion in the committee report as to what we're talking about when we talk about child restraint.

"I am looking for a definition in the bill as to what constitutes a child restraint. I'm trying to understand what a child passenger restraint system approved by the United States Department of Transportation will consist of. Does this mean that the Federal Government, which is now in the process, as I understand it, of removing regulations as fast as it can, decides then to deregulate child passenger restraint systems, that we will then be left without any kind of idea as to what such a restraint system is constituted. It says a seat belt assembly. We have seat belts

now. I have seat belts in my car, for example in the rear seat as well. But would that seat belt assembly suffice?

"There is no mention here in this bill about expenses. Presumably, those people who are able to afford it, can. There is nothing in the committee report about the expenses associated with this. It's not that I oppose, obviously, children being restrained. I have seen many times where children were sitting in the front seat of cars or standing in the front seat of cars, which seems to me to be a foolish thing to do. On the other hand, in past laws of this nature, when we're not quite sure of what it is that being proposed, or at least I am unable to determine what exactly it is that is being proposed because the chairman does not care to answer any questions.

"It seems to me, what the chairman is saying is that if there are any problems with this, it's too bad for the public because those of us who are not on his committee don't have an opportunity to find out anything about it. Also, I would like to know, with respect to (e) on page 3, as with respect to the following language: '...any person violating this Section shall be guilty of violations subject to penalties under Section 291C-161(b).' Now, perhaps the chairman would yield to a question as to what the penalties are under Section 291C-161(b)."

The question was posed and Senator Uwayne having answered in the negative, Senator Abercrombie then continued:

"So, the chairman is suggesting that we pass a bill without knowing for purposes of public debate, what the penalty is? There may be some who are privy to information as to what the penalties are, but, it would seem to me that before you take a vote on something, at the very least, you ought to be informed about what the penalties are, if they are enunciated in the bill.

"Now, I suppose I can take a recess and find this out, if you would grant it, but it seems to me that this is a perfectly reasonable question. Can anybody tell me? Perhaps someone on the committee, if the chairman is mute at the moment, as to what 291C-161(b) does?"

Senator Kawasaki then rose and stated:

"Mr. President, perhaps for the edification of the good Senator, the penalty is from \$0 to \$100 depending on, I suppose, the mood of the judge presiding."

Senator Abercrombie then replied:

"Yes, Mr. President, I just wondered if the chairman would yield to it, inasmuch as it is already contained in the committee report. Inasmuch as he wouldn't answer any questions about the content of the bill, I thought he might like to answer one about the committee report. But, it appears that the chairman's position is that we are to pass the bill with some questions as to what it will mean in terms of regulation or deregulation and what it will mean in terms of how people are to pay or not to pay. Under these circumstances, I think that it is ill-advised to pass this bill at this time."

Senator Cayetano then rose and stated:

"Mr. President, it may be that the chairman is a bit concerned about the good faith of the questions asked, therefore, I would like to ask for a recess so if he won't talk on the record, well, maybe he will talk to us in private about what this bill is all about."

At 3:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:16 o'clock p.m.

Senator Abercrombie then rose and stated:

"Mr. President, the reason that I wanted to refer to the committee report, with respect to this bill, and I hope again that people will be paying attention to the bills, regardless of whatever else is going on here, because this has to be a part of our Senate presentation and I would perhaps ask the chairman of the Judiciary Committee to give me a hand here, if he would be so kind, because I do not believe that the committee report accurately reflects what happens upon a first conviction under 291C-161(b). May I ask the Judiciary chairman to enlighten us as to what the penalty in fact is?"

Senator Carpenter replied:

"Mr. President, I have the statute before me. It is a cumulative type of

penalty. Section 291C-161 reads in part (a), 'It is a misdemeanor for any person to violate any provisions of this chapter unless the violation is by other law of this State declared to be a felony.'

"Part (b), 'Every person who violates any provision of this chapter for which another penalty is not provided, shall for a first conviction thereof be fined not more than \$100 or be imprisoned for not more than ten days; for conviction of a second offense committed within one year after the date of the first offense, the person shall be fined not more than \$200 or imprisoned not more than twenty days, or by both fine and imprisonment; for conviction of a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not more than \$500 or imprisoned not more than six months, or by both fine and imprisonment.'"

Senator Abercrombie then continued:

"So, Mr. President, my point here, before a vote is taken, is it really the intent of this body to say that if someone is found in violation of this statute, should it pass, and is subject as is indicated here, not or, but and subject to the penalties of this section just enumerated for a first offense, that we really intend to say that people should go to jail for ten days? Because that's in effect what it says! We don't even put drunk drivers in jail for ten days for a first offense!

"It seems to me, here, that this is a bit excessive, and I'm not sure that, at least in my discussion that I had that the full implications of this 291C-161(b) are known to everyone. That's what were voting for. It's to put people in jail for ten days. I think it's a rather drastic step. We even let drunk drivers go to school! I mean, maybe we could have a period of time where people could get the restraints or something of that nature, or some other system set up that they could do it if we wanted to pass this kind of thing.

"All I'm saying here is that to pass this bill in this condition, it seems to me is to overreact, especially in terms of those who will be deemed in violation of the act at some point, especially, if it's not clear exactly as to what a child restraint system in fact will be."

Senator Kawasaki then rose and stated:

"Mr. President, I believe the questions raised by Senator Abercrombie are valid and perhaps this is one of those bill, where, in conference committee a change could be made in the penalty provisions and I would like to suggest to the chairman of the Transportation Committee to very seriously consider altering the bill in conference committee."

The motion was put by the Chair and carried and H.B. No. 890, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Abercrombie, Carpenter, Cayetano, Chang, Fernandes Salling, Holt, Solomon and Young).

House Bill 1317, H.D. 1, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, H.B. No. 1317, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE SIZE AND WEIGHT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1243, H.D. 1, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.B. No. 1243, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 182, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, H.B. No. 182, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL PRIORITY FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, H.B. No. 722, H.D. 1, S.D.

1, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF SUPER-INTENDENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 752, H.D. 1, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, H.B. No. 752, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION FOR VANDALISM OF PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1434, H.D. 1, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Mizuguchi and carried, H.B. No. 1434, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1087, H.D. 2, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, H.B. No. 1087, H.D. 2, 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.

House Bill No. 497, H.D. 1, S.D. 1:

On motion by Senator Machida, seconded by Senator Young and carried, H.B. No. 497, H.D. 1, 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, 25. Noes, none.

House Bill No. 1028, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1028, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE GOVERNOR DURING DISASTER,"

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

Ayes, 25. Noes, none.

House Bill No. 663, H.D. 2, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 663, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 11, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 11, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 783 (H.B. No. 710, H.D. 1, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 783 was adopted and H.B. No. 710, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 784 (H.B. No. 69, H.D. 2, S.D. 1):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 784 was adopted and H.B. No. 69, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 351, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED NOLO

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

Ayes, 25. Noes, none.

House Bill No. 390, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 390, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUIETING TITLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1342, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1342, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 453, H.D. 1:

By unanimous consent, action on H.B. No. 453, H.D. 1, was deferred to the end of the calendar.

House Bill No. 1266, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1266, H.D. 1, 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.

House Bill No. 322, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 322, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY STATUTE OF LIMITATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1037, S.D. 1:

On motion by Senator Carpenter,

seconded by Senator Cayetano and carried, H.B. No. 1037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, SEPARATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 783, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 783, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1294, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1294, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 866, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 866, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED REMOVAL OF SHOPPING DEVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 494, H.D. 1, S.D. 1:

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

Ayes, 25. Noes, none.

House Bill No. 1417, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1417, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD

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

Ayes, 25. Noes, none.

House Bill No. 1118, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 452, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 452, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS OF STATES OF MIND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 402, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 402, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 15, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 15, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 118, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 118, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE

SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1363, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1363, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1557, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPONSIBILITY AND FITNESS OF DEFENDANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1562, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1562, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECT OF FINDING OF UNFITNESS 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. 805 (H.B. No. 1153, H.D. 1, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 805 was adopted and H.B. No. 1153, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 901, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 901, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 807 (H.B. No. 34, H.D. 1, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 807 was adopted and H.B. No. 34, H.D. 1, S.D. 2, 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.

House Bill No. 10, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 10, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25, Noes, none.

Standing Committee Report No. 809 (H.B. No. 1126, H.D. 1, S.D. 2):

By unanimous consent, Standing Committee Report No. 809 and H.B. No. 1126, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," were recommitted to the Committee on Judiciary for further consideration.

