

## FIFTY-THIRD DAY

Wednesday, April 13, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Al Hockaday, Office of the Command Chaplain, Hickam Air Force Base, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

The Chair announced that he had read and approved the Journal of the Fifty-Second Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 506 to 539), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 506), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 809, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which, on April 12, 1983, the Speaker appointed Representatives Tungpalan, Chairman, Kawakami, Lardizabal, Taniguchi, Wong, Yoshimura and Anderson as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 507), informing the Senate that on April 12, 1983, the Speaker appointed Representative Kiyabu as an additional conferee, and as co-chairman together with Representative Say, on the part of the House at the conference on House Bill No. 393, H.D. 2, S.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 508), informing the Senate that on April 12, 1982, the Speaker discharged Representative Ikeda and added Representative Medeiros as a Manager on the part of the House at the conference on House Bill No. 800, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 509), informing the Senate that on April 12, 1983, the Speaker discharged Representative Ikeda and added Representative

Medeiros as a Manager on the part of the House at the conference on House Bill No. 901, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 510), informing the Senate that on April 12, 1983, the Speaker discharged Representative Ikeda and added Representative Medeiros as a Manager on the part of the House at the conference on House Bill No. 1266, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 511), informing the Senate that on April 12, 1983, the Speaker discharged Representatives Hee and Dang and added Representatives Hashimoto and Anderson as Managers on the part of the House at the conference on House Bill No. 1505, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 512), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 42, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Andrews, Kim, Tungpalan and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 513), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 34, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Kim, Matsuura, Tungpalan and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 514), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 55, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Honda, Kim, Taniguchi and Ikeda as

Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 515), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 79, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Andrews, Taniguchi, Tom and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 516), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 80, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Hirono, Tungpalan and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 517), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 176, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Hirono, Kim, Lardizabal and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 518), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 179, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Honda, Matsuura, Taniguchi and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 519), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 180, S.D. 1, and the request for a conference on the subject matter of said amendments, on

April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Andrews, Hayes, Kim and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 520), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 181, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Andrews, Hayes, Kim and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 521), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 184, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Baker, Hirono, Kim and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 522), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 191, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Hayes, Kim, Taniguchi and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 523), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 193, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Baker, Tom, Tungpalan and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 524), informing the Senate that pursuant to the disagreement of the Senate to the

amendments proposed by the House to Senate Bill No. 236, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Baker and Stanley, Co-Chairman, Apo, Hagino, Hirono, Leong and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 525), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 241, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Baker and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 526), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 247, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Kim, Matsuura, Taniguchi and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 527), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 255, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Honda, Taniguchi and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 528), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 313, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Hayes, Hirono, Kim, Shito, Taniguchi and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 529), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 450, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Hayes, Hirono, Honda and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 530), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 569, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Baker, Hayes, Tom and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 531), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 631, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Baker, Chairman, Apo, Hirono, Leong, Stanley, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 532), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 669, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Baker, Chairman, Apo, Ige, Leong and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 533), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 735, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Baker, Matsuura, Tom and Ikeda as

Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 534), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 787, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Hayes, Hirono, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 535), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 800, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Shito, Tungpalan and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 536), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 904, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Hirono, Kim, Lardizabal, Wong and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 537), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1003, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Hirono, Chairman, Apo, Shito, Tam, Tom and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 538), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1092, S.D. 1, and the request for a conference on the

subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Stanley, Chairman, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 539), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1338, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 12, 1983, the Speaker appointed Representatives Shito, Chairman, Hirono, Kawakami, Kiyabu, Lardizabal, Souki, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 875) informing the Senate that Senate Concurrent Resolution Nos. 100 to 118, Senate Resolution Nos. 119 to 146 and Standing Committee Report Nos. 876 to 878 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 Uwayne, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 876) recommending that the Senate advise and consent to the nominations of the following:

Walter R. Steiger, Stanley Mukai and Stephen Bess to the Board of Regents, University of Hawaii, in accordance with Gov. Msg. No. 132; and

J.W.A. Buyers to the Board of Directors, Research Corporation, University of Hawaii, in accordance with Gov. Msg. No. 133.

By unanimous consent, action on Stand. Com. Rep. No. 876 and Gov. Msg. Nos. 132 and 133 was deferred until Thursday, April 14, 1983.

