

THIRTY-THIRD DAY

Monday, March 12, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Commander William L. Dike, Chaplain, United States Navy, after which the Roll was called showing all Senators present.

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

Senator Fernandes Salling introduced a group of select senior citizens from Kauai County who were sitting in the gallery.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 225 and 226) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 225), transmitting a report prepared by the Department of Planning and Economic Development, dated February 1984, in response to Senate Resolution 142 (1983), requesting a study of the feasibility of making Hawaii a center for the insurance business, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 226), transmitting the annual report, entitled "Report to the Governor, Fiscal Year Ending 1983," prepared by the Department of Transportation, was referred to the Committee on Transportation.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 96 to 105) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 96), transmitting House Bill No. 556, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 556, entitled: "A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE," passed

First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 97), transmitting House Bill No. 1636-84, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1636-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 98), transmitting House Bill No. 1742-84, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1742-84, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 99), transmitting House Bill No. 1784-84, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1784-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 100), transmitting House Bill No. 1785-84, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1785-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," passed First Reading by

title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 101), transmitting House Bill No. 1848-84, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1848-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE PROPERTY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 102), transmitting House Bill No. 1880-84, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1880-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 103), transmitting House Bill No. 1925-84, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1925-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 104), transmitting House Bill No. 2201-84, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2201-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 105), transmitting House Bill No. 2540-84, H.D. 1,

which passed Third Reading in the House of Representatives on March 9, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2540-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Education.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 44 to 46) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 44), entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES SENATE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEES ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT PROJECT," was offered by Senators Holt, Solomon, Young, Kuroda, Soares, Abercrombie, Henderson, Carpenter, A. Kobayashi, George, Ajifu, Mizuguchi, Aki, Fernandes Salling, Machida, Cobb, Uwaine and Cayetano.

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

A concurrent resolution (S.C.R. No. 45), entitled: "SENATE CONCURRENT RESOLUTION URGING EMPLOYERS TO DEVELOP POLICIES TO HIRE, RETAIN, AND PROMOTE OLDER WORKERS," was offered by Senator Uwaine.

By unanimous consent, S.C.R. No. 45, was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 46), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," was offered by Senator Uwaine.

By unanimous consent, S.C.R. No. 46 was referred to the Committee on Human Resources.

SENATE RESOLUTIONS

The following resolutions (S.R.

Nos. 53 and 54) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 53), entitled: "SENATE RESOLUTION SUPPORTING THE FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES SENATE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEES ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT PROJECT," was offered by Senators Holt, Solomon, Young, Kuroda, Soares, Abercrombie, Carpenter, Kobayashi, George, Henderson, Mizuguchi, Aki, Fernandes Salling, Machida, Cobb, Uwaine, Ajifu and Cayetano.

By unanimous consent, S.R. No. 53 was referred to the Committee on Education.

A resolution (S.R. No. 54), entitled: "SENATE RESOLUTION REQUESTING PROCLAMATION OF THE WEEK BEGINNING MAY 27, 1984, AS TOURISM WEEK IN HAWAII," was offered by Senators Kuroda, Carpenter, Holt, Uwaine, Abercrombie, Aki, B. Kobayashi, Hagino, Young, Machida, A. Kobayashi, Henderson, Kawasaki, Fernandes Salling, Ajifu, Mizuguchi, Soares, George, Solomon, Cayetano, Toguchi, Chang, Yamasaki, Cobb and Wong.

On motion by Senator Kuroda, seconded by Senator Soares and carried, S.R. No. 54 was adopted.

STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 379-84) recommending that the Senate advise and consent to the nomination of Keith I. Oda to the Commission on Transportation, in accordance with Governor's Message No. 185.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 379-84 and Gov. Msg. No. 185 was deferred until Tuesday, March 13, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 380-84) recommending that the Senate advise and consent to the nominations of Thomas M. Foley, Carole Ann Gibbs, Hideto Kono, Albert S. Nishimura, Russell Okata, Christopher G. Pablo, and Richard L.

Pollock, Ph.D., to the Tax Review Commission, in accordance with Governor's Message No. 106.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 380-84 and Gov. Msg. No. 106 was deferred until Tuesday, March 13, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 381-84) recommending that the Senate advise and consent to the nomination of Kazuo Senda to the Board of Taxation Review, Fourth Taxation District, in accordance with Governor's Message No. 107.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 381-84 and Gov. Msg. No. 107 was deferred until Tuesday, March 13, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 382-84) recommending that the Senate advise and consent to the nomination of Douglas Beatty to the Board of Taxation Review, Third Taxation District, in accordance with Governor's Message No. 186.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 382-84 and Gov. Msg. No. 186 was deferred until Tuesday, March 13, 1984.

At 11:31 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:33 o'clock a.m.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 383-84) recommending that Senate Bill No. 1846-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 383-84 and S.B. No. 1846-84, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," was deferred until Wednesday, March 14, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 384-84) recommending that Senate Bill No. 1787-84 pass Second Reading and be placed on the calendar for Third

Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1787-84, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 14, 1984.

ORDER OF THE DAY

THIRD READING

Senate Bill No. 1499-84, S.D. 1:

By unanimous consent, S.B. No. 1499-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," was recommended to the Committee on Government Operations and County Relations.

Senate Bill No. 1708-84, S.D. 1:

By unanimous consent, S.B. No. 1708-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was recommended to the Committee on Government Operations and County Relations.

Senate Bill No. 1865-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1865-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1519-84, S.D. 1:

By unanimous consent, S.B. No. 1519-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CLEARINGHOUSE," was recommended to the Committee on Transportation.

Senate Bill No. 1721-84, S.D. 1:

By unanimous consent, action on S.B. No. 1721-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1981-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, S.B. No. 1981-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEDICABS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1938-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1938-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1824-84, S.D. 1:

By unanimous consent, S.B. No. 1824-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," was recommended to the Committee on Tourism.

Senate Bill No. 2025-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2025-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1024, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1689-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1689-84, 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.

Senate Bill No. 2065-84, S.D. 1:

By unanimous consent, S.B. No. 2065-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was recommitted to the Committee on Government Operations and County Relations.

Senate Bill No. 1518-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1518-84, entitled: "A BILL FOR AN ACT RELATED TO MARINE AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1529-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1529-84, 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.

Senate Bill No. 1530-84:

By unanimous consent, S.B. No. 1530-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Economic Development.

Senate Bill No. 1878-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1878-84, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1921-84:

By unanimous consent, action on S.B. No. 1921-84, was deferred to the end of the calendar.

Senate Bill No. 2179-84:

By unanimous consent, S.B. No. 2179-84, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was recommitted to the Committee on Economic Development.

Senate Bill No. 2180-84:

By unanimous consent, action on S.B. No. 2180-84, was deferred to the end of the calendar.

Senate Bill No. 1528-84, S.D. 1:

By unanimous consent, S.B. No. 1528-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEMBERSHIP OF THE HAWAII FISHERIES COORDINATING COUNCIL," was recommitted to the Committee on Economic Development.

Senate Bill No. 2040-84:

By unanimous consent, S.B. No. 2040-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1956-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1956-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1872-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1872-84, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2157-84, S.D. 1:

By unanimous consent, action on S.B. No. 2157-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1556-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1556-84, entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1717-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1717-84, 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.

Senate Bill No. 1537-84, S.D. 1:

By unanimous consent, S.B. No. 1537-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1746-84, S.D. 1:

By unanimous consent, action on S.B. No. 1746-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1741-84, S.D. 1:

By unanimous consent, action on S.B. No. 1741-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1552-84, S.D. 1:

By unanimous consent, S.B. No. 1552-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1642-84, S.D. 1:

By unanimous consent, action on S.B. No. 1642-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 187-84 (S. B. No. 1668-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 187-84 and S.B. No. 1668-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," were recommitted to the Committee on Transportation.

Senate Bill No. 1605-84:

By unanimous consent, action on S.B. No. 1605-84, was deferred to the end of the calendar.

Senate Bill No. 2123-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2123-84, entitled:

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

Ayes, 25. Noes, none.

Senate Bill No. 1835-84, S.D. 1:

By unanimous consent, action on S.B. No. 1835-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2124-84:

By unanimous consent, action on S.B. No. 2124-84, was deferred to the end of the calendar.

Senate Bill No. 1569-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1569-84, S.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:

Ayes, 25. Noes, none.

Senate Bill No. 1704-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1704-84, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1707-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1707-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1710-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1710-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1711-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1711-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1713-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1713-84, 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, 25. Noes, none.

Senate Bill No. 1811-84, S.D. 1:

By unanimous consent, action on S.B. No. 1811-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1822-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1822-84, S.D. 1, 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, 24. Noes, 1 (Kawasaki).

Senate Bill No. 2247-84, S.D. 1:

By unanimous consent, action on S.B. No. 2247-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2248-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2248-84, 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.

Senate Bill No. 2251-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2251-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2212-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2212-84, 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.

Senate Bill No. 1512-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1512-84, 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.

Senate Bill No. 1515-84:

By unanimous consent, S.B. No. 1515-84, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," was recommitted to the Committee on Health.

Senate Bill No. 1516-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1516-84, 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.

Senate Bill No. 1585-84, S.D. 1:

By unanimous consent, S.B. No. 1585-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED," was recommitted to the Committee on Health.

Senate Bill No. 1586-84, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Soares and carried, S.B. No. 1586-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1842-84, S.D. 1:

By unanimous consent, action on S.B. No. 1842-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2136-84, S.D. 1:

By unanimous consent, S.B. No. 2136-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was recommitted to the Committee on Health.

Senate Bill No. 1702-84, S.D. 1:

By unanimous consent, action on S.B. No. 1702-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1565-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1565-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1871-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1871-84, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1555-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1555-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1816-84, S.D. 1:

By unanimous consent, action on S.B. No. 1816-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1995-84, S.D. 1:

By unanimous consent, S.B. No. 1995-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1675-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1675-84, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1748-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1748-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY IN DESIGNATED AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1540-84, S.D. 1:

Senator Cobb moved that S.B. No. 1540-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

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

"Mr. President, the effect of this bill, if it passes, is, as I understand it, to ask for and try to insure quick processing of suits. Part of the reason for the necessity for this bill, as is cited in the committee report and made clear by testimony and in the bill itself, is a backlog of court cases.