Standing Committee Report No. 810 (H.B. No. 708, H.D. 1, S.D. 2):

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 810 was adopted and H.B. No. 708, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25, Noes, none.

House Bill No. 1496, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 1496, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTERS," having been read throughout, passed Third

Reading on the following showing of Ayes and Noes:

Ayes, 25, Noes, none.

House Bill No. 467, H.D. 1, S.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 467, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25, Noes, none.

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

By unanimous consent, action on H.B. No. 800, S.D. 1, was deferred to the end of the calendar.

House Bill No. 253, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 253, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 256, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 256, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 257:

By unanimous consent, action on H.B. No. 257 was deferred to the end of the calendar.

House Bill No. 272, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 272, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 280, S.D. 1:

By unanimous consent, action on H.B. No. 280, S.D. 1, was deferred to the end of the calendar.

House Bill No. 966, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 966, H.D. 2, 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, 25, Noes, none.

House Bill No. 287, H.D. 2, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Chang and carried, H.B. No. 287, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOXING COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 291, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 291, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1402, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1402, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 289, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 289, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1088, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1088, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 811, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 811, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES AND FRAUDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 810, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 810, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF BEAUTY CULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 915, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 915, 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, 25. Noes, none.

House Bill No. 1587, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1587, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 659, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 659, 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.

House Bill No. 286, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 286, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF BARBERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 274, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 274, H.D. 1, S.D. 1,



entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 835 (H.B. No. 702, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 835 be adopted and H.B. No. 702, H.D. 2, S.D. 2, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, I vote against this bill. Consistent with my questioning the legality, perhaps the constitutionality, of even the creation, of the Office of Hawaiian Affairs. I am even more strongly opposed to the using of general funds for the subsidizing of the programs of the Office of Hawaiian Affairs. It just seems to me that someday, there's going to be some smart lawyer taking the whole issue to the U.S. Supreme Court, and I certainly feel that perhaps the constitutionality of appropriating from the General Funds of the State of Hawaii, appropriations to be used for the Office of Hawaiian Affairs, will just be struck down by the U.S. Supreme Court. I am not a lawyer but it just seems to me to be a very common sense evaluation of the issue, in view of the language of the Federal Constitution, and I wish to vote against this bill."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 835 was adopted and H.B. No. 702, H.D. 2, S.D. 2, 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, 22. Noes, 3 (Ajifu, George and Kawasaki).

Standing Committee Report No. 836 (H.B. 387, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 836 was adopted and H.B. No. 387, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read

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

Ayes, 19. Noes, 6 (Abercrombie, Ajifu, George, Henderson, A. Kobayashi and Soares).

Standing Committee Report No. 837 (H.B. No. 268, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 837 and H.B. No. 268, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 838 (H.B. No. 1018, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 838 was adopted and H.B. No. 1018, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 839 (H.B. No. 1505, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 839 was adopted and H.B. No. 1505, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

Standing Committee Report No. 840 (H.B. No. 393, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 840 was adopted and H.B. No. 393, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 841

(H.B. No. 502, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 841 was adopted and H.B. No. 502, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 842 (H.B. No. 1121, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 842 was adopted and H.B. No. 1121, H.D. 1, S.D. 2, entitled, "A BILL FOR AN ACT RELATING TO HOSPITAL ADMINISTRATION IN THE COUNTY/STATE HOSPITAL SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 843 (H.B. No. 314, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 843 be adopted and H.B. No. 314, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President I wish to vote against this bill, primarily because in view of the recent decision by the Ninth Circuit Court of Appeals, in the Bishop Estate vs. the State of Hawaii court trial, where the three-man court had declared unconstitutional, our passage years ago, of the well-known 'Maryland Land Bill,' requiring owners of large tracts of land to sell their leasehold properties in fee, perhaps, this issue, even if it is appealed to the U.S. Supreme Court, just might be ruled in favor of the Bishop Estate, and we're floating \$75 million of bonds to provide funds for the conversion of these leasehold properties to fee-purchase.

"All of this might be an exercise in futility and until that issue is resolved, God only knows when, possibly another year or two years, perhaps we should not be floating, we should not be passing this kind of bills allowing the Hawaii Housing department to float \$75 million worth

of bonds, and until the issue is resolved in the courts, I believe this is premature."

Senator Cobb then rose and stated:

"Speaking in favor of the bill Mr. President, I would note that a number of the conversions that take place under the auspices of the Hawaii Housing Authority are voluntary in nature and are usually, and although not in all cases worked out with the lessor and this will provide, at least a funding mechanism. In many cases the negotiations themselves are quite protracted in order to insure that the lessor gets a fair market price and at the same time the price is affordable to lessees. I wouldn't want to see that kind of option cut off. Thank you."

Senator Kawasaki then replied:

"Mr. President, in responding to the previous speaker, perhaps then, we should, in conference committee set the limit on these bonds not to \$75 million but something more realistically, downward."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 843 was adopted and H.B. No. 314, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 844 (H.B. No. 1061, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 844 was adopted and H.B. No. 1061, H.D. 1, 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, 23. Noes, 2 (Fernandes Salling and Cayetano).

Standing Committee Report No. 845 (H.B. No. 236, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 845 be adopted and H.B. No. 236, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose

and stated:

"Mr. President, I rise to speak against this bill, primarily because until the very chaotic condition of the Hawaiian Homes Department as well as the whole program is resolved, (and I notice in the committee report that in the budget document that a study and the implementation of a very well thought out plan for the programs, their loan programs, and audit is recommended,) and until all this is cleared in that very chaotic department I think perhaps that increasing the loan fund from five to ten million is premature. I would like to hold this in abeyance until some semblance of order is brought about in the affairs of the Hawaiian Homes Commission. For that reason, I wish to speak against this bill and I wish to vote against it."

Senator Abercrombie then rose and stated:

"I merely wish to know, Mr. President, on looking through the bill, I didn't discover it, but it's fairly lengthy and I may have missed it and if the chairman would yield to a question, there is deleted the provision, if I understand correctly, that the home general fund be used solely for the construction of homes, does that mean that it's to be used for anything else, that is to say, ancillary to the construction of homes. I'd like to know what that deletion is and has there been a substitution. I didn't discover it in going through the bill."

Senator Yamasaki then rose and stated:

"The bill simply reverted to the House draft which provided for the funding mechanisms."

Senator Abercrombie then continued:

"But, Mr. President, perhaps I didn't make my question clear enough. The report indicates that there is a deletion of the requirement that the Hawaiian Homes General Loan Fund be used solely for the construction of homes. Now, I would like to know what are the implications of that deletion."

Senator Yamasaki then stated:

"There are funds for other purposes."

Senator Abercrombie then queried:

"Might I know what purposes which will not undermine the integrity of the Home Loan program."

Senator Yamasaki then replied:

"Such as the Hawaiian Home General Loan Fund, the Hawaiian Home Replacement Loan Fund, the Hawaiian Home Repair Loan Fund, Hawaiian Home Farm Loan Fund."

Senator Abercrombie then replied:

"Thank you. If...."

Senator Fernandes Salling then rose and stated:

"Mr. President, would Senator Abercrombie yield?"

Senator Abercrombie answered in the affirmative, Senator Fernandes Salling continued:

"Mr. President, the bill, as was recommended out of my committee, inserted that language that this fund be limited to be used for home construction. The chairman of the Ways and Means Committee did not explain, but if we do not limit it as is stated in this bill and was deleted by the Ways and Means Committee, the department will be allowed to use those funds for other purposes such as to pay for personnel who may be connected to capital improvement projects and to transfer monies into development type projects.

"Section 214 of the act sets out all of the different ways that the department can use the funds unless we were to limit it to home construction. And that was the intent of the Hawaiian Programs Committee when it passed this bill out to the Ways and Means Committee, and the Ways and Means Committee saw fit to delete it. I signed this bill 'with reservations,' because I believe that the original amendment to increase the five million to ten million is necessary despite the fact that Ways and Means saw fit to delete all of the other necessary amendments to this bill."

Senator Abercrombie then stated:

"Mr. President, I appreciate that explanation and as a result, it reinforces my view that I would rise to speak against the bill, despite the chairman's recommendation with respect to the necessity of raising it from five to ten million dollars. If there's no assurance that the raising

of five to ten million dollars will do other than allow for a greater dissipation of funds, back to and including the original five million dollars, then the purpose of the bill is subverted.