Senator Solomon for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 877) recommending that S.C.R. No. 39, as amended in S.D. 1 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RELATING TO A POLICY ON LONG TERM CARE FOR THE ELDERLY," was adopted.

Senator Solomon, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 878) recommending that the Senate advise and consent to the nominations of the following:

Bruce Fujimoto and Vince G. Bagoyo, Jr., to the Advisory Council for Children and Youth, in accordance with Gov. Msg. No. 148;

Conrad Hokama to the Advisory Council for Children and Youth, in accordance with Gov. Msg. No. 149;

Isadora Tai and Erasmus Patacsil to the Progressive Neighborhoods Task Force, in accordance with Gov. Msg. No. 150;

Betty Ona and Samuel J. Luna to the Advisory Council for Children and Youth, in accordance with Gov. Msg. No. 254; and

Leonard E. Mason, Shizuko Mukaida, Colette V. Brown, Samuel S. Luke, Felicidad D. Habon, Tuala Sevaaetasi, Helen Wiegert, Edward T. Yamada, Nora M. Kurosu and Yoshiaki Fujitani to the Policy Advisory Board for Elderly Affairs, in accordance with Gov. Msg. No. 269.

By unanimous consent, action on Stand. Com. Rep. No. 878 and Gov. Msg. Nos. 148, 149, 150, 254 and 269 was deferred until Thursday, April 14, 1983.

#### ORDER OF THE DAY

MATTERS DEFERRED  
FROM APRIL 12, 1983

#### FINAL READING

Senate Bill No. 117, H.D. 1:

Senator Cobb moved that S.B. No. 117, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose on a point of inquiry and stated:

"Mr. President, in the course of events yesterday, I believe I had the floor at the time of recess, prior to

the moving of the bills from the calendar yesterday until today. At that time, I had some questions for the chairman of the committee and I wonder if he would be kind enough to yield to one or two more questions?"

The Chair asked the chairman if he would yield to a question and Senator Hagino having answered in the affirmative, Senator Abercrombie queried as follows:

"Mr. President, would you ask the chairman of the committee to comment, for purposes of the record and for the illumination of the members, as to what the consequences would be if this legislation passes with respect to utilizing the National Guard for strike-breaking?"

Senator Hagino answered: "Mr. President, I really could not answer that question. It is my hope that this would not be used for that purpose."

Senator Abercrombie continued: "Mr. President, did I hear the Senator correctly in that he stated that it was his hope that it would not be used for those purposes?"

The Chair answered: "That is correct."

Senator Abercrombie continued: "Mr. President, would you ask the chairman if it is his contention that we should pass legislation based on hopes or whether we should pass legislation based on what we contend is the actual purpose and what we can expect to have happen from the language, as written in the law?"

Senator Hagino responded: "Mr. President, that is a very difficult question. Could the question be repeated?"

Senator Abercrombie remarked and asked: "Mr. President, I would point out that if we had caucuses on these matters perhaps these questions wouldn't be so difficult.

"It is a simple question.

"As I read the legislation here, there is no distinction any longer between emergency and nonemergency situations. As I read the law as written and as proposed by the Chair for passage today, this would enable the governor, at his or her will, to call out the National Guard under any circumstances, particularly those involved in strikes, whether there was any illegal activity going on or

not, simply to patrol a site, could have an inhibitory factor ... could be an inhibitory factor with respect to the conducting of legal activity with respect to striking.

"Now, my question is a simple one. Can the governor or can the governor not call out the National Guard, disrupt the lives of the people who are in the National Guard, call them to active duty in order to patrol sites where there may be a strike in progress or the potential for a strike?"

Senator Kawasaki, at this time, requested as follows: "Mr. President, could we have this matter deferred one day, please?"

Senator Abercrombie interjected: "Mr. President, I hope at some time we can get some answers to these questions so that we don't have to do this."

The Chair answered: "Senator Abercrombie, I think there's been sufficient time since yesterday's questioning. I would think that if these questions were of that paramount importance and a clarification was needed, perhaps contact should be made with the chairman of the committee during the one-day deferment to discuss the matter."

Senator Abercrombie responded: "Mr. President, I quite agree, and I would be very happy to talk with the chairman but he didn't see fit to contact me."

The Chair answered: "Well, I'm sure there will be contact made."

By unanimous consent, action on S.B. No. 117, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," was deferred until Thursday, April 14, 1983.