"Mr. President, I predicted there will be a backlog; I predicted there would be a lot of cases connected with time sharing when we went to allowing this disreputable practice in this state. And, Mr. President, just recently in the State of Florida, the State of Florida is required to make a \$900,000 payment to people who have been defrauded by a couple of quick-buck artists in time sharing. This is a plague across the country

and it is a plague here in this state.

"I predict that the courts will be clogged with cases such as this. I would be interested to know myself how much money is being expended by our taxpayers to process and to conduct these cases to sue in our courts.

"Unfortunately, because we have time sharing we need such a bill at the present time. Therefore, I speak in favor of it, but it in no way and in no wise tempers my opposition to this perfidious practice of selling time sharing in this state."

Senator Cobb also spoke in support of the measure as follows:

"Mr. President, I would agree with some of the previous comments. I would just like to point out, there are a number of other cases besides time sharing that are involved in the court calendar, and if we pass not only this but other related measures that will assess more fairly the cost of enforcement for time sharing we will have a much clearer picture of what the cost of that activity would be.

"And I would like to say, it would be true regardless of whether time sharing was grandfathered in and banned or not, although I think the case for a ban needs to be made with the other house far more so than this one.

"Thank you."

Senator Abercrombie then further remarked and stated:

"Mr. President, I might not so much in rebuttal to the previous remarks but in extension of them ... it's quite true that the court calendars are taken up with items other than that with time sharing but, generally, we don't try to pass laws that invite criminal activity. And as far as I am concerned, as long as we have time sharing in this state, we are in effect going to invite the kind of suits that have to be dealt with as indicated in this bill."

The motion was put by the Chair and carried, and S.B. No. 1540-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2050-84:

By unanimous consent, action on S.B. No. 2050-84, was deferred to the end of the calendar.

Senate Bill No. 1517-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1517-84, 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.

Senate Bill No. 2206-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2206-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2012-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2012-84, entitled: "A BILL FOR AN ACT RELATING TO WITNESS IMMUNITY PROCEDURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1979-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1979-84, entitled: "A BILL FOR AN ACT RELATING TO STYLE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1893-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1893-84, 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.

Senate Bill No. 1732-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1732-84, 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.

Senate Bill No. 1729-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1729-84, 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.

Senate Bill No. 1726-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1726-84, 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.

Senate Bill No. 1725-84, S.D. 1:

By unanimous consent, action on S.B. No. 1725-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1566-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1566-84, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF OFFENDERS UNDER TREATY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 784, S.D. 1:

By unanimous consent, action on S.B. No. 784, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1575-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1575-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," having been read throughout, passed Third

Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1940-84:

By unanimous consent, action on S.B. No. 1940-84, was deferred to the end of the calendar.

Senate Bill No. 1951-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1951-84, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2041-84, S.D. 1:

By unanimous consent, S.B. No. 2041-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF DEALERS IN FARM PRODUCE," was recommitted to the Committee on Agriculture.

Senate Bill No. 1855-84, S.D. 1:

By unanimous consent, action on S.B. No. 1855-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1874-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1874-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1694-84, S.D. 1:

By unanimous consent, action on S.B. No. 1694-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2131-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2131-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2056-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2056-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1815-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1815-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2196-84, S.D. 1:

By unanimous consent, S.B. No. 2196-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1867-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1867-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2243-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2243-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1629-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1629-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," having been

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

Ayes, 25. Noes, none.

Senate Bill No. 300, S.D. 1:

By unanimous consent, action on S.B. No. 300, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1513-84, S.D. 1:

By unanimous consent, action on S.B. No. 1513-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA," was deferred to the end of the calendar.

Standing Committee Report No. 248-84 (S.B. No. 761):

By unanimous consent, action on Stand. Com. Rep. No. 248-84 and S.B. No. 761, was deferred to the end of the calendar.

Senate Bill No. 1712-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1712-84, 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, 25. Noes, none.

Senate Bill No. 2057-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2057-84, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2128-84, S.D. 1:

By unanimous consent, action on S.B. No. 2128-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1881-84:

By unanimous consent, S.B. No. 1881-84, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES," was recommitted to the Committee on Government Operations and County Relations.

Senate Bill No. 1560-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1560-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1549-84, S.D. 1:

By unanimous consent, action on S.B. No. 1549-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2100-84:

By unanimous consent, action on S.B. No. 2100-84, was deferred to the end of the calendar.

Senate Bill No. 1740-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1740-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1766-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1766-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 524, S.D. 1:

By unanimous consent, action on S.B. No. 524, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1820-84, S.D. 1:

At this time, Senator Abercrombie rose to inquire: "Mr. President, I would like to vote for this bill but I just want to make sure. If anyone can enlighten me on this I'd appreciate it, the chairman or otherwise. In voting for the bill, I am not voting to make biking on sidewalks illegal, am I? I just want to make sure that I am correct in that."

The Chair responded: "If there be no objections by the members of the Senate, end of calendar."

By unanimous consent, action on S.B. No. 1820-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2184-84, S.D. 1:

By unanimous consent, action on S.B. No. 2184-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2156-84, S.D. 1:

By unanimous consent, action on S.B. No. 2156-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1562-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1562-84, entitled: "A BILL FOR AN ACT RELATING TO 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.

Senate Bill No. 1693-84, S.D. 1:

By unanimous consent, action on S.B. No. 1693-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2085-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2085-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1745-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1745-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 266-84 (H.B. No. 530):

By unanimous consent, action on

Stand. Com. Rep. No. 266-84 and H.B. No. 530, was deferred to the end of the calendar.

Standing Committee Report No. 267-84 (H.B. No. 531):

By unanimous consent, action on Stand. Com. Rep. No. 267-84 and H.B. No. 531, was deferred to the end of the calendar.

Senate Bill No. 1577-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1577-84, 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.

Standing Committee Report No. 269-84 (S.B. No. 1541-84):

By unanimous consent, action on Stand. Com. Rep. No. 269-84 and S.B. No. 1541-84, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred to the end of the calendar.

Standing Committee Report No. 270-84 (S.B. No. 1546-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 270-84 was adopted and S.B. No. 1546-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

The Senate reconvened at 12:31 o'clock p.m.

Senate Bill No. 2093-84, S.D. 1:

By unanimous consent, action on S.B. No. 2093-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 272-84 (S.B. No. 1800-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 272-84 and S.B. No. 1800-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 273-84 (S.B. No. 1839-84):

By unanimous consent, action on Stand. Com. Rep. No. 273-84 and S.B. No. 1839-84, was deferred to the end of the calendar.

Standing Committee Report No. 274-84 (S.B. No. 1949-84):

By unanimous consent, action on Stand. Com. Rep. No. 274-84 and S.B. No. 1949-84, was deferred to the end of the calendar.

Standing Committee Report No. 275-84 (S.B. No. 1950-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 275-84 and S.B. No. 1950-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 276-84 (S.B. No. 1948-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 276-84 and S.B. No. 1948-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 277-84 (S.B. No. 1925-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 277-84 and S.B. No. 1925-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 278-84 (S.B. No. 1928-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 278-84 was adopted and S.B. No. 1928-84, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAWAINUI MARSH, OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 279-84 (S.B. No. 2181-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 279-84 was adopted and S.B. No. 2181-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and

Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 280-84
(S.B. No. 1935-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 280-84 be adopted and S.B. No. 1935-84, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

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

"Mr. President, I would like to commend to the members' attention the whole theory of and practice of job-sharing and recommend that we consider this procedure with respect to hiring and employment in the State of Hawaii as one which is advantageous to us from the point of view of proper administration of the tax dollars and advantageous to the employees of the state with respect to individuals in our society being able to work and to have gainful employment, and at the same time be able to maintain a professional status, while being able to maintain a stable family life."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 280-84 was adopted and S.B. No. 1935-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 281-84
(S.B. No. 1937-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 281-84 and S.B. No. 1937-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," was deferred to the end of the calendar.

Standing Committee Report No. 282-84
(S.B. No. 1551-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 282-84 was adopted and S.B. No. 1551-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 283-84
(S.B. No. 2209-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 283-84 and S.B. No. 2209-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 284-84
(S.B. No. 1514-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 284-84 was adopted and S.B. No. 1514-84, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 285-84, (S.B. No. 1759-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 285-84 and S.B. No. 1759-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 286-84
(S.B. No. 1843-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 286-84 and S.B. No. 1843-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 287-84
(S.B. No. 1847-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 287-84 was adopted and S.B. No. 1847-84, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 288-84
(H.B. No. 1297, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 288-84 and H.B. No. 1297, H.D. 2, was deferred

to the end of the calendar.

Standing Committee Report No. 289-84
(S.B. No. 2032-84):

By unanimous consent, action on Stand. Com. Rep. No. 289-84 and S.B. No. 2032-84, was deferred to the end of the calendar.

Standing Committee Report No. 290-84
(S.B. No. 2229-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 290-84 and S.B. No. 2229-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 291-84
(S.B. No. 2230-84):

By unanimous consent, action on Stand. Com. Rep. No. 291-84 and S.B. No. 2230-84, was deferred to the end of the calendar.

Standing Committee Report No. 292-84
(S.B. No. 2241-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 292-84 and S.B. No. 2241-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 293-84
(S.B. No. 1918-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 293-84 and S.B. No. 1918-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 294-84
(S.B. No. 1932-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 294-84 was adopted and S.B. No. 1932-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 295-84
(S.B. No. 1533-84):

By unanimous consent, action on Stand. Com. Rep. No. 295-84 and S.B. No. 1533-84, was deferred to the end of the calendar.

Standing Committee Report No. 296-84
(S.B. No. 1809-84):

By unanimous consent, action on Stand. Com. Rep. No. 296-84 and

S.B. No. 1809-84, was deferred to the end of the calendar.

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

The Senate reconvened at 12:36 o'clock p.m.

Standing Committee Report No. 297-84
(S.B. No. 1573-84):

By unanimous consent, action on Stand. Com. Rep. No. 297-84 and S.B. No. 1573-84, was deferred to the end of the calendar.

Standing Committee Report No. 298-84
(S.B. No. 1718-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 298-84 was adopted and S.B. No. 1718-84, S.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:

Ayes, 25. Noes, none.