"Now, I don't particularly know the political ins and outs of what's going on with respect to the previous speaker's committee but, from what I can determine, in the past couple of days, I mean, it's like 'get the Hawaiians.' Especially with respect to the construction of homes, I don't understand it. There are some kinds of political factors coming to bear here, that are resulting in what appears to be wholesale undermining of the capacity for a rational and reasonable approach to home construction for the Hawaiians and on this particular case, the reason I ask the question about the funds being deleted solely for these purposes is not to see them diluted. If we want to increase funds in these other loan areas that were enunciated by the chairman of Ways and Means, then we should put funds in for that. If that's what we wish to accomplish.

"But the idea is to simply say we're going to increase the loan fund and make certain amendments with respect to the interest involved, where it can be deposited and so on, and essentially miss the point that this is supposed to be for the construction of homes as distinct from all these other things that we can spend money in. I think, legislatively, we're not only taking a step backwards, but we're certainly separating Hawaiian Homes from all the other departments that we deal with.

"When we have specific items that we wish to have funded, we fund them accordingly. To simply open it up and say that were deleting what was the original intent, it seems to me to undermine the whole reason for having the bill in the first place. So, in this particular instance, the only thing that I can conclude is that the bill, as it now appears before us, is not interested in the construction of homes. If the construction of homes takes place, it will be by default, or it will be a side issue, or it can be seen in that way. There will certainly be no legislative mandate in raising the five million to the ten million to see to it that the construction of homes is the end result. Why raise it from five to ten million if the idea is merely to provide a catch-all fund for all these other funds? Let's make that the case.

"If you look at the original bill, you will see that it stipulates that the Hawaiian Homes General Loan Fund to be used for the construction, five to ten million dollars to be used only for the construction of homes, and to provide any amount of Hawaiian Homes Administration account, which is in the excess of the amount approved by the Legislature shall be transferred to Hawaiian Homes General Loan Fund. That was the idea. Now, if we don't want to go with that idea, why not just kill the bill? It seems to me that this is a back-door way of raising from five to ten million dollars, then the Hawaiian Homes is allowed to use it any way they please.

"It seems to me to be distinctly out of character with a sound legislative approach, regardless of the elements involved politically, to raise a fund from five to ten million dollars in the exact opposite purpose for which the original bill was introduced. The correct thing to do is to kill the bill. And, if you wish to change the loan fund around, do that in a bill which specifically addresses it. So, in this instance, I fail to see how passage of this bill, will in any way enhance the intended purpose of the bill which was to raise from five to ten million dollars, the amount of funds that will be available for the construction of homes. I can only conclude that if we pass this bill, we are not very much interested in the construction of homes, but rather in giving the Hawaiian Home Lands another five million dollars to play around with.

"As I indicated the other night, certainly there is sufficient expression in various and sundry reports that are before us now, that to do so, is to fly in the face of every single recommendation that has come down from virtually every source, federal and local. We are rewarding the Hawaiian Home Lands for maladministration. That will be the lesson out of this. And, I don't think that that is what we either do or should we signal our intention to do. Passage of this bill, will in fact, give grounds to administration in the Hawaiian Home Lands, as well as in other areas, that it really doesn't matter how lousy a record you compile, the worse it gets, the more we will try to cover it up by giving you more. It's a great way to go before our own taxpayers, to go before the people who are the supposed beneficiaries of this act.

"I think that this is an irresponsible way to go about it and I think

that we will rue the day. We will not solve anything by passing this, at this stage. On the contrary, we will sow the seeds for future problems that all of us will have to answer for, when it comes to why did we do what we did. What were the justifications for this, when there was clear indication, from various sources, publicly announced already and articulated that to increase the funding in this particular area, absent from the original intent of the bill, was an invitation to continued misuse and abuse of the funding."

Senator Fernandes Salling rose and stated:

"Mr. President, in light of what Senator Abercrombie has stated, could we have this placed at the end of the calendar?"

By unanimous consent, action on Stand. Com. Rep. No. 845 and H.B. No. 236, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 846 (H.B. No. 81, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 846 was adopted and H.B. No. 81, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 847 (H.B. No. 329, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 847 was adopted and H.B. No. 329, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR SOLAR ENERGY DEVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 848 (H.B. No. 670, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 848 was adopted and H.B. No. 670, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," having been read

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

Ayes, 25. Noes, none.

Standing Committee Report No. 849 (H.B. No. 781, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 849 was adopted and H.B. No. 781, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Aye, 25. Noes, none.

House Bill No. 1123, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1123, H.D. 2, S.D. 1, was deferred to the end of the calendar.

At 3:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:30 o'clock p.m.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Standing Committee Report No. 824 (H.B. No. 1, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 824 and H.B. No. 1, H.D. 1, S.D. 1, was deferred to the end of the evening session calendar.

House Bill No. 913, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 913, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

At this time, Senator Cayetano rose and stated:

"Mr. President, I wonder if the chairman would yield to a question?"

Senator Cobb, having answered in the affirmative, Senator Cayetano continued:

"Mr. President, I signed 'I do not concur,' on this bill because I was bothered by the statement in the second paragraph where it says, '...currently, industrial loan companies are prohibited from selling loans at interest rates higher than

the general usury laws to any person, unless that person can make the same loan.' Then it goes on to say, '...the purpose of this prohibition was to prevent a person or company from circumventing the law by using an industrial loan company as a conduit for obtaining higher rate loans.' Would you explain to me why that prohibition should not apply to a transaction with a company from out of state? As I understand the bill, is that correct?"

Senator Cobb then replied:

"Partially correct. Mr. President, the original purpose of that law, enacted back in the 1920's was when many states had usury ceilings of ten to twelve percent and home mortgages were going from anywhere from three to six percent. Then we found, as the national money market and usury rates went up dramatically, in the last few years, that the net effect of the law then became quite different, and that was to cut off the purchase money mortgages or the out of state purchase of mortgages in Hawaii by out of state lenders, and as long as that prohibition remained, then even though Hawaii and a number of states had no interest ceiling, the net effect would be to close off an institution or financial institution doing business in a state that had a lower statutory ceiling on an interest rate from making a purchase money mortgage or purchasing the money. Thus, denying Hawaii the influx of capital, denying us the ability to sell loans nationally."

Senator Cayetano then replied:

"Mr. Chairman, would you ask the chairman another question. Why then is the prohibition not lifted intrastate? It is my reading that applies only to interstate transactions."

Senator Cobb then replied:

"There is no problem, intrastate, Mr. President, because we have, or at least we are now under a lifting of the usury ceiling until at least June 30, 1985, therefore that's not a problem that needs to be considered or addressed. Instead, it was the problem of interstate purchase of loans."

Senator Cayetano then queried:

"What would be the situation for example, where an industrial loan company is considering filing for bankruptcy, for example, then enters into arrangement with another indus-

trial loan company here and sells a loan at a favorable interest rate to that company? Shouldn't this prohibition be applied then to that kind of transaction?"

Senator Cobb then replied:

"If a company were considering bankruptcy, and it came under the bank examiner's review and had an unfavorable debt to equity ratio, the bank examiner would intervene and insist that they not be allowed to sell such a loan until such time that their debt to equity ratio returned to a more favorable circumstance. That's the situation that it undergoes periodic and annual examination by the bank examiner."

Senator Cayetano then stated:

"Okay, then let's take the example out of bankruptcy. What about a situation where there is an agreement between industrial loan companies and one decides to sell to the other at a favorable rate for example. Wasn't this kind of prohibition designed to prohibit those kinds of transactions?"

Senator Cobb then replied:

"Mr. President, I think it would be a very foolish business decision if one industrial loan company sold a mortgage to another industrial loan company at below prevailing rates or to achieve a minus cash flow in terms of the interest rate. That nevertheless would be an individual business decision, however, it would very quickly be discovered by the bank examiner, if there were any paper that exchanged hands on that basis."

Senator Cayetano then continued:

"Well I'm not certain if the mortgage situation is the one that I have in mind. I'm thinking about a situation where this may be done to defraud the stockholders of the industrial loan company; in other words, there is a sweetheart arrangement between people in both companies. Would you address that point please."

Senator Cobb then replied:

"Mr. President, the bill specifically states, '...secured by an interest in real property,' on page two, line seven."

Senator Cayetano then replied:

"Okay then, is that the only kind of situation that this would be allowed?"

Senator Cobb then replied:

"With the prohibition in the bill, yes, Mr. President."

Senator Cayetano then concluded:

"Fine, thank you."