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

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

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

Senate Bill No. 182, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 182, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DISPENSING OPTICIANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 186, S.D. 1, H.D. 2:

Senator Cobb moved that S.B. No. 186, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie, on a point of inquiry, stated:

"Mr. President, perhaps the chairman of this committee, with respect to this bill 186, would kindly respond to an inquiry.

"Mr. President, I have a concern here with respect to the language on page 5. I will quote, if I might, please. 'The applicant shall disclose whether the applicant has received treatment for any psychiatric or psychological disorder, or whether such treatment has ever been recommended' and it goes on to say, 'and shall not have been convicted in any jurisdiction of a crime' etc.

"My concern, Mr. President, is on the phrase 'whether such treatment has ever been recommended.' My question is, as I read this bill, am I correct that if at any time in the course of an examination, for example, an inquiry is sought of a psychiatrist with respect to a diagnosis, would that constitute treatment?"

The Chair asked the chairman if he would yield to the question and Senator Cobb answered: "Mr. President, could the speaker repeat the salient part of the question?"

Senator Abercrombie asked: "Mr. President, my question is, with respect to this phrase 'whether such treatment has ever been recommended.' Would the word 'treatment' fall in the category of diagnosis with respect to a recommendation for a diagnosis by a psychiatrist in the course of determining a diagnosis?"

Senator Cobb answered: "The answer is no, Mr. President. The reason the language is there is

because in a case involving a murder at the AmFac Center, the individual accused had, on several occasions, been recommended for treatment after diagnosis and had not, in all cases, gone for such treatment of a psychological disorder, and that's the reason for the language."

Senator Abercrombie continued: "Thank you, Mr. President.

"Mr. President, I understand the reason and I thank the Senator for it but I must speak against the bill.

"I understand the reason for the bill appearing here. I understand what the motivation is; however, I would indicate to the body that it is common practice, especially in the areas of group medicine and/or comprehensive hospital plans, it is by no means unusual, let me put it that way, for in the process of making a diagnosis and recommendation for treatment that a psychiatrist be consulted, not necessarily because the person is suffering or is determined to have suffered any mental disorder or malfunction ... character disorder or anything of the kind ... but just as a catchall for a part of the comprehensive service, it is not unusual at all for that to occur.

"What would happen if we passed this bill is that someone could have been involved very easily in such a process and it's not clear to me that you could separate so easily the word 'treatment' from the diagnosis itself. That may be our intent but, again, we're dealing with what the law actually says. If this is the case, it is conceivable that someone could be denied employment simply on the basis that they had been to a psychiatrist in the course of a diagnosis or in the course of a, I'm not quite sure of what the exact medical term would be, but in the course of the process of determining whether or not someone was suffering from a particular disease or some symptoms of disease ... this happens quite frequently ... as I said, someone could be then characterized perhaps for their life with respect to employment here as a result of that, when it could have just simply been a regular hospital visit in the sense of a comprehensive checkup or someone may have seen a psychiatrist in the course of events with respect to a disease and it turns out that that's merely all it was, a visit, which had nothing to do with psychiatric problems.

"I am reminded of this as recently as yesterday in which an issue arose

in the mayoralty contest in Chicago because one of the candidates was accused of the possibility of having a mental disorder or a mental imbalance because he saw a psychiatrist in the course of events in dealing with ulcers, what was determined ultimately to be ulcers.

"So, this is a very tricky civil rights question. I have no objection to the rest of it.

"When you use a phrase like 'treatment has been recommended,' the broad scope, the broad sweep of that kind of phrase is such that, I think, it puts us in danger of depriving someone of the opportunity to a job that we really do not intend to do. Secondly, it also puts people in the position of possibly breaking the law, should they not reveal it, if they understand something not to be treatment but rather, say, a consultation or a series of consultations, it does not constitute treatment and thus indicate that they have not seen a psychiatrist.

"The way the language is in the bill, it's conceivable that that person could be seen as having violated the law if they don't report it.

"Now, for those of us here, although the events of the last few days may seem that some of us should be seeking help in one form or another ... I don't know if we should see a psychiatrist ... nonetheless, we are passing laws that affect everybody.

"As a result, I don't think that I'm trying to be picayune in this, but rather that there is a broad question of the civil liberty involved or the constitutional right involved, and I would not like to see us put people in a position where they would be breaking the law because they felt they were in, as I say, consultation as opposed to treatment.