Standing Committee Report No. 299-84
(S.B. No. 2249-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 299-84 was adopted and S.B. No. 2249-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 300-84
(S.B. No. 1570-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 300-84 was adopted and S.B. No. 1570-84, S.D. 1, 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. 301-84
(S.B. No. 1890-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 301-84 and S.B. No. 1890-84, S.D. 1, was

deferred to the end of the calendar.

Standing Committee Report No. 302-84
(S.B. No. 878, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 302-84 and S.B. No. 878, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 303-84
(S.B. No. 1115, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 303-84 and S.B. No. 1115, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 304-84
(S.B. No. 1493-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 304-84 and S.B. No. 1493-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 305-84
(S.B. No. 1520-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 305-84 was adopted and S.B. No. 1520-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE TRANSITION TO WORK SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 306-84
(S.B. No. 1522-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 306-84 and S.B. No. 1522-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 307-84
(S.B. No. 1524-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 307-84 and S.B. No. 1524-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 308-84
(S.B. No. 1525-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 308-84 was adopted and S.B. No. 1525-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on

the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 309-84
(S.B. No. 1526-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 309-84 was adopted and S.B. No. 1526-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARING 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. 310-84
(S.B. No. 1677-84):

By unanimous consent, action on Stand. Com. Rep. No. 310-84 and S.B. No. 1677-84, was deferred to the end of the calendar.

Standing Committee Report No. 311-84
(S.B. No. 1841-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 311-84 was adopted and S.B. No. 1841-84, S.D. 2, 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.

Standing Committee Report No. 312-84
(S.B. No. 2125-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 312-84 and S.B. No. 2125-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 313-84
(S.B. No. 2126-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 313-84 was adopted and S.B. No. 2126-84, 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.

Standing Committee Report No. 314-84
(S.B. No. 2182-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 314-84 was adopted and S.B. No. 2182-84, 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.

Standing Committee Report No. 315-84 (S.B. No. 2183-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 315-84 was adopted and S.B. No. 2183-84, S.D. 2, 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.

Standing Committee Report No. 316-84 (S.B. No. 2199-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 316-84 and S.B. No. 2199-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred to the end of the calendar.

Standing Committee Report No. 317-84 (S.B. No. 2213-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 317-84 was adopted and S.B. No. 2213-84, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1509-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1509-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1709-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1709-84, 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. 320-84 (S.B. No. 2137-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 320-84 was adopted and S.B. No. 2137-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 321-84 (S.B. No. 2141-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 321-84 and S.B. No. 2141-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 322-84 (S.B. No. 1760-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 322-84 and S.B. No. 1760-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 323-84 (S.B. No. 535, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 323-84 was adopted and S.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 324-84 (S.B. No. 1503-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 324-84 was adopted and S.B. No. 1503-84, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL," having

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

Ayes, 25. Noes, none.

Standing Committee Report No. 325-84 (S.B. No. 1706-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 325-84 and S.B. No. 1706-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 326-84 (S.B. No. 1793-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 326-84 was adopted and S.B. No. 1793-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1507-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1507-84, 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.

Senate Bill No. 1757-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1757-84, 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.

Senate Bill No. 1783-84:

By unanimous consent, S.B. No. 1783-84, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," was recommitted to the Committee on Ways and Means.

Senate Bill No. 1786-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1786-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," having

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

Ayes, 25. Noes, none.

Senate Bill No. 1788-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1788-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 332-84 (S.B. No. 1879-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 332-84 and S.B. No. 1879-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1930-84:

By unanimous consent, action on S.B. No. 1930-84, was deferred to the end of the calendar.

Senate Bill No. 1943-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1943-84, 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.

Standing Committee Report No. 335-84 (S.B. No. 442, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 335-84 and S.B. No. 442, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1734-84, S.D. 1:

By unanimous consent, action on S.B. No. 1734-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1854-84:

By unanimous consent, action on S.B. No. 1854-84, was deferred to the end of the calendar.

Standing Committee Report No. 338-84 (S.B. No. 1504-84, S.D. 2):

On motion by Senator Cobb,

seconded by Senator Soares and carried, Stand. Com. Rep. No. 338-84 was adopted and S.B. No. 1504-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1450, S.D. 1:

By unanimous consent, action on S.B. No. 1450, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2026-84, S.D. 1:

By unanimous consent, action on S.B. No. 2026-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1663-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1663-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2164-84, S.D. 1:

By unanimous consent, action on S.B. No. 2164-84, S.D. 1, was deferred to the calendar.

Senate Bill No. 2208-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2208-84, entitled: "A BILL FOR AN ACT RELATING TO CONGRESSIONAL DISTRICTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2073-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2073-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2072-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2072-84, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 9, OF THE HAWAII CONSTITUTION, TO PROVIDE FOR THE METHOD OF PAYMENT OF LEGISLATIVE SALARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2071-84:

By unanimous consent, action on S.B. No. 2071-84, was deferred to the end of the calendar.

Senate Bill No. 1990-84, S.D. 1:

By unanimous consent, S.B. No. 1990-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE," was recommitted to the Committee on Judiciary.

Senate Bill No. 1733-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1733-84, 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.

Senate Bill No. 1923-84:

By unanimous consent, S.B. No. 1923-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was recommitted to the Committee on Economic Development.

Senate Bill No. 1714-84, S.D. 1:

By unanimous consent, action on S.B. No. 1714-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 351-84 (S.B. No. 538, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 351-84 and S.B. No. 538, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 352-84 (S.B. No. 2240-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 352-84 was adopted and S.B. No. 2240-84,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 353-84 (S.B. No. 1764-84, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 353-84 and S.B. No. 1764-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 354-84 (S.B. No. 1844-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 354-84 and S.B. No. 1844-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 355-84 (S.B. No. 2119-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 355-84 and S.B. No. 2119-84, S.D. 2, was deferred to the end of the calendar.

House Bill No. 1422, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1422, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1716-84, S.D. 1:

By unanimous consent, action on S.B. No. 1716-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1548-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1548-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VARIABLE ANNUITY CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1695-84, S.D. 1:

By unanimous consent, action on S.B. No. 1695-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2081-84:

By unanimous consent, action on S.B. No. 2081-84, was deferred to the end of the calendar.

Senate Bill No. 1640-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1640-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL RESPONSIBILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1877-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1877-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1744-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1744-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1538-84, S.D. 1:

By unanimous consent, action on S.B. No. 1538-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1868-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1868-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1671-84, S.D. 1:

By unanimous consent, action on S.B. No. 1671-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1738-84, S.D. 1:

By unanimous consent, action on S.B. No. 1738-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 368-84

(S.B. No. 1765-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 368-84 was adopted and S.B. No. 1765-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1898-84:

By unanimous consent, action on S.B. No. 1898-84, was deferred to the end of the calendar.

Senate Bill No. 2193-84, S.D. 1:

By unanimous consent, action on S.B. No. 2193-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2203-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2203-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 372-84 (S.B. No. 2108-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 372-84 and S.B. No. 2108-84, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 373-84 (S.B. No. 1582-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 373-84 was adopted and S.B. No. 1582-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 374-84 (S.B. No. 1583-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 374-84 and S.B. No. 1583-84, S.D. 2, was

deferred to the end of the calendar.

Senate Bill No. 2207-84, S.D. 1:

By unanimous consent, action on S.B. No. 2207-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 376-84 (S.B. No. 2205-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 376-84 was adopted and S.B. No. 2205-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1567-84, S.D. 1:

By unanimous consent, action on S.B. No. 1567-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," was deferred to the end of the calendar.

Standing Committee Report No. 378-84 (S.B. No. 1885-84, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 378-84 and S.B. No. 1885-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN LAND TRUSTS," was deferred to the end of the calendar.

ADVISE AND CONSENT

Standing Committee Report No. 161-84 (Gov. Msg. No. 166):

Senator Cobb moved that Stand. Com. Rep. No. 161-84-84 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 Burt K. Tsuchiya to the Board of Regents, University of Hawaii, term to expire December 31, 1987, 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.

At 12:49 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:53 o'clock p.m.

RE-REFERRAL OF HOUSE BILL

The President re-referred House Bill No. 2075-84 which was received on Thursday, March 8, 1984, to the Committee on Health.

Senator Abercrombie, at this time, introduced Mr. Jack Suwa, chairman of the Board of Agriculture and former chairman of the House Finance Committee who was sitting in the Senate gallery.

At 12:58 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 5:00 o'clock p.m., this afternoon.

NIGHT SESSION

The Senate reconvened at 9:00 o'clock p.m. with all Senators present.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 1721-84, S.D. 1:

By unanimous consent, S.B. No. 1721-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," was recommitted to the Committee on Transportation.

Senate Bill No. 1921-84:

By unanimous consent, S.B. No. 1921-84, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENT WATER HEATERS," was recommitted to the Committee on Economic Development.

Senate Bill No. 2180-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2180-84, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (Abercrombie, Carpenter, Cayetano, Fernandes Salling, Kawasaki, Solomon and Toguchi). Excused 2 (Chang and Uwaine).

Senate Bill No. 2157-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2157-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1746-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1746-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1741-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1741-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (George). Excused, 1 (Chang).

Senate Bill No. 1642-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1642-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1605-84:

By unanimous consent, S.B. No. 1605-84, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," was recommitted to the Committee on Education.

Senate Bill No. 1835-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, S.B. No. 1835-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2124-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2124-84, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1811-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1811-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2247-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2247-84, 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, 22. Noes, 2 (George and Soares). Excused, 1 (Chang).

Senate Bill No. 1842-84, S.D. 1:

Senator Cobb moved that S.B. No. 1842-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

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

"Mr. President, each year we seem to have a bill that will come forward listing various and sundry drugs, most of which are unpronounceable, overwhelming majority of which, if not everyone, being totally unfamiliar to the members of this body.

"I won't embarrass the chairman or any of the members by asking them to tell me what any of these drugs are that we're passing into law because I daresay nobody knows. But we're going to pass them into law and the argument being that the Federal Government has passed these into Schedule I or into one of the other schedules and they have to be added.

"The Federal Government, of course, has a vested interest to doing this because they have a vast and steadily expanding bureaucracy which is just as parasitical as the drug dealers and drug abuse that they purport to keep in check.