The motion was put by the Chair and carried and H.B. No. 913, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1438, H.D. 1, S.D. 1:

Senator Carpenter moved that H.B. No. 1438, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Cobb rose and stated:

"Mr. President, would the chairman of the Judiciary Committee yield to a question?"

Senator Carpenter, having answered in the affirmative, Senator Cobb continued:

"Mr. President, would this bill, permit a party upon marriage, to change the name of a minor child without consent of the other person?"

Senator Carpenter replied:

"The answer, Mr. President, is no. That particular section which was under discussion in committee has been removed."

Senator Cobb then concluded stating:

"Thank you, Mr. President."

The motion was put by the Chair and carried and H.B. No. 1438, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1531, H.D. 1:

By unanimous consent, action on H.B. No. 1531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

WORKERS' COMPENSATION INSURANCE," was deferred until Friday, April 8, 1983.

Senator Carpenter then rose and stated:

"Mr. President, speaking of deferral, I was going to address that same possibility.

"Mr. President, if I may, this bill is a House bill with a House draft on it and it can go out clean. Also before us today, we have a Senate concurrent resolution and Senate Resolution 77, referring to a study which presumably will go concurrently with the proposed moratorium in the bill.

"I'd like to suggest to the Chair, and to this body that this deferral be continued until such time as the appropriate committee or committees have had an opportunity to assure that a resolution addressing this subject has indeed passed from the Legislature, prior to taking an action on this bill."

The President then replied:

"The Chair will take your suggestion on advisement. The bill is deferred until Friday, April 8, 1983."

At 4:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:45 o'clock p.m.

Senator Cobb then rose and stated:

"Mr. President, the Judiciary chairman, in expressing his concern on the bill is precisely the concern I have that we see that a thorough ongoing review on the subject of workers' compensation be accomplished, that this bill should be considered on its merits separately, but it would very little good to have a moratorium unless we insure that such a review does take place. That's why, on Friday, your Committee on Consumer Protection and Commerce will be having a hearing and decision-making on a variety of resolutions relating to workers' compensation."

The President then stated:

"Said matter under discussion, House Bill No. 1531, H.D. 1, is deferred until Friday, April 8, 1983."

House Bill No. 1115, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1115, H.D. 1, 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.

House Bill No. 3, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 3, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, I signed the committee report on this bill with reservations primarily because, we had discussions in the Ways and Means Committee as to the necessity for a \$300,000 appropriation for this study. While I support the study, perhaps, setting aside that amount of money may not be the wisest thing to do. It just seems to me, the study should not cost this much, particularly, if the Tax Review Commission were to utilize the services of people who are, perhaps, knowledgeable in this field, and that is to say, not necessarily high-priced CPA firms in this town, possibly, recommendations from the Council of State Governments, that body that we are familiar with. Perhaps we wouldn't need \$300,000. I recall the House Bill came with a \$300,000 figure.

"It's my opinion, that we could do with much less than that, particularly at this time when we are talking about not having enough funds to fund a lot of other more deserving endeavors. So, with this reservation in mind, I will vote for this bill, but hopefully we can have some message transmitted to whoever is going to be appointed to the commission to study our tax system here that we don't give you a carte blanche to go ahead and spend most of this \$300,000."

Senator Soares then rose and stated:

"Mr. President, I wasn't going to speak, but I should rise to speak against this bill and indicate that the reasons just expressed by the previous speaker give me reason to vote 'no' on this bill. There is no reason why we can't do it in-house with all the expertise we have available. To spend \$300,000 for another study is

far more than I can understand."

Senator Cayetano then rose and stated:

"Mr. President, I rise to speak against the bill. I realize that this commission is mandated in the Constitution. But, if I recall correctly, the enabling legislation which was passed, I believe in '79 or '80, described certain kinds of skills and professions as requirements for the members of this commission. And, it was hoped at that time, that the members would take a more active role in terms of doing the work that the Tax Review Commission was chartered to do.

"They did not, as I recall. One year they came in and asked for \$450,000 for a consultant to do the work that we thought that they would be able to do. Now, the \$300,000, is that for..., if the chairman could answer my question, does that include an allotment for consultant fees for staff or could you explain, please."

Senator Yamasaki then replied:

"It includes staff and consultants and other services that are required by the Commission."

Senator Cayetano then responded:

"Thank you, for that reason, Mr. President, I am against this bill. We don't need a Tax Review Commission which is going to spend big money, in this critical time, where money is short, to do work which we thought that they could do because of their backgrounds. Frankly, I think the Tax Review Commission was a big mistake and I think that we should have commissioned members of the Legislature to occupy or form a Special Committee to do this kind of work in the interim. We have not, and I think that this is a waste of money."

Senator Henderson rose and stated:

"Mr. President, I rise to speak against the measure. I agree with the previous speaker. It seems to be foolish to again create another Tax Review Commission, to appropriate another \$300,000; who knows for what purposes. When these decisions of what the tax laws of the State of Hawaii are going to be, are issues that should properly be determined by the Ways and Means Committee of the Senate and the House Finance Committee. It seems to me only proper, that this matter be discussed in a joint interim committee of the



House Finance Committee and the Senate Ways and Means Committee, because, after all, Mr. President, if you get a report by a consulting firm, we still have to educate ourselves.

"We, here as a body in the Senate and the members in the House, 51 in the House and 25 here in the Senate, have to understand what tax laws we are passing. And, tax laws are very complicated. They are interrelated, and it is something that you just can't take a consultant's report and understand full well what all the ramifications are. It seems to me that it's only the right thing that it should be done by a legislative committee in the interim. Thank you."

Senator Cobb then rose and stated:

"Mr. President, I'll speak in favor of the bill with reservations, and one of my principal reservations is that I notice that it is still two years before we are going to receive the Tax Review Commission's report, which will in effect, put off any fundamental tax reform by this Legislature until 1985 because it will be so convenient and so easy to say, 'Well, let's not make any changes in 1984, because we have the Tax Review Commission that's doing its work and their recommendations will be coming the following year.'

"I would like to think that it would be possible to do this work in one year's time if we had a commission that was willing to put in the time and the effort to get the job done in seven or eight months. That is apparently not the case according to the input of the House and the decision of the committee. So, in effect, we are going to be binding, or at least crippling the actions of a future Legislature, namely the Thirteenth Legislature in 1985, by saying that the recommendations of this Tax Review Commission will be thrust upon their shoulders.

"I offer them my condolences and a sympathy card rather than congratulations because that is going to be a major job and undertaking and it will be very difficult to address the first session in which it is received. In fact, by 1985 we will be into the second period required by the Constitution, since we're supposed to have one of these Tax Review Commissions every five years."

Senator Abercrombie then rose and stated:

"Mr. President, speaking against the bill, the previous speaker has made an excellent argument, and an addendum, if not a summation of the previous speakers before him to be against the bill. It's not that it is likely that there will not be any tax reform, but a certainty that there will be no tax reform. And the only way that we can bring tax reform about is that we do not set up this commission.

"By passing this bill, what we are saying to the taxpayers is, 'You may get our condolences and our sympathy, but you're certainly not going to get any tax reform.' I don't think it is proper for us to offer condolences and sympathy to the taxpayers. I think it's our duty and our obligation to go about putting together a comprehensive tax reform package, which, if not this Senate, then the House should do. I would remind everybody here, that while the House may have passed this bill over about the Tax Commission, if the Tax Commission dies in this body, then we will have to go and carry on our work. Something will have to happen in its place and it's perfectly plausible and feasible for the Senate to lead the way.

"Now, I for one, and I'm sure that there are others here that would be very happy to participate, whether we are members of a particular committee or not, in terms of interim hearings. All Senators are obviously interested in it, as one of the previous speakers said, need to educate themselves on the issues. It is not the first time that tax reform proposals have surfaced. They have been in this body, in the past, and I'm sure that they can be revived, if you will, and brought up to date. And, we should do it. Mr. President, I urge you, as the presiding officer, to take the lead in this respect. If I recall correctly, your position in the past has been against the Tax Review Commission, for sentiments as expressed by the previous speaker and speakers, that we should and could do the job here in the Senate. If we do a proper job, I'm sure that we can go to our colleagues in the House and indicate to them that we're prepared to move ahead.

"The alternative, and I think it should be clear for the record, is as the previous speaker noted, a hiatus for genuine tax reform because, even those of us who would wish to come forward with a program, either in

part or in whole, will find himself or herself running up against an argument that, 'But what if we put this in and the commission comes out with some other kind of recommendation and it runs counter to what the commission wants?' It will put a stranglehold on the initiative of the Senate with respect to tax reform. Now, maybe that doesn't bother anybody. I don't know. It bothers me, it bothers others, I know, in the sense of us not taking an approach which emphasizes the resources that the Senate can bring to bear on this issue.