"To reiterate then, I quite understand the motivation when you have someone who perhaps has failed to reveal in the course of the investigation before hiring someone, there has been a failure to reveal mental disorder. But this language in itself, I do not think will cure that particular ill in terms of hiring people. On the other hand, it may do some serious damage to the rights of employment for people for whom the law is not intended."

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

"Mr. President, speaking in favor of the measure, it was during the course of the hearing that we became even more acutely aware of the amount of trust that people put in private guards and the amount of really unlimited access that such guards have in the building or any type of complex where there is security. And I would maintain there's a very big difference between diagnosis and treatment, but if treatment for any psychological reason has been recommended we felt that fact should be known in terms of the individual's employment consideration because of the very special trust so many put in a security guard.

"Thank you."

Senator Abercrombie, in response, stated:

"Mr. President, just in brief rebuttal of the previous remarks. Again, it's very difficult to stand and argue that the language does not reflect the motivation because the motivation is one that is obviously so pertinent. But, if the language read something where treatment had been recommended and failure to carry through or something of that nature, I could see it, but all it says is 'where such treatment has ever been recommended.' Recommended by whom?

"What if there was a disagreement? There's nothing in the bill here that indicates as to how this shall take place, under what circumstances. There are many instances in which there are serious arguments about these kinds of things.

"Psychiatry is, as we well know just from court proceedings alone, is by no means an exact science, such as political science. As a result, to just have a phrase 'whether such treatment has ever been recommended' leaves it wide open and for those reasons what I think is needed here is not a discussion against the concept, but rather as it's manifested in this bill I think is defective, and I think what we should do is tighten this up considerably, and then come forward with the recommendation."

Senator Chang also rose to speak against the measure and stated:

"Mr. President, I rise to speak against this bill. With all due respect to my chairman and in sympathy with the problem that gave rise to this bill, I, nonetheless, voted against this bill when it was first considered

by the Senate and will vote against it again.

"The provision that gives me difficulty is on page 6 and relates to who would seek employment as guards. This provision would require that such persons 'shall not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the employee to engage in the profession.'

"I would not favor a provision that would foreclose a person from engaging in gainful work where there was some indiscretion in one's youth and years later after contributing to society and raising a family and working and proving one's worth, reintegrating, if you will, into the community and perhaps experiencing salvation, this person, upon retirement and seeking work to which he could contribute would be foreclosed from this work because of a years-long-past experience.

"If there was some kind of reasonable time period imposed, ten, twenty years, perhaps I might consider this bill favorably but because this bill bars such a person forever I must vote against it."

Senator B. Kobayashi spoke for the measure and stated:

"Mr. President, I'd like to speak in favor of this bill.

"You will note that on page 6 the requirement here is simply for disclosure. We discussed this in committee. It only says that you shall disclose whether you received treatment, etc.

"If you had stolen hubcaps when you were fifteen years old and you're now thirty years old and looking for employment, you would have, I would suspect, very good grounds to suggest, number one, that there'd been a great deal of passage of time, as the previous speaker had mentioned; and, secondly, that perhaps it would be arguable as to whether stealing of hubcaps at that age would have constituted unfitness to engage in the profession."

Senator Chang, in response, stated:

"Mr. President, I beg to differ with the previous speaker. The provision is clear.

"Starting on page 6, line 5; (one) 'The employee shall disclose whether



the employee has received treatment ...'; and (two) on line 8, '...shall not have been convicted...' This is not a disclosure requirement but a prohibition."

The motion was put by the Chair and carried and, Roll Call having been requested, S.B. No. 186, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE INVESTIGATORS AND GUARDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Abercrombie, Cayetano, Chang, Fernandes Salling, Kawasaki and Toguchi). Excused, 1 (Holt).

Senate Bill No. 203, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 203, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE FOR CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 343, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 343, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

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

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

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

Senate Bill No. 366, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, S.B. No. 366, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 507, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 507, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 520, H.D. 1:

Senator Cobb moved that S.B. No. 520, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Toguchi then rose to inquire as follows:

"Mr. President, I rise on a point of inquiry.

"I'd like, Mr. President, to ask the chairman of the committee for clarification.

"In the bill, on line 7, it refers to 'vacated units.' The committee report does not make mention of vacated units. I'd like a clarification on that.

"Are we talking about strictly vacated units or are we talking about, you know, all of the delinquent units?"