"I've seen some of these people in operation in some of my professional capacities in the past as a probation officer. I know the general glee with which the opportunity to put substances that might otherwise be utilized for medical purposes on the various schedules, especially Schedule 1. I know what kind of glee is exuded and how it is greeted; how the opportunity is greeted by these people.

"What is the effect of this? When you put something in Schedule 1, you in effect put it down under very strict research purposes. That's all well and good but what you do is because of the criminal nature -- and I will raise this again with respect to other bills where drugs are concerned -- what you do is that the standard is set by the criminal elements in our country and not by the medical profession. And this is what distresses me.

"I want to point out that this bill relating to controlled substances, there is a whole section here -- I'm not sure that everybody has gone through it -- with respect to prescription.

"Prescriptions will be infinitely more difficult to deal with, create a lot of paperwork, will not prevent any illegal utilization or abuse of drugs, including those which may be prescribed in Schedule 2 or otherwise for you and me or for our neighbors, our friends, and our family. The forms have to come from various department areas.

"Every practitioner wishes a prescription for a controlled substance in Schedule 2. Schedule 2 now includes many of the substances which probably many people on this floor right now have had prescribed for them occasionally or perhaps as a

measure to deal with various and sundry illnesses or the prevention of illness that you might have.

"But, now, what you're going to have is to have an official prescription form issued by the Department of Health. The Department of Health, as you know, is the well-known guardian of our health that has had such a great deal of success in the past year or so with those efforts.

"We will now have 'official prescription forms which shall be issued by the department, except as otherwise provided,' etc. Obviously, of course, none of these prescription forms will be counterfeit. None will be available to those who wish to abuse the prescription purposes.

"It's exactly these kinds of things which we end up thinking enables us to go before the public and say we're doing something about drug abuse. But we're not doing anything; we're spinning our wheels and making it more difficult for legitimate practitioners to exercise their responsibility, and not doing anything substantive in terms of ending drug abuse or in dealing with the serious problems.

"So I will once again vote 'no' on these bills in the hopes that one day we will actually do something serious about controlling substances which can be abused."

The motion was put by the Chair and carried, and S.B. No. 1842-84, S.D. 1, 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, 24. Noes, 1 (Abercrombie).

Senate Bill No. 1702-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1702-84, 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.

Senate Bill No. 1816-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, S.B. No. 1816-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2050-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2050-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

Senate Bill No. 1725-84, S.D. 1:

Senator Cobb moved that S.B. No. 1725-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie, on a point of clarification, stated:

"Mr. President, I believe that there is a typographical error in the bill. Could you clear the record for that before the vote is taken, please?"

Senator Chang responded as follows:

"Mr. President, on page 2, line 6, of the bill there is a word 'qualified' that should be corrected to read 'disqualified.' That typographical error will be communicated to the House committee. Thank you."

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

"Mr. President, I think it's very important that this bill be passed so that if for no other reason that your Clerk will not have to transcribe page after page of discussion that I'm prepared to give again as to what constitutes 'advise and consent.'

Senator Henderson then added as follows:

"Mr. President, on page 2, line 10, I would suggest that when you talk to the House that you take out 'second regular' and leave it that they are not qualified after the first legislative session to disqualify."

The motion was put by the Chair and carried, and S.B. No. 1725-84, S.D. 1 entitled: "A BILL FOR AN

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

Ayes, 24. Noes, 1 (George).

Senate Bill No. 784, S.D. 1:

Senator Cobb moved that S.B. No. 784, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cobb, in support of the measure, stated:

"Mr. President, I'm hopeful we can get together with the Federal Government. I cannot believe they would be totally preemptive of all state authority in the setting of precinct or census tract boundaries, then we can finally achieve a marriage between precinct boundaries and census tract boundaries for the convenience of our voters. Thank you."

Senator Chang responded to the previous speaker's comments and stated:

"Mr. President, I have been in communication with the chief elections officer and there are certain measures that we can take locally that may affect the formulation of census tracts in the way that the Senator would prefer."

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

"Mr. President, on that basis, I wish to register a 'no' vote because I believe that the object here originally was to try and get census tracts and recognizable communities to be compatible, and that is not the thrust of this bill.

"If it is possible to do otherwise, as was indicated by the previous speaker, perhaps that should be tried before we pass the bill.

"So, therefore, I vote 'no.'"

The motion was put by the Chair and carried, and S.B. No. 784, 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 (Abercrombie).

Senate Bill No. 1940-84:

By unanimous consent, S.B. No. 1940-84, entitled: "A BILL FOR AN ACT RELATING TO FENCES," was recommitted to the Committee on Agriculture.

Senate Bill No. 1855-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1855-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1694-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1694-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Senate Bill No. 300, S.D. 1:

Senator Cobb moved that S.B. No. 300, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Carpenter spoke against the measure and said: "Mr. President, I cannot understand why we're passing a bill which would make a criminal of a person who equips himself with an automobile alarm to hopefully preclude a criminal act from taking place. I suggest we vote this bill down."

Senator B. Kobayashi, in support of the bill, stated as follows:

"Mr. President, the bill intends to try to get criminals involved caught by having motor vehicle alarms equipped properly with cutoff devices that do not disturb the entire neighborhood.

"These cutoff, automatic devices are available at a very cheap price. They can be put into virtually every system. They are in most systems of any considerable sophistication and they can be installed rather cheaply, purchased, and self-installed for under \$15, and in some cases under \$10.

"So the remedy is quite readily

available and the public, those who have to bear alarms which can in some cases ring for many hours, will benefit."

Senator Carpenter, in rebuttal, stated:

"Mr. President, subparagraph (b), if it is to be an incentive, I fail to see where it actually becomes an incentive to purchase one of these things.

"It says, 'If a motor vehicle alarm system installed in a motor vehicle is activated and emits a sound for more than ten continuous minutes, the registered owner of the motor vehicle shall be fined not less than \$50 nor more than \$100,' after spending \$15 for the installation and probably \$150 for the initial purchase.

"Thank you."

Senator Abercrombie also rose to speak against the bill and stated:

"Mr. President, I'm not a sophisticated mechanic or am I very good at breaking into cars but I should imagine that it would be possible, if one breaks into an automobile where there is such an alarm system, that you might interfere with that system in such a way as to stop the automatic cutoff system from working properly.

"There's nothing in this bill that accounts for an alarm system that's supposed to deactivate itself under ten minutes and then doesn't do it.

"So far as I can tell, the bill doesn't fine the company for selling a malfunctioning cutoff system. It doesn't fine the system itself inasmuch as the system is probably inanimate unless you install a very small person somewhere in your car to be the activator of the sound.

"So, what happens is the person who has been victimized by a burglary or breaking and entering of the automobile may further, as a result of inadequate or accidental activation of the sound system, then have to suffer not only the breaking in of the car but possibly a \$50 fine on top of it.

"I understand the object of the bill, having had occasion as recently as the beginning of this session when my mother was in town to have to put up with having to listen to one of these things go off, but it never occurred to me at the time that I should take

the position then of trying to fine somebody between \$50 and \$100 when, after all, the car may have been broken into or there may have been a malfunction in the system."

The motion was put by the Chair and carried, and S.B. No. 300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS," 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).

Senate Bill No. 1513-84, S.D. 1:

By unanimous consent, S.B. No. 1513-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-MARITAL EXAMINATION FOR RUBELLA," was recommitted to the Committee on Health.

Standing Committee Report No. 248-84 (S.B. No. 761):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 248-84 was adopted and S.B. No. 761, 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, 24. Noes, 1 (Abercrombie).

Senate Bill No. 2128-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2128-84, 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.

Senate Bill No. 1549-84, S.D. 1:

By unanimous consent, S.B. No. 1549-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2100-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2100-84, entitled:

"A BILL FOR AN ACT RELATING TO DIRECTORY ADVERTISING BY CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 524, S.D. 1:

By unanimous consent, S.B. No. 524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND HIGHWAY SAFETY," was recommitted jointly to the Committee on Transportation and the Committee on Judiciary.

Senate Bill No. 1820-84, S.D. 1:

By unanimous consent, S.B. No. 1820-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE BICYCLE LAWS," was recommitted to the Committee on Transportation.

Senate Bill No. 2184-84, S.D. 1:

By unanimous consent, action on S.B. No. 2184-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2156-84, S.D. 1:

By unanimous consent, action on S.B. No. 2156-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1693-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1693-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 266-84 (H.B. No. 530):

By unanimous consent, action on Stand. Com. Rep. No. 266-84 and H.B. No. 530, was deferred to the end of the calendar.

Standing Committee Report No. 267-84 (H.B. No. 531):

By unanimous consent, action on Stand. Com. Rep. No. 267-84 and H.B. No. 531, was deferred to the end of the calendar.

Standing Committee Report No. 269-84 (S.B. No. 1541-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 269-84 was adopted and S.B. No. 1541-84, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2093-84, S.D. 1:

By unanimous consent, action on S.B. No. 2093-84, S.D. 1, was deferred to end of the calendar.

Standing Committee Report No. 272-84 (S.B. No. 1800-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 272-84 was adopted and S.B. No. 1800-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING PROCESSING ENTERPRISES," 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, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 273-84 (S.B. No. 1839-84):

By unanimous consent, Stand. Com. Rep. No. 273-84 and S.B. No. 1839-84, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 274-84 (S.B. No. 1949-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 274-84 was adopted and S.B. No. 1949-84, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC," 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, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 275-84

(S.B. No. 1950-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 275-84 was adopted and S.B. No. 1950-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading, by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 276-84 (S.B. No. 1948-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 276-84 was adopted and S.B. No. 1948-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading, by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 277-84 (S.B. No. 1925-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 277-84 and S.B. No. 1925-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 281-84 (S.B. No. 1937-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 281-84 and S.B. No. 1937-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 283-84 (S.B. No. 2209-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 283-84 was adopted and S.B. No. 2209-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," having been read

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

Ayes, 25. Noes, none.

Standing Committee Report No. 285-84 (S.B. No. 1759-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 285-84 was adopted and S.B. No. 1759-84, 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.