"So, the main argument that I have against this bill is that the commission will take the place of action with respect to tax reform. We'll put it off until such a time as we will be unable to make any provisions next year and possibly even the year after, and that we are perfectly capable in terms of our own resources here in the Senate of leading the way on tax reform. We took this position previously, in the Senate. It was a sound position. There are no compelling arguments to the contrary in the bill or in the committee report which alter that. Obviously it's bipartisan with respect to seeing that such a Commission is not necessary and the effect will be a positive one for us regardless of all the other political activity that may be going on here in the next few days or in the weeks to come. It will give us an opportunity to do something fundamental on a bipartisan basis in a sense of participation and most certainly will rebound to the credit of the Senate as a whole again, regardless of whatever differences may exist among us or between us for that matter."

Senator B. Kobayashi then rose and stated:

"Mr. President, I'd like to speak in favor of the bill with reservations. I signed the bill with reservations for two reasons. Number one was that as a member of the House, I was the person on the House Finance Committee who asked when the department appeared before us, how much they would require for the Tax Review Commission. They replied, I believe, \$45,000. Upon hearing that number, I asked again, 'Are you sure you can do it for that amount of money?' The reply was, after some conferring, 'Yes.' Now, we find out that that sum is inadequate.

"The second thing that I have reservations about is that when you set up an organization, a review

commission of this importance, you have to give it some direction. In the Constitution, we have a body, the Water Use Commission, also amended in the State Constitution in 1978, and this body is supposed to come up with a water use code. That body has presented before the Legislature, an eight-page summation or shall we say an eight-page synopsis of the report they hope to produce. That commission, the Water Use Commission, I believe, has a much firmer direction as to where they will go in the several years that they have to develop this water use code.

"This Tax Review Commission has relatively few guidelines from the Legislature except for the comments about equity and efficiency and evaluation of the state's tax structure, and recommended revenue and tax policy. That's the problem that I see with this bill. I hope that passage of this bill would allow the conference committee to work up language giving this Tax Review Commission some specific directions and hopefully start it on its way with clear intentions spelled out by the Legislature as to the nature and form of the final product.

"Thank you."

Senator Cayetano then rose and stated:

"Mr. President, just a few more remarks on the bill. I think that if we want to fund the Tax Review Commission, then we should stake out for ourselves here in the Senate, a policy that will not make the work of the Tax Review Commission more difficult. And we have done that by passing a whole slew of bills relating to tax credits, and a certain half percent excise tax bill that went over to the House. We really should hold off, as a matter of policy, and not pass those bills because all it does is tend to make the work of the commission more difficult.

"I think, frankly, that whatever the report of the Tax Review Commission...I disagree with Senator Cobb...it probably won't be binding on any Legislature. We're going to do whatever we want here, irrespective of what the Tax Review Commission wants, or reports. So, if we want to stand firm and have the Tax Review Commission, then let's act accordingly and let's consider the tax bills here appropriately. Thank you."

Senator Cobb then stated:

"Mr. President, just one brief additional observation, if I may, with respect to the Tax Review Commission. You know, every year we seem to get a bill like this from the House, and every year we seem to send over tax reform measures to the House that routinely die in the House Finance Committee, and I'm sure many Senators are aware of this. Basically, the premise is that it takes two to tango, and every year that we put off action means that we're going to have another Tax Review Commission bill within a year, and pretty soon we're going to be up against the section on five-year hiatus when we should be having another Tax Review Commission.

"So, my feeling is let's get the job done and see what they come up with. Even though it's not binding, it is going to impose a few constraints or hiatus on some of our tax actions for one legislative session. Let's see how thorough the job is.

"I think also, Mr. President, this bill and a number of others that emanate from the 1978 Constitutional Convention present a very good argument that future proposals of the Con-Con ought to have a public price tag on them so the voters would know what they're paying for."

Senator Abercrombie then rose and stated:

"Mr. President, I rise to speak against this bill again. The two speakers who have risen to speak in favor of the bill with their reservations, in citing their reservations, it seems to me, have made compelling arguments against the passage of the bill, despite the previous speaker's addendum. The vice-chairman of the Ways and Means Committee has indicated that there are no specific directions, et cetera, in his remarks. Then it's up to the Senate to put those in, wouldn't you say, because the hope that it will be added at the conference level when the House didn't choose to do it in the first place, I think, is a forlorn one.

"If we really feel, and if speakers in favor of the bill, that is to say in favor of the idea, I shall put it that way, really mean that we need specific directions and at least boundaries set up for such a commission, then we should have it done in the Senate. We did not do it. If this report does not do it and the bill itself..the language of the bill does not do it; therefore, it would seem to me it's best for this bill to be set aside

and that we take up the task ourselves to the degree that there is anything in the way of whether it's binding or not in terms of a report, we can certainly bind ourselves to the idea of taking up tax reform as a major issue going into the next elections, rather than going past the next elections.

"I, for one, have no fear of doing that if I feel that I've participated in a body which has deliberated fully and freely a tax reform in any respect. And I would go with the consequences of that regardless of whether that it was popular or not. It's when we shift our responsibilities elsewhere that we run into trouble and find ourselves having to answer for people who are not accountable other than in the abstract. Therefore, the arguments that were made, it seems to me, that were made in favor of the passage of this bill, in fact, argue to the opposite and it would be in the Senate's best interest, as well as the taxpayers of the state, that we stop this bill at this stage and take up the cudgels of the tax reform battles ourselves."

Senator Kawasaki then stated:

"Mr. President, listening to the discussion here has changed my position. With reservation, I'm going to vote no on this. I think the vice-chairman of the Ways and Means Committee gave us some really compelling reasons for our passing this bill the way it is. He and I both have some sanguine hopes that in conference committee some of these concerns could be addressed perhaps in a committee report, but it just dawned on me, this language is exactly what the House passed over to us and I don't think that there is going to be a conference committee.

"For that reason and for the reason that the vice-chairman of the Ways and Means Committee gave us that the Tax Office had said initially that, in their judgment, the study would cost \$45,000, but on second thought it might cost a little more. I don't mind a little more...let's say two times the \$45,000 or even three times...but when that little more gets to be \$300,000 or roughly 7-3/4 times more than \$45,000, then that figure gets quite excessive and in view of the fact that there will be no conference committee and no direction given on this item in any kind of a committee report, I urge a 'no' vote against this."

The motion was put by the Chair

and Roll Call vote having been requested, H.B. No. 3, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Abercrombie, Ajifu, Carpenter, Cayetano, Fernandes Salling, George, Henderson, Kawasaki, A. Kobayashi, Soares, Solomon and Toguchi).

Standing Committee Report No. 745 (H.B. No. 45, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 745 be adopted and H.B. No. 45, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Toguchi rose and stated:

"Mr. President, I rise to speak in favor of this bill with reservations, and I'd just like to explain my reservations.

"This bill, as far as the appropriation, is contingent upon passage of Senate Bill No. 1464, which is the excise tax bill, and I'm very concerned that it's tied to that bill. I will be voting, as I pointed out, with reservations, and I'm hopeful that when we go to conference we can resolve this problem or concern. Thank you."

Senator Abercrombie then rose and stated:

"Mr. President, I'm all so optimistic when I hear the word, 'we.' Hope springs eternal.

The President the replied:

"Hope does spring eternal."

Senator Abercrombie then replied:

"Yes, I wouldn't count on it. I would speak against the bill. On conference committees, whether they exist or don't exist for any of us ...that's why it's always interesting to watch the votes go, like 13 to 12, when you thought that there might be more, sometimes there's less...it makes us all think, doesn't it? That's mostly a rhetorical question.

"The argument was made this morning, I think, I rose earlier this afternoon...I think I rose on this and

asked that it be put over or said that perhaps it might be put over, because it is a bit stretching the imagination to talk about research in this area. If it's going to be a subsidy of some kind to the sugar industry, I think we should just call it that. Perhaps someone can indicate to me, who is in favor...I guess I'll ask the chairman ...precisely what is the research and development that will take place that would otherwise not be taking place. Could the chairman...."

The President then interjected:

"Is that a question, Senator Abercrombie?"

Senator Abercrombie answered in the affirmative and the question was posed by the Chair.