Senator Young answered: "Mr. President, we're talking about delinquent accounts, those people that have moved out from the housing unit. So, if you want to call it vacated ... they're not living in that project any more and they're delinquent accounts on the books."

The motion was put by the Chair and carried, and S.B. No. 520, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused,

1 (Holt).

Senate Bill No. 525, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 525, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

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

Senator Cobb moved that S.B. No. 640, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

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

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

"Mr. President, first I'd like to commend the members of the House for what they tried to do in this bill. This bill, as we all know, attempts to set a limitation of action for damages based on construction to improve real property. When this bill was transmitted from the Senate to House, the bill made an exception to our general laws regarding statute of limitations or limitation of actions on personal injury and wrongful death suits.

"The Senate version of the bill provided that architects, designers, engineers, contractors would have been exempt from liability for any personal injury or wrongful deaths arising out of negligence, planning, design, supplying of materials, construction, etc. for improvements to real property, if the accident or the incident or the cause of action arose six years after the improvement was completed. At that particular time, I rose and spoke against the bill stating that in my opinion the bill addressed the concerns of the industry but shortchanged the consumer. Shortly thereafter, an event, which I suppose we would describe as fortuitous, happened. Panels were falling off the walls in the State Capitol.

"In the interim, I called the chairman of the Committee on Consumer Protection of the House and explained my views on the Senate's bill to him and, how, if the Senate's bill became law, people who were

injured as a result of those falling panels would not have been able to sue the architects, the designers, and other industry people involved in the construction of this Capitol because this Capitol is about fourteen years old.

"I had hoped that we would have had a caucus so I could explain it to the members of this Senate. We didn't have a caucus. Now, what we have is a bill which sets the limitation of action period of ten years for recovery of damages for injury to property, real or personal.

"This bill is good because it exempts from this limitation of action for ten years, personal injury or wrongful death as a result of negligence. If that's all this bill would have done, Mr. President, I would vote for it because I think the House was consumer-oriented when they put this bill together.

"Unfortunately, in analyzing the bill, I have found what appears to be a major defect in the bill, and if the chairman of the Consumer Protection Committee would yield to a question, I would like to point out what I believe this major defect is.

"Mr. President, would you ask him if he would yield?"

The Chair posed the question to Senator Cobb and Senator Cobb answered: "Mr. President, I would like to hear the question first."

Senator Cayetano then asked: "Mr. President, would you ask the chairman why on page 2, line 3, the word 'suretyship' was inserted into the bill?"

Senator Cobb answered: "Mr. President, I think that question would more properly be addressed to the House. They inserted the word 'suretyship.'

Senator Cayetano continued: "Mr. President, I'm addressing the chairman, I mean, after all, he is the captain of this particular committee and he is responsible for this bill as it appears before us today.

"He is recommending that we agree to the House amendment, Mr. President, and I think I deserve an answer. I believe the members of this body deserve an answer as to why the word 'suretyship' is in there because it makes the bill defective, otherwise, this would have been a good bill. And had we had caucuses,

Mr. President, I think I would have been able to pick this up and explained it to the members of this Senate. We don't have caucuses so may I have an answer to my question?"

Senator Cobb then responded: "Mr. President, speaking in response to the question, I think if that question had been a genuine one it would have been asked of me sometime ago, and I could have at least attempted to get an answer from the House. If the good Senator had asked me when I recommended agreement to the bill or had pointed it out I would certainly have taken the time to call the House and ask them. That courtesy was not extended to me."

Senator Cayetano then asked: "Mr. President, is the chairman now saying that he does not know why the word 'suretyship' is there?"

The Chair answered: "I believe that is his response."

Senator Cayetano then continued: "Okay, then, let me explain why I believe that with the word 'suretyship' this bill is defective and probably unconstitutional."

"Mr. President, as we all know, a surety, and let me quote from Webster's Seventh New Collegiate Dictionary, which is the most recent that I have upstairs, Mr. President, but I'm sure that the meaning of the word 'surety' has prevailed through time immemorial.

"'Surety' -- a pledge or other formal engagement given for the fulfillment of an undertaking: guarantee."

"Now let's take the word 'surety bond' which I think most of us will understand -- 'a bond guaranteeing performance of a contract or obligation.'