Standing Committee Report No. 288-84 (H.B. No. 1297-84, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 288-84 and H.B. No. 1297-84, H.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 289-84 (S.B. No. 2032-84):

By unanimous consent, Stand. Com. Rep. No. 289-84 and S.B. No. 2032-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE POHAI NANI GOOD SAMARITAN KAUHALE HEALTH CARE FACILITY FOR THE ELDERLY," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 290-84 (S.B. No. 2229-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 290-84 and S.B. No. 2229-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 291-84 (S.B. No. 2230-84):

By unanimous consent, Stand. Com. Rep. No. 291-84 and S.B. No. 2230-84, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 292-84 (S.B. No. 2241-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 292-84 and S.B. No. 2241-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 293-84 (S.B. No. 1918-84, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 293-84 be adopted and S.B. No. 1918-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to request a conflict of interest ruling of the Chair as follows:

"Mr. President, this is the salary bill for the presidency of the University of Hawaii. I have submitted my application for that position and ask for a ruling as to conflict."

The Chair ruled that Senator Abercrombie was not in conflict.

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

"Mr. President, I'm voting 'no' on this bill because it is my opinion that the matter of salary is not primarily the reason why we are having difficulty in trying to recruit someone to assume the position of presidency from overseas.

"First of all, it seems to me there are many competent people here intelligent enough, competent enough, and certainly tough enough to handle that very troublesome campus up there.

"It seems to me we've had some very high-powered names in the past. I grant you, they weren't here on salaries of \$90,000 and \$100,000 but they were here. I could think of three -- one was a Nobel prize winner, as I recall -- and apparently they couldn't quite live up to the expectation of president of the University of Hawaii when they were appointed to that position.

"It seems to me, the problem, aside of the salary question, is that, first of all, we haven't given the University of Hawaii the autonomy that they have always desired. We haven't given them the autonomy primarily because in our experience we haven't had people that should

have the autonomy, (which is to say the president of the University and the Board of Regents) ... their performance was much less than what we expected of them. This is the reason why the Legislature had to have some control over their actions primarily in the way of funding for the campus there.

"The other impediment to recruiting someone competent, apparently, was voiced by my good friend George Chaplin from the Advertiser who was chairman of the Presidential Selection Committee. He said that one of the reasons, of course, was the matter of autonomy not being given to the University of Hawaii, but the other reason was that University of Hawaii has a faculty union ... and this was a problem in our trying to obtain a first-class institution there.

"For that reason, I introduced a bill doing away with the faculty union there.

"You know, most of the outstanding institutions of higher education do not have faculty unions. That goes for every Ivy League institution that we can think of -- Harvard, Stanford, Yale, Princeton for example and some of the public institutions. Perhaps these are some of the things that we should attend to and not be overly concerned about the fact that because we don't allow the Board of Regents to pay the president of the University of Hawaii \$100,000 we cannot attract good men.

"I think without going that high, possibly to about \$65,000, we could perhaps find someone here, locally, first of all, who understands the problems at the campus; who knows some of the personalities involved at the campus there who may have taken a leading role in not giving us the kind of leadership we wanted; someone who understands the local situation because, otherwise, to have a high-powered name from the Mainland come here fresh from overseas, not understanding our local situation, people who would be an impediment to giving us a better quality institution, would just plays circles around this high-powered name even at a \$100,000 salary.

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

Senator Holt spoke in support of the measure as follows:

"Mr. President, I share some of the

previous speaker's concerns; however, this bill will permit the Board of Regents to go to market to find the kind of leadership that we need badly at the University.

"Be it a national or local search, it's going to be very difficult to find someone that will earn less than 68 people at the University, or someone who's interested in earning less than 68 people at the University, including the football coach.

"I urge all of the members of the Senate to vote for this measure. Thank you."

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

"Mr. President, first, I think this bill does something which should have been done a long time ago.

"For a long time there have been many here in the Legislature, as well as in government, who felt that the University president should not be paid a salary which exceeds the salary paid to the Governor. In my view, this was myopic thinking, and my experience has been that if you want a good president you should be willing to pay for it."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 293-84 was adopted and S.B. No. 1918-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Fernandes Salling, Kawasaki and Solomon). Excused, 1 (Toguchi).

Standing Committee Report No. 295-84 (S.B. No. 1533-84):

By unanimous consent, Stand. Com. Rep. No. 295-84 and S.B. No. 1533-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 296-84 (S.B. No. 1809-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 296-84 was adopted and S.B. No. 1809-84, entitled: "A BILL FOR AN ACT

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

Ayes, 23. Noes, 1 (George). Excused, 1 (Toguchi).

Standing Committee Report No. 297-84 (S.B. No. 1573-84):

By unanimous consent, Stand. Com. Rep. No. 297-84 and S.B. No. 1573-84, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 301-84 (S.B. No. 1890-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 301-84 was adopted and S.B. No. 1890-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 302-84 (S.B. No. 878, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 302-84 be adopted and S.B. No. 878, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Soares remarked as follows:

"Mr. President, I'd like to point out to the Ways and Means chairman that this bill seems to nullify itself. I refer to the section of the bill where it says to add contributions. Then in Section (d) it says to exclude from negotiations, contributions. It doesn't make sense -- one section nullifies the other."

The Chair asked Senator Soares whether he was rising on a point of inquiry and Senator Soares answered in the affirmative.

Senator Cayetano then interjected: "Mr. President, I want the bill deferred to the end of the calendar so the staff can check and find the answer to the question."

By unanimous consent, action on Stand. Com. Rep. No. 302-84 and

S.B. No. 878, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 303-84 (S.B. No. 1115, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 303-84 be adopted and S.B. No. 1115, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

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

"Mr. President, I think many people, if not certainly most or all of the Senators on the floor, are aware of the concern in particular of the Governor about arbitration and its applicability or nonapplicability to the collective bargaining process.

"I urge the passage of this bill because I think it is sensitive to the Governor's arguments and points that he wishes to have addressed and at the same time it's sensitive to the public perception of firefighters and police officers as being in effect breeds apart from other public employees.

"I think you will find that the average citizen, as well as the police officers and firefighters who are involved in the arbitration process, either in laws with the firefighters or in the hope that they will be addressed in law regarding arbitration with the police officers, all feel the same about it.

"They understand that the air will actually be cleared for a discussion of collective bargaining and arbitration if we can set on the side the unique responsibilities and duties and authority of the firefighters and the police officers. In that regard, I think that the committees that have handled this bill have been very shrewd in their organization of it. They addressed the arbitration issue in a manner which I think should be acceptable to all sides and clear the decks for further discussion with respect to collective bargaining.

"In particular, what has been done is to establish arbitration, but in such a manner that there will be local representation with respect to who the arbiters will be; and, secondly, have not put the actual bargaining positions before the arbitrator in a final offer situation. On the contrary, what happens is that both the employer and the employee, that is to say, the police officers will have to be very circumspect in what they present to the arbiters because the

arbiters will be able to make a choice among a broad range of options, such as the arbiter sees them.

"If something is too bizarre from their point of view, they can ignore it. In this fashion, especially with the experience of arbitration, some of which has been won by the firefighters, if we can use the term, some of which has been won by the employer, by the state, and counties.

"I think we have a good track record to observe with respect to how the submission should be made to the arbitrators. So, if we vote favorably on this bill and if the House will do the same, I think we can find ourselves in a very good position to relieve the public mind with respect to the firefighters and police officers and have a clear field for the kind of discussion that should ensue as to the future of collective bargaining and arbitration in the State of Hawaii.

Senator Henderson then asked: "Mr. President, will the chairman of Ways and Means yield to a question?"

The Chair posed the question and the chairman of Ways and Means having replied in the affirmative, the Senator Henderson asked: "Mr. President, is this a final offer type of arbitration, the last final offer?"

Senator Yamasaki answered: "Mr. President, I believe the intent of Ways and Means Committee was to provide that in the arbitration proceedings we were to differentiate between the firefighters' final offer language and change it so that it will fit into the policemen's final arbitration proceedings."

Senator Henderson further inquired: "Mr. President, are the policemen to be treated the same way as the firefighters?"

Senator Yamasaki answered: "No."

Senator Henderson continued: "How are they going to be treated differently?"

Senator Yamasaki, at this time, requested the Chair for a short recess.

At 9:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:03 o'clock p.m.

By unanimous consent, action on Stand. Com. Rep. No. 303-84 and

S.B. No. 1115, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 304-84 (S.B. No. 1493-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 304-84 and S.B. No. 1493-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 307-84 (S.B. No. 1524-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 307-84 and S.B. No. 1524-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 310-84 (S.B. No. 1677-84):

By unanimous consent, action on Stand. Com. Rep. No. 310-84 and S.B. No. 1677-84, was deferred to the end of the calendar.

At 10:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:08 o'clock p.m.

Standing Committee Report No. 312-84 (S.B. No. 2125-84, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 312-84 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator Yamasaki then moved that S.B. No. 2125-84, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Yamasaki, on a point of clarification, stated as follows:

"Mr. President, the first figure of \$1.50 in the committee report, fourth paragraph, is a typographical error. It should read 50¢ per month for the first group and \$1.00 for the second group; and then \$8.75."

Senator Yamasaki then moved that S.B. No. 2125-84, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Cayetano then rose to

speak against the bill and stated:

"Mr. President, I'm going to vote against this bill. I have some grave reservations.

"We have been passing (bills on) pensioner's bonus all throughout the years that I've been a legislator and probably before then. Money for this bonus comes from the general fund.

"The problem that I have with this is that while I recognize that some of our pensioners may have been paid salaries which were low in the early 70's, this bill does not make a distinction of pensioners who have retired and earning pensions which are greater than what we earn here.

"I've always felt that if we truly want to address the question of the needy pensioner that we should set some kind of income level at which there is some delineation as to who should receive a bonus and who should not. If you notice from the bill the dates of retirement which a pensioner would be eligible for this bonus has gone steadily upward. Looking at the committee report, one of the periods is before July 1, 1979. I'm sure then in the years to come we'll be giving bonuses to pensioners who retired in the 80's.

"The point that I would like to make in voting against this bill, and I'm sure that the bill will receive overwhelming support from the members of this body, is that in the future we consider taking into account the needy pensioners as opposed to those who really don't need a bonus of this kind.

"We don't have any bonuses for those retirees who have not worked for government. Plantation workers, for example, are still receiving the same retirement that they received when they retired from the plantation.

"I hope that these considerations will be taken into account when this bill comes up again in the next few years. Thank you."