Senator Yamasaki then responded:

"It is for continuing research in sugar."

Senator Abercrombie then replied:

"You know, Mr. President, I appreciate the answer because it is a source of amusement to some people. When you have gone through the process like I have where you see people coming in to testify for two and three thousand dollars, when you see how concerned people are throughout the state in education ...we need relief; I certainly hope and have been able to maintain a good sense of humor, at least most of the time...but when you're talking about three million dollars to an industry with the kind of resources that are available to it...and it's not just the industry, we all know we're dealing with conglomerates and we talk casually about it...maybe it gives people a sense of satisfaction to be able to come up with a wise remark with respect to three million dollars.

"When I deal with issues as I have, where \$3,000 or \$30,000 makes all the difference between life and death in a program, when people's goodwill and good faith is put to the task, then it doesn't seem so amusing to them. I guess it's only when you find yourself in an exalted position of being in a legislator that you can afford to take a jaded attitude toward something like two or three million dollars, that you can afford to be cavalier and casual about the idea of what it's for or not. When I've watched people in committees, Ways and Means or otherwise, be pilloried over whether or not they can account for every last single penny. I watched in areas in Culture

and Arts, for example, people who must pass the test of scrutiny over a few thousand dollars that few of us personally could bear, and then watch in turn that it is a matter of some levity that we're simply going to pass out three million dollars to the sugar industry. Well then, that tells you how things are run, doesn't it? It gives you a good idea of where one's loyalties lie. It gives you a good idea what you think of the legislative process. Probably the fault of a lot of people, for example, in education, that I mention, is that they don't ask for three million dollars. Maybe they'd get it real easy if he says, 'for continuing education' with it, so let's just give them three million dollars!

"So, the answer to the question obviously doesn't do anything to me. It doesn't harm me personally, except as a taxpayer, but it does harm to the legislative process! It does indicate for the record and to the public as a whole as to where our priorities are and we wonder why people don't participate in elections, we wonder why they don't want to participate in the governmental process, you wonder why they're cynical, you wonder why they think all politicians are crooks, you wonder why they think that politicians don't care about them. Well, perhaps they wouldn't have the same kind of amusement.

"I have voted in the past, as you well know and as the chairman knows, for funds including funds to subsidize loans, especially on the Big Island in Hamakua and other areas, and I would hope that if I was asked questions about something as important as this, especially in an area...I would refer to the Big Island again, where I voted in the past for areas that were not especially popular...in the task force, for all the task forces when more money was asked for feed grain. I had no votes in Manoa or Makiki for voting more money for the Big Island, for the Kohala Task Force, but I voted for it because the research was laid out specifically with respect to the corn, with respect to cattle feed. That research did not pan out. It was not the lack of trying the College of Tropical Agriculture; it was not the lack of a set plan.

"When I was asked for those things and when I was informed about them, as the Senators from the Big Island well know, I was leading the charge in the House to vote for that money, regardless of the political popularity was of it because I felt that the plan

was solid. And so, when I stand up and ask a question like this, about what is the research and development about, it's not asked to confuse. It's asked to see whether we're going to do the same kind of thing. So when the answer comes in that fashion, is it any wonder that some of us are upset as to the way things are operating? Is it any wonder that we may be called into a conference in the Senate in terms of what we're going to accomplish, and what kind of meaning and justification we're going to be able to bring forward? It may serve, as I say, to tactically, I don't know if that's even the right word, for the moment, to triumph with answers like that. But is that really in the taxpayer's interest? Is it really in the interest of the things that we want to accomplish? It's not the reason that I came into this Senate; it's certainly not the reason that I have voted the way I have in the past whether it's for organization or on bills.

"It would seem to me that we might well remind ourselves of what we're supposed to be in here for...for if it's to score points on one another, that's a poor, poor substitute for the high calling that we all have given ourselves when we took our oath. It's such a transitory kind of satisfaction. I suggest that if this is the kind of answers we're going to come forward with to the public, that a sad state of affairs exists and it's something that I wish not to be associated with.

"I'm perfectly willing to vote to aid and assist industries in this state when I'm properly informed as to the why's and wherefore's. I have not had a chance or opportunity to find out what those why's and wherefore's are. I asked for that opportunity here on the floor because I didn't have the chance in the caucus to ask this question, and what I received for an answer was someone's idea of a joke! Someone's idea of a comedy routine! Well, it may be enjoyable for us here on the floor for the moment, but it is certainly not anything that we can be proud of legislatively.

"So, I will not vote for this bill -- not on the basis that I'm unwilling to aid and assist industries whether they happen to be wealthy or not wealthy with respect to research and development because I know, as I've indicated, as to how that can be beneficial within the university system or in other areas of our resources in the state, but I will not vote for it

on the basis of what amounts to a practical joke on the legislature that we really don't have to tell anybody what three million dollars is for!"

Senator Toguchi then rose and stated:

"Mr. President, I'd like to respond. As the subject matter chairman, I think I should say a few things. This current year, the appropriation to the HSPA is three million dollars. It's on a matching basis, for every dollar that they put in, the state matches a dollar. The committee got a report from the HSPA this coming year and the committee was quite satisfied with the six-months' report.

"Primarily, the monies were used for research and development, more specifically, to improve yield in crops by finding different strains, also finding more disease resistant and pest resistant strains of sugar cane. Research was also done in terms of irrigation, how to get more yield out of the acre. The committee went in detail into the report. It was only a half-year report because we're only half way through the year.

"The dollar-for-dollar match, by the way, is the same thing in this bill this coming year. The sum appropriated is going to be expended by the Governor's Agriculture Coordinating Committee and there is a written contract with the HSPA, and the HSPA, prior to being allocated any money or being given any money, will have to come before the Governor's Agriculture Coordinating Committee. On that committee you have people including Jack Suwa, also people representing DLNR, DPED and others in the administration, and they have to approve the projects that will be submitted to the Agriculture Coordinating Committee. This is the way they're also doing it for the current year.

"I apologize for not having this opportunity to share this information with other members who do not sit on the Agriculture Committee, and just one last thing, Mr. President, so there's no misunderstanding, since my earlier statement, I'd like to amend that by saying that if the Senate goes to conference with this bill. Thank you."

Senator Carpenter then rose and stated:

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

"Mr. President, I supported Senate Bill No. 1464 as a vehicle for discussion and that is the increase in tax from 4 to 4½% for the purposes of placing our budget in the House. Mr. President, I cannot, however, support even though I would like an appropriation made to the HSPA for the carrying out of the research projects so vital to the sugar industry, a measure which basically levers or conditions an appropriation that's spoken to in SB 1464 because that lever carries with it more than the amount represented here of two million dollars.

"I feel that as much as we, in the Senate, don't like bills coming to us from the House which basically hold certain provisions hostage, I don't think that we should be playing this kind of a game. If, indeed, we want to appropriate this amount from the General Fund, then I think that's an appropriate expenditure, but to hold this particular project hostage, as dependent and conditioned upon Senate Bill No. 1464, I don't think is a good product coming out of this body."

Senator Kawasaki then rose and stated:

"Mr. President, I started out, I suppose, the discussion on this bill in opposition in the morning session and I still urge a 'no' vote on this bill. But I'm delighted to hear Senator Carpenter's confession that he voted for the increase in the excise tax bill of half of a percent, which makes the vote on that particular vote 12 to 13 -- pretty close. I suppose there are a few others who voted for that bill on the basis of that being a discussion point. Now, if that were the case and they really voted their convictions instead of for discussion the I don't think we would even have a stalemate on the budget because I think most are us are voting 'no' on the budget because of our concern that it's tied up to a sales tax that many of us here, and I'm hoping the majority, really are opposed to a sales tax increase. But I'm delighted to hear some of this clarification and again I think an expenditure of \$2,070,000 for this bill which is to be matched dollar-for-dollar by the HSPA is not warranted at this point.

"The other question I have if the chairman of the Agriculture Committee would yield to a question is, what has been the annual average expenditure by the HSPA; that is to say, the industry, on research generally on

sugar?"

Senator Toguchi then replied:

"Mr. President, it's my understanding that the budget of the HSPA has been approximately five to six million dollars a year and the year prior to the current year's appropriation, the operating budget of the HSPA was approximately six million. At that time the six million was totally from the participating companies. They are all part of the HSPA."

Senator Kawasaki then replied:

"Thank you very much. Then, it is my opinion that another \$2,070,000 from the Legislature, from the taxpayers, and a dollar-for-dollar match to make that \$4,140,000 is not going to assure us in any way that research is going to be so successful in this area that perhaps this is a good expenditure of taxpayer's funds. That even more convinces me that perhaps we should not be voting for this bill."