"Mr. President, this bill speaks to liability from negligence, in planning, in design, in manufacturing and supplying of materials, construction, supervision and administration of construction, and observation of construction related to an improvement to real property.

"This bill speaks to negligence. It imposes a ten-year limitation of action period. Any liability by a surety, Mr. President, would come after the negligence was discovered, and only when the surety of the person or the company putting up the bond in this

case fail to perform.

"Therefore, an action against the person for surety is one in contract, not in negligence. What can happen here is, if we have a project in which the architects, the designers and everybody else who are involved, if they buy a bond, Mr. President, and if for any reason there is a problem with the project and it's over ten years, this surety or surety company, as I read this, may be exempt from any liability before it even happens because if it does not happen, as I said earlier, the liability does not occur until after the surety or the bonding company fails to perform.

"In my view, this is a major defect, probably, a major constitutional defect.

"With those remarks, Mr. President, I would like to ask for one day deferral so that the chairman can analyze this and if there is a problem, come to us tomorrow and explain it to us. I may be wrong. I don't think I am."

By unanimous consent, action on S.B. No. 640, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," was deferred until Thursday, April 14, 1983.

Senate Bill No. 741, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 741, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY VEHICULAR TAX REFUNDS; VEHICLES REMOVED FROM THE STATE; JUNKED VEHICLES; VEHICLES BROUGHT INTO THE STATE; EXEMPTIONS FOR STORED VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 749, H.D. 1:

Senator Cobb moved that S.B. No. 749, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke against the measure as follows:

"Mr. President, I shall speak against this bill.

"This again puts us into the area of

civil liberties. An area in which, I think, the State of Hawaii rightly takes pride in terms of its extension and its rigorous protection, perhaps because of the experiences that we have had in this state and the number of different kinds of people who live together here.

"In any event, Mr. President, over the years we have been arduous in our activities with respect to civil liberties and in this instance, on the surface, it seems as if this is something that just should be extended to the area of convictions by the federal government, whether in this state or in other states.

"We have a law already on the books, one with which I was not familiar until the form of the bill appeared. The present law states that, with respect to the suspension of the license for the commission of an offense in another state, that same suspension shall extend to this state as well.

"If I understand the bill correctly, what would happen in this instance is, if someone commits an offense for which he is convicted by the federal government in this state or within another state, that if that offense, if committed within the jurisdiction of this state, had taken place, that that would be grounds for suspension or revocation of the driver's license or privileges as well.

"The reason then that I speak against it is that particular crime, whatever it may have done which resulted in the suspension of the license in another state or if this bill is passed, in another jurisdiction, that is to say, federal jurisdiction, whether in this state or another state, takes place that it will be treated as if the crime had been committed here under state jurisdiction.

"My view is that the original law should be repealed. I do not think that it is a good idea regardless of what one may consider as to the character of the person involved in this, whether one likes him or likes what he did or anything of that nature.

"I do not think it is a tradition of American civil liberties that we extend to someone this approbation of having committed a crime in our state if he in fact had not done it.

"Let me try and illustrate it. Supposing someone had committed this

offense in California and is forbidden to drive as a result in California, or has committed an offense in the federal government, perhaps transportation of stolen cars, for that matter, interstate. I don't know if the sentencing could be exactly this way, but I presume that the license could be suspended there; otherwise, I doubt we would have a bill before us with respect to the federal government acting. If that takes place in California, it seems to me that is the business of California.

"Supposing someone tries to start their life over again for that matter in the State of Hawaii. It smacks of the kind of thing that most of our forebearers have fought against or even left other countries for; that is to say, that one will be adjudged guilty of something because it happened somewhere else and you have to carry it with you wherever you go.

"It is one thing if we're talking about fleeing from a jurisdiction illegally, if you're an escaped felon or something of that nature ... I'm not discussing that and I don't think that that applies. What I'm talking about here is the person has committed no crime in this state, has not been convicted of any crime in this state and yet must bear the burden. I am presuming that the person is in this state legally and is not here illegally or I think that the bill would have addressed it. So, therefore, I believe that rather than passing this bill it should be defeated and perhaps the appropriate committee should take it up in the next legislative session whether the present law is anathema to our conception here in the State of Hawaii of the proper conduct of our constitutional privilege."

The motion was put by the Chair and carried, and S.B. No. 749, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Carpenter, Cayetano, Kawasaki and Toguchi). Excused, 1 (Holt).