Senator Abercrombie also rose to speak against the bill and stated:

"Mr. President, I'm cognizant of the reasoning given by the previous speaker, but I think there are a couple of more things that should be added here.

"It's difficult to vote against a bill like this because people come and

say, why, are you against the pensioners? And I suppose that if someone wants to say that, they can. I don't think we should be swayed by that kind of appeal.

"Mr. President, virtually everybody on this floor has been pleaded with over the course not only of these past few weeks that we've actually been in session but in the months since the last session because of the cuts that have been made in the budget. The Governor himself said that we will have to squeeze this present supplemental budget, and that which we have appropriated previously in order to accommodate the collective bargaining agreements.

"We've watched programs being cut. We have gone through the agonizing activity in various committees of seeing where we could trim, where we can consolidate, struggling to balance one good program and people that we know are doing their job against another program and people that we know are doing a good job. We have been forced sometimes into a situation of a war, each against all, almost.

"We now face even yet to come, in the very near future, in the next several weeks, budget confrontation, if you will, trying to determine what can we get into the budget legitimately. What can we do to see that those items are actually funded, as opposed to merely putting numbers on paper.

"Under those circumstances it seems virtually immoral to me to move into this bonus situation and, most particularly, in the light of the previous speaker's comments when we are not really addressing inequity with respect to those whose mention may reflect a time when salaries were so low that the pensions do not take into account the kind of cost factors that we have today. On the contrary, it's an across-the-board circumstance, especially with regard to those who retired recently, that I find to be unfair, especially against those generations of nontaxpayers, if you will, the young and many of the elderly who do not enjoy this kind of a situation.

"We're talking about millions of dollars. I believe the figure is at least \$2 million here and I can tell you, Mr. President, without fear of contradiction, that there are a good deal of grant-in-aid programs in this state that would benefit mightily from the application of that \$2 million, and that the ripple effect of the

institution of those programs, the continuation of those programs would in many instances benefit the same pensioners who would be able to and are now able to take advantage of many of those programs because of our funding.

"I just cannot say in good conscience that I can vote for this particular bonus when so many of our citizens and so many of our well-meaning and hard-working groups, especially those in the private sector that serve in effect the public good in areas where the state does not play an active role; where we count on these private agencies to carry on these human services ... when they're being short-changed today ... when they are in a position of literally having to beg for funds, I think that this is a misplaced value.

"It may be of some political comfort to do it, but I shall have no hesitation in explaining to anyone who cares to inquire as to the reason for my vote that in the balance of things this bonus cannot measure up to the necessities I've just outlined."

The motion was put by the Chair and S.B. No. 2125-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and Kawasaki).

Standing Committee Report No. 316-84 (S.B. No. 2199-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 316-84 was adopted and S.B. No. 2199-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 321-84 (S.B. No. 2141-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 321-84 and S.B. No. 2141-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 322-84

(S.B. No. 1760-84, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 322-84 be adopted and S.B. No. 1760-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

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

"Mr. President, I rise to speak in favor of Senate Bill 1760, S.D. 1, commonly referred to as the 'Bingo Bill.'

"We have before us a bill that would allow certain charitable organizations a very limited opportunity to sponsor bingo games. I don't think anyone in this body, or anyone who has come to the Legislature seeking a grant needs to be reminded of the fact that our state is not in a position to assist many of the worthy causes in our community.

"Even in relatively normal times, we reject about half of the grant-in-aid requests that come before us. Last year, we awarded about \$9 million in grants-in-aid, after rejecting about 50 percent of the requests.

"In 1982, according to an industry publication, charities in Massachusetts grossed \$171 million from bingo. Massachusetts has a population of about six times that of the State of Hawaii. Mr. President, six into \$171 million is about \$28 million.

"I realize that no one can say what local charities could earn through bingo, especially since the bill was amended to limit games to one a year, but I want to emphasize that Massachusetts' charities operate under very strict guidelines, with very similar safeguards as those contained in the bill before us.

"The bill provides that limits will be established on the number of games an organization can hold. It limits the kinds of organizations that can hold games. There will be a limit on prizes, on the number of prizes that can be awarded. In Massachusetts, it's a \$50 limit on prizes and no more than \$200 per night to be awarded.

"The games will have to be held on the premises of the organization and if it is a leased site, the rent could not be tied to a percentage of the gross. The same limitations apply to equipment. There is a limit on compensation for persons who work at the games. There are so many safeguards.

"It frankly upsets me to hear arguments used against enacting a bingo bill in that casino game gambling will come to our state, if we allow the American Legion to have one bingo game a year.

"Mr. President, I realize that today has been a long day for us and so my comments shall be brief; however, Mr. President, in closing I would like to address one of the opponents of the bill.

"This morning, the Honolulu Advertiser, Senator Kawasaki's favorite newspaper, ran an editorial. It decried the coming of bingo with an editorial that reads in part, 'Legal social gambling is available to accommodate gambling instincts of Hawaii residents and only the players have a stake in the outcome. Moreover, Las Vegas is not far away.'

"Webster says, instinct is, in part, 'inborn impulse or propensity; an innate train of reflexes.'

"Mr. President, I don't know about you, but 'inborn' and 'innate' are words that have a very chilling ring to me, especially in the context of a lecture on morality.

"Also, Mr. President, one of my colleagues, on a different measure, once stated at a Judiciary hearing two years ago -- he said, 'The rich have gambling. They call it stocks and mutual funds and options. So, why should the little guy be denied?' My colleague from the Makiki District is right.

"And the Advertiser lecture to the people to state that 'Moreover, Las Vegas is not far away' to satisfy the inborn and innate gambling needs of Hawaii is not only callous, but even a little offensive.

"Perhaps Las Vegas is not far away for a publishing executive (take a note, Mr. Kawasaki), Mr. President, but it may very well be on another planet for many of our Hawaii residents born with or without a need to gamble.

"Mr. President, this bill is a simple measure with a simple purpose. If there is a legislative issue today stirring the interest of the man and woman on the streets, where he works, plays and lives, it is the prospect of playing government-approved bingo. I urge its passage, Mr. President."

Senator Abercrombie then added:

"Mr. President, I hope that the previous speaker will remember that I am right on several more bills and vote with me for the rest of the evening."

Senator George then inquired and stated:

"Mr. President, I'm a little troubled by a couple of wide open spaces in the bill. I'll define them and then I wonder if the sponsor, the previous speaker, the one before last, would be good enough to tell me what his intentions are for filling in the blanks.

"I'm referring to page 2, lines 13 and 15 which leave kind of wide open the amount which can be designated as a prize for a regular and for a jackpot bingo game.

"Then again on page 5 on line 13, we find that the daily total award is also a blank. And on page 6, line 2, it leaves a blank, talking about employee compensation. What troubles me about this is that if you limit it to one game a year, say that the prize for any single game could be \$1,000 and \$5,000 for a jackpot game, then it becomes somewhat meaningless when we're talking about the little guys' game.

"And I would like, if I may, if the sponsor of the measure would respond to a question to ask him if he would let us know what his intentions are for these amounts?"

Senator Kuroda responded as follows:

"Mr. President, the amounts have been intentionally left open in the bill. I had some figures in mind, but I could not convince the chairman of the Ways and Means Committee to insert those numbers and he very aptly explained his position by inserting into the committee report the dollar amounts.

"Your committee intends to insert the amounts later, after further consideration, and it is my desire, in answer to the Senator who's asking the question, that the numbers be at least figures where it would be attractive enough, like the cost of an automobile. Those are the figures I had in mind."

Senator Yamasaki, in support of the bill, added:

"Mr. President, the reason why the figures are left blank is to invite the participation of the other House to

have some input into this bingo bill. Thank you."

Senator Abercrombie, also in support of the measure, then said:

"Mr. President, I'm very pleased to hear that the Senator from 17th District wants the price of a car to be the prize because I know my car is priceless."

Senator Kawasaki, also in support of the measure, stated:

"Mr. President, to address the concerns expressed by the Senator from Maui to entice the other body to support this measure, perhaps we should limit the people of the organization that we allow to participate in bingo only to those organizations who come to us, qualifiedly, for grants-in-aid, and I'm sure the House may be very receptive to such a suggestion."

Senator Henderson then inquired as follows:

"Mr. President, I look on page 14 of the bill and I direct you to line 9, section 7, of the bill and it says, 'There is appropriated out of the general revenues of the State of Hawaii the sum (blank), or so much thereof as may be necessary for fiscal year 1984-1985, for licensing non-profit organizations to conduct games of bingo.'

"Do you mean the state is going to subsidize and pay for the operation of bingo games in the State of Hawaii?"

"Mr. President, I'd like to direct the question to the chairman of Ways and Means or to the proposer of the bill to find out what they mean about that, and how much it's going to cost.

Senator Yamasaki answered as follows:

"Mr. President, yes, section 7 provides for blank dollars to be appropriated to the Department of Commerce and Consumer Affairs for purposes of the act. At this time we do not have the figures on the cost of the administration of the program by the Department of Commerce and Consumer Affairs."

Senator Henderson further inquired: "Mr. President, maybe the Senator from the 17th District could give us an idea what it might cost?"

Senator Kuroda answered: "Mr. President, I have no idea of what it

will cost, but I believe that the license fees that will be charged these organizations will be sufficient to cover the cost.

"Whatever the cost, the opportunity for our Hawaii residents who again look forward to the prospect of playing bingo is worth it."

Senator Henderson further asked: "Mr. President, where in the bill does it provide for licensing? May I direct that to the Senator from the 17th District?"

The Chair then asked and said: "Senator Kuroda, would you like to respond? You need not. I think it should be directed to the chairman that reported the bill out."

Senator Kuroda answered: "Mr. President, on page 2, line 19, 'Licensed nonprofit organization.'

At 10:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10.30 o'clock p.m.

Senator Kuroda then continued: "Mr. President, as an additional response to the question with regard to the fees, on page 4, \$100 a year; senior citizens group, \$50. And in response to the question, why will there be need for government appropriation, there's always a need to provide some funds to start it out."

Senator Henderson answered: "Mr. President, I don't think there is any need for government money to encourage gambling. Thank you."