Senator Abercrombie then rose and stated:

"Mr. President, I appreciate the Agriculture chairman's explanation. That was the kind of thing I was looking for. Again, as I say we might have had this had we been able to have a discussion on it, it might have been settled, and if the Judiciary chairman's argument were not before us, I would be willing to vote for it on that basis. But, Mr. President, you yourself are well aware and have enunciated in the past, both I believe as Ways and Means chairman and as President, that you are unlikely to be swayed by bills which come in package, that is to say, they either stand or fall on their merits and the packaging of bills is something that you don't approve of. In this instance, we have done that. In effect, the leverage that is there, I think, presumably is there, is something that I cannot abide. As the Judiciary chairman has indicated, even though he may also wish to see it passed, it's tied in a way that I do not think augurs well for the passage of the bill, and therefore, I cannot support it."

Senator Henderson then rose and stated:

"Mr. President, I speak in favor of the bill with reservations. It seems to me that the sugar industry in the State of Hawaii is such a major

industry that to use it as a pawn in negotiations with the House over a tax bill is highly irregular. Furthermore, as I understand it, Senate Bill No. 1464, and maybe the chairman of Ways and Means could answer the question, but as I understand it, it will double the tax on manufacturing from one-half of one percent to one percent.

"So, it seems to me that at the same time we're handing out a subsidy to the sugar industry, we're also doubling their tax burden. To me, that's nonsensical! It just seems to me that for this body to get involved in this tying of this bill to a tax bill of questionable merit, is irresponsible.

"I will be voting in favor of this bill however, and I hope they will be taken care of in conference. Thank you."

Senator Cayetano then rose and stated:

"Mr. President, will the chairman of the Ways and Means Committee yield to a question?"

Senator Yamasaki answered in the affirmative and Senator Cayetano continued:

"Mr. President, will you ask the Chairman if this bill does in fact do what Senator Henderson says that it doubles the tax?"

Senator Yamasaki replied:

"Yes, I believe he is correct. While I have the floor, Mr. President, I might add...speaking in favor of this bill...I might add that this bill will be a matter of conference, and I think that all of the objections that have been raised will be part of the consideration. Thank you."

Senator Toguchi then rose and stated:

"Mr. President, I'd just like to make one correction. One of the previous speakers was talking about the two million dollars and possible the budget of HSPA is going to be approximately four million. That would not necessarily be the case because it is my understanding that industry will be contributing more this coming year, so the budget could very well be between five and six million again.

"Another thing I just wanted to point out, I had some problems with

this bill initially but the thing that convinced me about this bill was the fact that we are talking about the largest agricultural industry in Hawaii and we are talking about approximately 9-10,000 jobs, and with some of the sugar plantations going down, and if you want to say that this is an indirect subsidy, I guess it is.

"If it's a question of do we lose jobs because the companies cannot put into HSPA, because it becomes...it's really we are in a way contributing to part of their overhead and so I have to admit that it's an indirect subsidy. But I think that when you look at the benefits that we will be deriving from the results of the experiments...."

"Finally, I wanted to point out, in closing, that we have had concerns expressed by some members of the Agriculture Committee that we have done some great things in Hawaii for sugar and pineapple and we've had foreign countries use that same technology to compete against our industry here in Hawaii. Because of that kind of concern, also written into the contract is that HSPA, any time they do take technology that's derived from these monies, they have to go to the Department of Agriculture and ask for some kind of concurrence prior to sending this technology somewhere else. Thank you."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 745 was adopted and H.B. No. 45, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Carpenter, Cayetano and Kawasaki).

The President then stated:

"If there be no objection by members of the Senate, we will take a short recess and reconvene at 8:30 p.m. this evening."

At 5:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

#### EVENING SESSION

The Senate reconvened at 10:15 o'clock p.m., with all members present.

At this time, the President stated:

"At this time the Chair would like to apologize to all the Senators for the delay, and hopefully we can conclude our business."

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 62 and 63) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 62), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF AN ARTS CENTER AT THE LINEKONA SCHOOL SITE," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 62 was referred to the Committee on Culture and Arts.

A concurrent resolution (S.C.R. No. 63), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SENATE EXPEDITIOUSLY ADVISE AND CONSENT TO THE UNITED STATES PACIFIC ISLANDS FRIENDSHIP TREATIES," was offered by Senators Henderson, George, Soares, Ajifu and A. Kobayashi.

By unanimous consent, S.C.R. No. 63 was referred to the Committee on Federal Relations.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 78 and 79) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 78), entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF AN ARTS CENTER AT THE LINEKONA SCHOOL SITE," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 78 was referred to the Committee on Culture and Arts.

A resolution (S.R. No. 79), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF OTHER STATES' LEASEHOLD LAWS," was offered by Senator Young.

By unanimous consent, S.R. No. 79 was referred to the Committee on Housing and Urban Development, then to the Committee on Legislative



Management.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No. 749  
(H.B. No. 1313, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 749 was adopted and H.B. No. 1313, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MEDICAL ASSISTANCE REIMBURSEMENTS TO HOSPITAL-BASED NURSING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 754  
(H.B. No. 1562, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 754 was adopted and H.B. No. 1562, H.D. 2, 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, 25. Noes, none.

House Bill No. 225, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 225, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, will the Chairman of the Way and Means Committee yield to a question?"

Senator Yamasaki answered in the affirmative and Senator Kawasaki continued:

"Mr. President, this committee report confuses me. I read by this report that the purpose of this bill is to maintain the temporary 14% interest rate that may be paid on general obligation bonds until June 30, 1984, next year, after which the statutory rate of 9.5% shall apply. However, the bill itself gives me the impression that it is not so, that the 14% interest rate is almost a permanent fixture until we change it in the future.

Could you clarify that point?"

Senator Yamasaki replied:

"Yes, originally, I believe that the bill called for a 14% interest rate, which was the Administration bill. However, I do recall the Senate had a bill that removed all of the ceilings and the House came over with the bill establishing the 14%."

Senator Kawasaki then queried:

"Permanently, is that correct?"

Senator Yamasaki, having answered in the affirmative, Senator Kawasaki continued:

"Well, okay. Mr. President, that being the case, I wish to speak against this bill and vote against it. I think it is one thing to have a 14% interest rate ceiling be in effect for a limited time. This bill, in effect, makes the 14% mandatory until some time in the future when we change these rates.

"As I started to say earlier today, before this was put to the end of the calendar, the Administration used to come here and tread rather gently asking for an increase in the interest rate ceilings that we would establish for these bonds. When they came at the time it was 8%, they asked for 9.5%, they were a little bashful about it. Today, they are rather brazen and say, 'Let's lift it from 9.5% to 14% permanently.'

I think this may be a very bad trend that we are establishing. Who knows what they're going to ask in the future...perhaps even raising this 14%. I think for government bonds or bonds with the credit and backing of the state government should not require a permanent setting of a 14% ceiling on interest rates payable. I believe for that reason we should vote this down."

Senator Cobb then rose and stated:

"Mr. President, I rise on a point of parliamentary procedure. The first paragraph of the bill is a classic example and illustration of why a change is needed in the bill-drafting manual relative to the writing of committee reports, that when the original intent of the bill has been changed, that first paragraph in describing that original intent should reflect the past tense 'was' rather than the present tense 'is;' otherwise this kind of confusion would continue on a variety of other bills, and that

is why we have adopted on our own, adopting that past tense whenever a bill has been changed substantially from its original intent. I would commend that to the attention of those who participate in the writing and the bill-drafting manual. Thank you."

The motion was put by the Chair and carried, and H.B. No. 225, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 761 (H.B. No. 1297, H.D. 2, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 761 be adopted and H.B. No. 1297, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Kawasaki rose and stated:

"Mr. President, earlier this morning, as I recall, Senator Abercrombie had mentioned the fact that this is a bill asking for the special purpose revenue bonds for the hospital facilities in the future, for St. Francis Hospital. This is a little different from the other special purpose revenue bonds for hospitals in that these projected building programs for St. Francis Hospital have not yet been approved by SHPDA and our passing these special purpose revenue bonds ahead of the approval may just be sort of a leverage I don't think was intended here and I think it's so mentioned in the committee report.

"Notwithstanding that it's so mentioned in the committee report, I think it does act as a leverage to SHPDA to in effect approve St. Francis Hospital's building plans. We do this by passing this bill prematurely, allowing for these special purpose revenue bonds. For that reason, I think this one should be voted down."