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

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

showing of Ayes and Noes:

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

Senate Bill No. 965, S.D. 2, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 965, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 977, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 977, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

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

Senator Cobb moved that S.B. No. 1057, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose in support of the measure and stated:

"Mr. President, this bill will eliminate an inequity that has taken place through no fault of the people who are involved, the driver education instructors, and will enable them to make a living as they have and not involve them in the intricacies and Byzantine byways of bureaucratic entrapment."

The motion was put by the Chair and carried, and S.B. No. 1057, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION INSTRUCTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1288, S.D. 1,

H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1292, S.D. 2, H.D. 1:

Senator Cobb moved that S.B. No. 1292, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie then rose on a point of inquiry and said:

"Mr. President, on a point of inquiry, I was under the impression that these bills that involve monetary items were being deferred?"

The Chair answered: "Senator Abercrombie, there is a Governor's message requesting immediate passage of this bill."

Senator Abercrombie continued: "I see. Mr. President, under those circumstances, could I ask for a one-day deferment?"

By unanimous consent, action on S.B. No. 1292, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT OF THE HOLO HOLO CASES," was deferred until Thursday, April 14, 1983.

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

Senator Cobb moved that S.B. No. 1294, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Carpenter then queried: "Mr. President, I'd just like to get the Chair's assurance that any neighbor island Senators voting on this measure would not be in conflict."

The Chair ruled that there was no conflict.

Senator Cayetano in support of the measure stated: "Mr. President, I'm going to vote for this bill because it, I think, corrects an injustice to our neighbor island colleagues. I would hope, however, that maybe next session the Seante would address the injustice to our staff.

"As you know, our staff works long hours; they work weekends; they

don't get paid overtime; they just don't get compensated. It's nice to take care of our colleagues but maybe next year, how about the staff?"

The Chair responded: "We'll decide that in the legislative expense bill to be proposed next year."

Senator Cayetano continued: "Mr. President, I'm reminded by my counsel here to my left that regarding staff, I believe early in the session I thought you made a statement that they would be taken care of this year."

The Chair answered: "They will be."

Senator Cayetano responded: "Very good, thank you."

The motion was put by the Chair and carried, and S.B. No. 1294, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALLOWANCES FOR LEGISLATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, Henderson, A. Kobayashi and Soares). Excused, 1 (Holt).

At 12:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:37 o'clock p.m.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, April 12, 1983:

| Senate Concurrent Resolution | Referred to:                                  |    |
|------------------------------|---|----|
| No. 96<br>Judiciary          | Committee                                     | on |
| No. 97<br>Transportation     | Committee                                     | on |
| No. 98<br>Education          | Committee                                     | on |
| No. 99<br>Education          | Committee                                     | on |
| No. 100                      | Committee on Health                           |    |
| No. 101                      | Committee on Consumer Protection and Commerce |    |

|         |   |  |
|---------|---|--|
| No. 102 | Committee on Health   |  |
| No. 103 | Jointly to the Committee on Health and the Committee on Human Resources |  |
| No. 104 | Committee on Agriculture  |  |
| No. 105 | Committee on Youth and Elderly Affairs                                  |  |
| No. 106 | Committee on Ways and Means   |  |
| No. 107 | Committee on Health   |  |
| No. 108 | Committee on Hawaiian Programs  |  |
| No. 109 | Committee on Human Resources  |  |
| No. 110 | Committee on Economic Development                                       |  |
| No. 111 | Committee on Economic Development                                       |  |
| No. 112 | Committee on Economic Development                                       |  |
| No. 113 | Committee on Ecology, Environment and Recreation                        |  |
| No. 114 | Committee on Tourism  |  |
| No. 115 | Committee on Consumer Protection and Commerce                           |  |
| No. 116 | Committee on Youth and Elderly Affairs                                  |  |
| No. 117 | Committee on Human Resources  |  |
| No. 118 | Committee on Economic Development                                       |  |