Senator Cobb, also in support of the bill, stated as follows:

"Mr. President, I'm delighted they put it under the Department of Commerce and Consumer Affairs. I think it is a very good consumer protection bill, if you will, but I know if you and I vote 'no' we'll certainly not hear the end of it from the 'monsignor.'"

Senator Carpenter then asked: "Mr. President, a quick question to the chairman of the committee or the originator of the bill.

"As I read the committee report, nonprofit organizations who are organized or operate in the state exclusively for charitable, religious, educational, or scientific purposes,

for the benefit of the community, or for the promotion of social welfare ... I'm just wondering if the several counties of this state who do operate as nonprofit organizations, not in necessarily the business of charitable or religious, educational, or scientific purposes, but do operate for the benefit of the communities are exempt from income taxation, and have been in existence for not less than five years can qualify as organizations who could be licensed for this kind of activity? Could I ask that question of the chairman?"

The Chair posed the question and Senator Cobb interjected: "Mr. President, perhaps I can address that question.

"Perhaps the counties may not be included right now as a strict nonprofit organization, but we'll certainly try to address that concern in the nonprofit bill next year.

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 322-84 was adopted and, Roll Call vote having been requested, S.B. No. 1760-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BINGO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Ajifu, George, Henderson, Holt, A. Kobayashi, Soares, Toguchi and Young).

Standing Committee Report No. 325-84 (S.B. No. 1706-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 325-84 and S.B. No. 1706-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 332-84 (S.B. No. 1879-84, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 332-84 be adopted and S.B. No. 1879-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose to speak against the measure and stated:

"Mr. President, at a time when we just passed the bingo bill to raise revenue, it doesn't make much sense to me to give a tax exemption.

"I'm not convinced that this tax exemption will do the things that are

stated in the committee report. We hear a lot of talk about waiting for the Tax Review Commission but it seems that argument only applies to certain tax proposals."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 332-84 was adopted and S.B. No. 1879-84, S.D. 1, 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, 21. Noes, 4 (Abercrombie, Cayetano, Kawasaki and Toguchi).

Senate Bill No. 1930-84:

By unanimous consent, S.B. No. 1930-84, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUES BE REFUNDED OR CREDITED TO TAXPAYERS," was recommitted to the Committee on Ways and Means.

Standing Committee Report No. 335-84 (S.B. No. 442, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 335-84 and S.B. No. 442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNERAL ESCORTS," were recommitted to the Committee on Ways and Means.

Senate Bill No. 1734-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1734-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1854-84:

By unanimous consent, action on S.B. No. 1854-84, was deferred to the end of the calendar.

Senate Bill No. 1450, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Third Reading on the following showing of

Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2026-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2026-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2164-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2164-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2071-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2071-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1714-84, S.D. 1:

By unanimous consent, S.B. No. 1714-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was recommitted to the Committee on Tourism.

Standing Committee Report No. 351-84 (S.B. No. 538, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 351-84 was adopted and S.B. No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HILO HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 353-84 (S.B. No. 1764-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 353-84 and S.B. No. 1764-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS AT THE UNIVERSITY OF HAWAII FOR THE HAWAII NATIONAL GUARD AND MILITARY RESERVISTS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 354-84 (S.B. No. 1844-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 354-84 S.B. No. 1844-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 355-84 (S.B. No. 2119-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 355-84 be adopted and S.B. No. 2119-84, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Young rose to speak in support of the measure as follows:

"Mr. President, Senate Bill 2119, S.D. 2, is a long overdue, first step in reversing the job discrimination that we all know continues to exist in our public employment sector.

"Many states have already embarked upon the road of implementing the principle of equal pay for jobs of equal worth. Hawaii, with its large minority population and proportion of working women, must wait no longer to take its place among these progressive states.

"It is fitting that we, legislators of Hawaii, representing the state that first ratified the Equal Rights Amendment, cast this vote today, March 12, 1984, another great historical date for our state.

"Passage of this bill will be further demonstration of the leadership role that Hawaii has taken during our 25 years of statehood.

"I would like to commend the chairman for introducing this measure and I urge your support of this bill."

Senator Mizuguchi, also in support

of the measure, then stated:

"Mr. President, as the first speaker has stated, amidst the flurry of activity in many states, Hawaii which was the first state in the nation to ratify the Equal Rights Amendment to the United States Constitution in 1972 is far behind in the comparable worth movement.

"Hawaii has made great strides in implementing the concepts of 'equal pay for equal work,' which means paying women equally with men when they are performing the same or closely similar type of work for the same employer.

"And, also, we've made great strides in 'equal employment opportunity,' which makes jobs available to all qualified applicants, regardless of sex or ethnicity.

"Despite this achievement, there exists a third pay equity problem in Hawaii that requires resolution. This problem is the gender-based wage gap that exists between job classes that are female-oriented and male-dominated. This bill that we have before us tonight will attempt to bridge that gap and bring pay equity to women.

"I urge all members to vote for this bill. Thank you."

Senator Abercrombie, also in support of the bill, then stated:

"Mr. President, this is the result of many years' effort including discussions and resolutions and bills that many of us have been associated with.

"I merely wish to add an addendum to the remarks that have already been made. While they are entirely pertinent with respect to the inequities that have existed and may exist now with respect to employment opportunities and the pay scale and the comparability of those scales and of those jobs with respect to women, I want to point out for the record that the comparable worth bill and the study which will ensue from the passage of this bill will benefit everyone, regardless of gender, and that comparable work is primarily an examination and comparison of various job categories to see that inequities are ironed out so that everyone will benefit from the results of this bill, whether they be male or female.

"To the extent that we have made strides in degendering various

categories of work, those people who are in those various categories, regardless of sex, regardless of gender, will find that benefits that should accrue to them in terms of salary, in terms of comparability, that the study will point out will find that we have achieved, then, perhaps the final step in what has amounted to a great civil rights and working rights movement in this nation, particularly over the last 25 years."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 355-84 was adopted and S.B. No. 2119-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1422, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 1422, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCESSED MILK," was recommended to the Committee on Agriculture.

Senate Bill No. 1716-84, S.D. 1:

Senator Cobb moved that S.B. No. 1716-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the bill as follows:

"Mr. President, I refer you and the members to the section of the bill which provides for a Class C felony.

"Mr. President, the title here is 'Circulating untrue statements; a felony.' (Laughter.) I was just thinking it's a good thing we have immunity. Really, when I think about it. I didn't think about it when we were in caucus; it was probably too close.

"Any person who wilfully or knowingly makes, circulates, or transmits to another or other any statement or rumor, written, printed, or by word of mouth, which is untrue in fact' ... is untrue in fact, that's what you have trials for, and what bothers me here, and I'm laughing now but I wouldn't be laughing if I was going to be the victim of a prosecution under this law from a Class C felony, five years, and a lot of this is very emotional.

"We have people who feel they've

been defrauded by a company or they feel that some kind of skulduggery has taken place, and what will happen here is that people will have to defend themselves against prosecution.

"Now, it seems to me, if there are civil procedures available to people and/or institutions which feel they have been slandered in some fashion or that their financial condition has been affected in some unfair way, let them take civil remedy; but to put people in a position that if they feel that they have been done in by a financial institution, to get into a category of felonious charges, when you're talking about 'untrue in fact and is directly or by inference derogatory to the financial condition' ... imagine, derogatory to the financial condition ... you can't say nasty things or untrue things even if you think they happen to be true, that's what it's going to come down to. And then, you're liable to run into a prosecutor's desire about financial institutions ... 'or affects the solvency or financial standing of any fiduciary company doing business in this State' ... affects the solvency ... now how are we supposed to determine that? '...or who knowingly counsels, aids, procures, or induces another to start, transmit or circulate any such statement or rumor,' ... that means that if you induce somebody by coming up and saying to him 'this is what I heard' or 'this is what I know.'

"You may have been upset with the officer in the bank and say 'I think that fellow is a crook because I think he made insider loans to himself, and I have good information that insider loans were made, in fact, he told me he made loans and I don't agree with that; I think he is a crook.' That's a matter of opinion.

"People may not like it. If they don't like it enough I suppose they can sue but you can't go and check, and then it turns out that the person isn't a crook. It's still a free country. It's still America.

"Do we have to point out we can't criticize the financial institutions or you commit a Class C felony? Because that's the effect of this. You will end up having to prove you didn't commit some felony, didn't induce derogatory statements about the financial condition when you're dealing with some of these industrial loan companies. Some of these people are lucky they aren't. As far as I'm concerned, they're crooks. I've said

they're crooks.

"As far as I'm concerned, they've had these insider loans that went on in Manoa Finance. I can't understand right now why the prosecutor hasn't had these people up on charges and investigate them to see whether they've committed the felony.

"Now, if I go out on the street, are they going to arrest me? I didn't take the money. I didn't leave these people stranded out here. I'll say it out there and I've said it out in this rotunda here the other day that these people should be investigated to be prosecuted. Now, you can say it doesn't matter; they're bankrupt now. I was talking about these industrial loan companies and the way they've been operating before that.

"Now, am I going to be a Class C felon? Am I going to be prosecuted? I can't see it.

"This is way out of line with what's to be accomplished? I just want everybody to know that if you vote for this bill, what you're saying to everybody in the public is that you risk being a felon. You have to take a chance on what you say. You better think twice because maybe you're going to be criminally charged.

"Now in the absence of having this, you can sue anybody; you can take civil recourse. No one has shown me in this bill that somehow civil recourse has not been adequate. I would like any of those of you who support this bill to tell me where civil recourse has failed with respect to slander or libel or any of these things that are mentioned in here about the financial condition and the financial solvency of these companies doing business in this state as financial institutions. I think this is way out of line.

"Now, part of the argument might be, oh, yeh, but the rest of the bill is good so therefore we've got to go ahead with it. Oh, no, that's not the way we're supposed to do business, not on this floor.

"If you can vote on this bill and say, yes, that you want to have a Class C felony then vote 'aye' but if you can abide by that and you think seriously about it, I don't see how you can, then we have to defeat this bill and deal with it under other circumstances.

"It is not an argument to pass a bill which you think is otherwise

acceptable when it contains language that is, as far as I am concerned, a contradiction in terms to what we should stand for with respect to our citizenry and what they can say and not say and what they have to fear in terms of criminal prosecution. Thank you."