Senator George then rose queried:

"Mr. President, will the chairman yield to a question?"

Senator Yamasaki answered in the affirmative and Senator George continued:

"Mr. President, earlier on, when this bill was under discussion before it was deferred to the end of the calendar, I believe the chairman responded to a query from another Senator that this would not come into play unless the certificate of need procedure for St. Francis Hospital had been completed. Am I correct, Mr. President?"

Senator Yamasaki then replied:

"That was the statement that I made."

Senator George then continued:

"If I may, Mr. President, I would like to call the Senators' attention to the second page of the committee report. When this bill left the Health Committee, it was consistent with the statement just made. But the bill has been amended to delete this provision that was in the bill when it left the Health Committee.

"Your committee,' if I may read from the committee report that came out from Ways and Means, '...has amended the bill by deleting the requirement for approval of the certificate of need in the bill itself and authorizing refunding special purpose revenue bonds...' I believe, Mr. President, that...at least I am confused as to the situation which in fact obtains in this case.

Senator Yamasaki then replied:

"Mr. President, that's correct. However, in the application for the certificate of need before the State Health Planning and Development Agency, I believe that there is a requirement for the hospital to show the means of financing -- what kind of means of financing that they have for that project."

Senator George then stated:

"If I may, Mr. President, when ...and perhaps, it may be appropriate for me to inquire later of the chairman of the Health Committee, that it is my understanding that there are four applicants for this particular certificate of need process that are going to be happening in the same batch of applications. One of them is from a private or a proprietary facility that requires no state funding at all. The others may also require some kind of bond assistance from the state. I am inclined also to agree with the Vice-President when he says that this might give a certain amount of leverage because we would have appointed one among four applicants.

"Mr. President, I intend to vote against this and I ask my fellow Senators to join me."

Senator Abercrombie then rose and stated:

"Mr. President, as you know, I voted, I think, favorably on virtually all the special purpose revenue bonds. I think on the whole it's a good thing to do, but I suppose I'd better ask that question. I would like to hear that question. Are there other people competing for approval with SHPDA? Maybe not everybody understands the process...the State Health Planning and Development Agency, having been through it with other...in another area of health care, and having gone through many of these meetings myself, I can tell you that this is an arduous process to go through to receive a certificate of need.

"So, I guess I would ask you to ask the chairman of the Health Committee whether or not there are other competing interests. I didn't know that there were, and it's very disturbing if what the previous speaker says is the case."

The question was posed by the Chair and, Senator Machida, having answered in the affirmative stated:

"Mr. President, I'll be glad to answer that question. There are presently four applicants pending before SHPDA. That's correct. St. Francis is one of them and there are two Mainland hospitals and the fourth applicant, I believe, is Kuakini, which is trying to expand their present facility. However, as indicated by the committee report, I want to make it very clear that this concern was thoroughly discussed in our committee's deliberations and that approval of the bill will in no way affect the approval of the certificate of need for the four applicants. Thank you."

At 10:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:43 o'clock p.m.

By unanimous consent, Stand. Com. Rep. No. 761 and H.B. No. 1297, H.D. 2, 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 for further consideration.

House Bill No. 337, H.D. 1, S.D. 1:

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, H.B. No. 337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES AND MOPEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 453, H.D. 1:

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 453, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 901, H.D. 1, S.D. 1:

Senator Carpenter moved that H.B. No. 901, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Cobb rose and stated:

"Mr. President, on page 9 of the bill is an amorphism of a word that has been an embarrassment for some time. The word 'chairperson' appears not once, not twice, but three times. I'd like to enter into the Journal of the Senate the statement from the National Association of Parliamentarians in terms of a resolution they adopted unanimously stating that there is no such word as 'chairperson.'

"I quote from the July 1976, Hawaii Historic News article, 'It's CHAIRMAN...Regardless of Sex':

'The 20th Convention of the National Association of Parliamentarians in San Francisco passed the following resolution:

Whereas, Parliamentary Law has a language all its own; and

Whereas, In olden times the one presiding was the only person provided with a chair, while others sat on benches; hence he was called the Chairman; and

Whereas, No parliamentary law authority or dictionary recognizes the word Chairperson; and

Whereas, Since time immemorial the term "Mister Chairman" or "Madame Chairman" has always been employed to differentiate between sexes; and

Whereas, Further effort toward sex differentiation is redundant and contrived; now therefore be it

Resolved That organizations and parliamentarians of the National Association of Parliamentarians must use the term Chairman instead of "Chairperson" and let it be

Resolved That all N.A.P. members should habitually stress the principle that the word Chairman belongs to the title of the office the same as the title of President or Secretary.'

"On the back of this little historical item, Mr. President, was an editorial from the Honolulu Star-Bulletin when Marilyn Bornhorst was elected Chairman of the City Council, not 'Chairwoman,' not 'Chairperson,' not 'Chap-person,' but Chairman, and the proper way to address the Chair is 'Mr. Chairman,' or 'Madame Chairman.'

"It concludes by saying, 'In looking through the shorter Oxford English Dictionary we could find no justification for chairwoman or chairperson, but we were astonished to find a bisexual nature to the word 'chap.'

'If women want to be known as 'chapwomen,' they can trace it to 1823 with the definition of "a female dealer or hawker." The word is the feminine form of chapman, now shortened to chap. "Chapperson," was not used.'

"If that too, may be inserted into the Journal, Mr. President, as to why 'Chairperson' is a nonentity of a word.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 901, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cobb).

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

On motion by Senator Carpenter, seconded by Senator Cayetano and carried, H.B. No. 800, S.D. 1, entitled: "A BILL FOR AN ACT

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

Ayes, 24. Noes, 1 (Chang).

House Bill No. 253, H.D. 1, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 253, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 256, H.D. 1, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 256, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 257:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 257, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 272, H.D. 1, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 272, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 280, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 280, 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.

House Bill No. 1402, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, H.B. No. 1402, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS LICENSE BOARD," 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. 837 (H.B. No. 268, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 837 was adopted and H.B. No. 268, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE POPULATION AND PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Abercrombie, Carpenter, Cayetano, Fernandes Salling, Henderson, George and Soares).

Standing Committee Report No. 845 (H.B. No. 236, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 845 be adopted and H.B. No. 236, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

At this time, Senator Fernandes Salling rose and stated:

"Mr. President, I rise to speak against this bill. This bill is amending the ceiling from five million dollars to ten million dollars and allowing these monies to go into the Hawaiian Homes General Loan Fund. If the Committee on Ways and Means had allowed the limitation on the Home Loan Fund to state that those monies in that fund would be use specifically for the construction of new homes, then we should allow this increase in the ceiling.

"However, without that limitation, the department is able to spend the money according to Section 214, and let me read to you, some of the purposes for which these monies can be spent: 'To purchase livestock, swine, poultry, fowl; repair or maintenance or purchase or erection of dwellings on any tract, otherwise

assisting in the development of tracts or farms; the cost of breaking up, planting and cultivating lands to assist lessees in the operation or erection of theaters, garages, service stations, markets, stores, and so on; use monies in the development and operating funds with the prior approval of the Governor to match federal, state or county funds; use it for the purchase of seeds, fertilizers, feeds, insecticides medicines and chemicals for the disease and pest control for animals, fish, shellfish and crops.'

"As we've discussed earlier in this body, the primary purpose of the Hawaiian Home Lands is to place the people back on the land and to afford enough loan money so that they can build homes on these lands. Now, with this kind of limitation on this Home Loan Fund which states that the monies are to be used primarily for the construction of new homes, to increase the ceiling from five million dollars to ten million dollars will allow those monies to be used for the purposes I have just read to you, among others.

"Because of this, I have to recommend to this body that we vote down this bill. Thank you."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 845 was adopted and H.B. No. 236, 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, 19. Noes, 6 (Abercrombie, Cayetano, Fernandes Salling, A. Kobayashi, Kawasaki and Toguchi).

House Bill No. 1123, H.D. 2, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 1123, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEARINGS BEFORE THE BOARD OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 10:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

MATTER DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No. 824  
(H.B. No. 1, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 824 was adopted and H.B. No. 1, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 5, 1983, on the

following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Ajifu, George, Henderson, A. Kobayashi and Soares).

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

The Senate reconvened at 11:58 o'clock p.m.

ADJOURNMENT

At 11:59 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 12:01 o'clock a.m., Tuesday, April 5, 1983.