REFERRAL OF SENATE RESOLUTIONS

The President then made the following committee assignments of resolutions that were offered on Wednesday, April 13, 1983:

| Senate Resolution | Referred to:   |    |
|-------------------|--|----|
| No. 110           | Committee on Higher Education, then to the Committee on Legislative Management |    |
| No. 111           | Committee on Education   | on |
| No. 112           | Committee on Hawaiian Programs   | on |

|         |  |    |   |
|---------|--|----|---|
| No. 113 | Committee on Youth and Elderly Affairs   |    | Hawaiian Programs, then to the Committee on Legislative Management  |
| No. 114 | Committee on Transportation  | on | No. 136 Committee on Youth and Elderly Affairs  |
| No. 115 | Committee on Education   | on | No. 137 Committee on Economic Development, then to the Committee on Legislative Management  |
| No. 116 | Committee on Education   | on | No. 138 Committee on Human Resources, then to the Committee on Legislative Management   |
| No. 117 | Committee on Economic Development  | on | No. 139 Committee on Human Resources  |
| No. 118 | Committee on Housing and Urban Development   | on | No. 140 Committee on Government Operations and County Relations   |
| No. 119 | Committee on Education   | on | No. 141 Committee on Ecology, Environment and Recreation  |
| No. 120 | Committee on Health  |    | No. 142 Committee on Economic Development   |
| No. 121 | Jointly to the Committee on Health, the Committee on Human Resources and the Committee on Youth and Elderly Affairs, then to the Committee on Legislative Management |    | No. 143 Committee on Ecology, Environment and Recreation  |
| No. 122 | Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management   | on | No. 144 Committee on Tourism  |
| No. 123 | Committee on Health  |    | No. 145 Committee on Consumer Protection and Commerce   |
| No. 124 | Jointly to the Committee on Health and the Committee on Human Resources  |    | No. 146 Committee on Ecology, Environment and Recreation, then to the Committee on Legislative Management   |
| No. 125 | Committee on Red Tape  |    | At this time, Senator Aki, Chairman of the Committee on Economic Development, requested a waiver of the 48-hour notice of a Public Hearing on Senate Bill No. 1075, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," and the President granted the waiver. |
| No. 126 | Jointly to the Committee on Health and the Committee on Youth and Elderly Affairs  |    |   |
| No. 127 | Committee on Agriculture   | on |   |
| No. 128 | Committee on Health, then to the Committee on Legislative Management   | on |   |
| No. 129 | Committee on Health  |    |   |
| No. 130 | Committee on Health  |    |   |
| No. 131 | Committee on Health  |    |   |
| No. 132 | Committee on Economic Development  | on |   |
| No. 133 | Committee on Ways and Means, then to the Committee on Legislative Management   |    |   |
| No. 134 | Committee on Health  |    |   |
| No. 135 | Committee  | on |   |

RECONSIDERATION OF  
ACTION TAKEN

Senator Cobb moved that the Senate reconsider its action taken on April 7, 1983 on Senate Bill No. 42, S.D. 2, H.D. 1, seconded by Senator Chang.

Senator Cobb explained as follows:

"Mr. President, basically, we had disagreed to allow the committee enough time to check with all affected parties on the bill. They are in accord with the changes made by the House; therefore, we are agreeing."

The motion to reconsider the action

was put by the Chair and carried.

On motion by Senator Cobb, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 42, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 42, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELEVATOR MECHANICS."

#### CHANGE OF CONFERENCE COMMITTEE MANAGERS

Senate Bill No. 1092, S.D. 1 (H.D. 2):

The President appointed Senator Machida as a Manager and discharged Senator Mizuguchi as a Manager on the part of the Senate at the conference to be held to consider the amendments proposed by the House to S.B. No. 1092, S.D. 1.

Senate Bill No. 903, S.D. 1 (H.D. 2):

The President discharged Senator Chang as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 903, S.D. 1.

Senate Bill No. 907 (H.D. 1):

The President appointed Senator Henderson as a Manager and discharged Senator Soares as a

Manager on the part of the Senate at the conference to be held to consider the amendments proposed by the House to S.B. No. 907.

Senate Bill No. 1008 (H.D. 1):

The President appointed Senator Kuroda as an additional Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 1008.

Senate Bill No. 1075, S.D. 1 (H.D. 2):

The President appointed Senator Kuroda as a Manager and discharged Senator Chang as a Manager on the part of the Senate at the conference to be held to consider the amendments proposed by the House to S.B. No. 1075, S.D. 1.

Senate Bill No. 1082, S.D. 1 (H.D. 1):

The President appointed Senators Holt and Machida as additional Managers and discharged Senator Chang as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the House to S.B. No. 1082, S.D. 1.

#### ADJOURNMENT

At 12:45 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 14, 1983.