Senator Cayetano then spoke in support of the bill as follows:

"Mr. President, first, in answer to the previous speaker, I cannot envision civil redress being sufficient in cases where a person spreads falsely, wilfully and knowingly a rumor or false statement which would affect the solvency of a financial institution.

"Financial institutions have assets totalling millions of dollars and if a person who does this is a vice president or a manager or maybe even an employee of another bank ... maybe if he is an employee of another bank, you sue the other bank, but certainly suing an individual in a case like this will not provide the kind of redress that is sufficient to address the problem.

"In looking at this bill, I think that I would tend to agree with the previous speaker that perhaps a felony may be a bit harsh; maybe this should be a misdemeanor, but that's a matter of judgment, I suppose, and in the overall context I think that what this bill proposes to do is just and warranted."

Senator Kawasaki rose to speak against and stated:

"Mr. President, I too rise in opposition to passage of this bill. I too feel that the Class C felony designation is much too severe.

"In trying to buttress my feeling, my opinion, that perhaps the Class C designation is too harsh, might I direct a question to the chairman of the committee from which this bill emanated?"

The Chair posed the question and Senator Cobb answered: "Mr. President, I'll hear the question first."

Senator Kawasaki continued: "One of the problems we have in this nation is that almost weekly, as a matter of fact almost every few days, on the floor of the New York Exchange, the floor of the American Exchange, floor traders on the floor deliberately circulate rumors, false

rumors, designed to either affect stocks listed on the New York or American Exchange, and for that matter even over-the-counter exchange, deliberately circulate rumors which affect the stock prices. And, of course, these people, the floor traders who are guilty of this practice take advantage of the fact that the rumor had either created a panic where people sell because they are afraid of perhaps the truth of the rumor that is circulated, or perhaps they take advantage of a rumor that would be designed to affect the price of a stock listed on the Exchange upwards. So, you know, they make a profit by circulating these rumors.

"In the event that they are apprehended, what is the penalty that is imposed upon these people by the Securities and Exchange Commission? This is my question to the chairman."

Senator Cobb, in response, stated:

"Mr. President, first of all, in direct response to the question, there are very stringent rules by the Securities and Exchange Commission precisely against the kind of practices that were just enumerated by the Senator from the 14th District. The penalties include: (1) suspension of license; (2), revocation of trading privileges; (3) civil liability; and (4) criminal prosecution.

"There have been a number of cases within the last three years in the New York Stock Exchange where that has happened."

Senator Kawasaki continued:

"Mr. President, I'm trying to ascertain whether a Class C felony penalty is too severe in comparison to what is imposed by the Securities and Exchange Commission. What is exactly the penalty imposed by the SEC on the cases I had outlined?"

Senator Cobb responded as follows:

"Mr. President, I have answered that question. It includes criminal prosecution. I know not specifically to what degree, but there are at least four classes of penalties involved, including revocation of license, suspension of trading privileges, civil prosecution and criminal prosecution."

Senator Kawasaki continued:

"Mr. President, it appears to me that this list of penalties imposed by the SEC doesn't quite compare to the

Class C felony designation with as much as five years of imprisonment. And for this reason, I think the penalty is too severe. I will have to vote against this bill."

Senator Abercrombie then inquired as follows:

"Mr. President, I do have a question for the chairman, although it might more appropriately be directed to the Judiciary chairman, I'm not sure.

"My question is this. If this passes, does this then mean that the prosecutor will be able to prosecute people within institutions who drive them into bankruptcy by making false statements, for example, saying that the institution is sound, or that bad loans are not being made?"

"Will they be able to be prosecuted for making false statements which are untrue in fact, and can that be construed then by inference or directly derogatory to the financial condition or the solvency of the financial institution?"

Senator Cobb responded:

"Mr. President, to respond to the question, under the definition contained or the words contained on page 6, the answer would be, yes.

"I would caution, however, that in any case of proof the prosecutor would have to prove knowing and willful misstatement of fact."

Senator Cayetano then interjected as follows:

"Mr. President, I disagree with the previous speaker.

"To answer the question posed by the Senator from Manoa, page 6, line 14 makes reference to inference which is derogatory to the financial condition or affects the solvency. In my view, as I read that, it means that the impact on the solvency or financial condition of the institution would be one that is detrimental."

Senator Abercrombie then remarked:

"Mr. President, if that's the case, am I to take it from the previous speaker's remarks that someone, for example, who makes insider loans with inadequate collateral, knows that to be the fact and still indicates that the solvency may not be affected or one way or the other would then therefore

be able to be charged?"

Senator Cayetano answered:

"Mr. President, I'm not certain whether the fact situation described by the previous speaker would fall under this particular section for prosecution. I think that there are other sections presently existing under the chapters relating to our industrial loan law for example that should deal with that particular problem."

Senator Abercrombie then added:

"Mr. President, I will request again that people take into account that what we're really saying here is that if you do it, you can get away with it, but if you talk about it, you're going to be a felon."

The motion was put by the Chair and carried, and S.B. No. 1716-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Kawasaki then remarked: "Mr. President, it might be well for me to call the attention of this body to the fact that the Senators categorized as dissidents do not follow one another blindly."

Senate Bill No. 1695-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1695-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF MOTOR VEHICLE REPAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 2081-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2081-84, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF BUSINESS OPPORTUNITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1538-84, S.D. 1:

By unanimous consent, S.B. No. 1538-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was re-committed to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1671-84, S.D. 1:

By unanimous consent, action on S.B. No. 1671-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1738-84, S.D. 1:

By unanimous consent, action on S.B. No. 1738-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1898-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1898-84, 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.

Senate Bill No. 2193-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2193-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REFORM OF CHAPTER 804," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 372-84 (S.B. No. 2108-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 372-84 was adopted and S.B. No. 2108-84, S.D. 2, 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.

Standing Committee Report No. 374-84 (S.B. No. 1583-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 374-84 be adopted and S.B. No. 1583-84, S.D. 2, having been read throughout, pass Third

Reading, seconded by Senator Soares.

Senator B. Kobayashi rose to clarify an error in the bill and stated:

"Mr. President, it has been pointed out to me that there is a typographical error here on page 2, line 10. There is a single bracket at the end of the line which does not have a companion."

The Chair answered: "So noted."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 374-84 was adopted and S.B. No. 1583-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2207-84, S.D. 1:

Senator Cobb moved that S.B. No. 2207-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the bill as follows:

"Mr. President, as a result of what I consider to be reforms, good reforms passed in the Legislature within recent time, it has become easier for people to participate in the voting process through the absentee or mail-in ballot. We have expanded the utilization of this procedure in the past and it seems to me now we're going backwards.

"Unless a person is able to affirm generally one of the conditions, as outlined in the bill, 1 through 7, everything from infirmity, confinement, absence from the island, etc., you will not be able to mail in your ballot.

"I think we should be moving in that direction, regardless of what utilization may have been made in previous weeks, in particular on Kauai. I think this prompted much of this activity. The public does not exist for the convenience of the county clerks nor the lieutenant governor's office, nor for any people working in them. If they don't like working in the election process, I presume they can get other jobs. The election process should maximize the participation of people in the process.

"What we have here essentially, I think, is geared towards those for whom going to the precincts, going to the voting booths, etc., is either accepted practice or something that they can participate in or feel obligated to do. On the other hand, there are a great many people, most particularly in apartment districts, for various reasons, including work reasons and others, for whom the mail-in ballot is much more convenient and participation can be greater. This is particularly true where there are areas with high turnovers in population where people are in a more transient position in terms of moving from apartment to apartment, unable to afford a home, etc., and find themselves in a condition where they may not be as familiar with the precinct areas of the neighborhood, etc. On the other hand, if they be given the opportunity can and would like to participate in the election process. I think this is a good thing.

"Some arguments are that one party or the other will benefit from it. I think the experience has shown in California which has been cited that the present Republican governor, Governor Deukmejian, benefited from a mail-in campaign. On the other hand, what works against that, if you want to argue about Democrats and Republicans or Independents is that Republicans will vote.

"In terms of the absentee ballot moving to this kind of a category, it will probably help the Republican Party here and elsewhere, for that matter. Contrary to that, the Mayor of San Francisco also utilized a mail-in campaign to a great degree and she is a Democrat. I think it's entirely then the circumstances and I think we have a high urban density that the mail-in ballot is a boom to participation in the electoral process.

"I think this (bill) is a big step backwards to make these particular requirements and not to insure that people have their vote made easier rather than more difficult. I don't think you should have to go through what amounts to in some people's mind an obstacle course for them, especially in the kind of society that we have in Hawaii where there are split shifts, where there are all kinds of requirements on people's time that may mitigate where they are going to, where a precinct booth is concerned.

"We talk about postcard registration; we talk about increasing participation. Let's not go

backwards. Let's try to encourage as many different avenues as is feasible with respect to increasing voting participation."

Senator George then rose to inquire: "Mr. President, I have some problem with the words 'affirm generally,' and I wonder if the chairman of the committee would be good enough to respond to a question about that phrase?"

The Chair posed the question and Senator Chang asked to hear the question.

Senator George asked: "Mr. President, the question is, if a person affirms generally to, for example, 'absence from the island, county, or district in which the voter is registered on election day;' or affirms generally to an intention to go to a hospital for elective surgery, and then the plane that was going to take the person away doesn't, they missed the plane or the doctor leaves this state and they can't have the elective surgery, is that person then disenfranchised in that particular election? Would their ballots then be susceptible to being complained against and therefore thrown out after they voted absentee? That's my question, Mr. President."

The Chair, at this time, interjected as follows:

"Members of the Senate, the Chair would like to interrupt the proceedings here. Although the discussion on this measure for the past ten minutes has been very good, I've just been informed that the companion House bill, 2604-84, has been received in the Senate.

"If there be no objection by the members of the Senate, the Senate bill that we are now discussing is hereby recommitted."

By unanimous consent, S.B. No. 2207-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," was recommitted to the Committee on Judiciary.

Senate Bill No. 1567-84, S.D. 1:

By unanimous consent, S.B. No. 1567-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," was recommitted to the Committee on Judiciary.

Standing Committee Report No. 378-84 (S.B. No. 1885-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 378-84 be adopted and S.B. No. 1885-84, S.D. 2, having been read through, pass Third Reading, seconded by Senator Soares.

Senator Cayetano then rose to state: "Mr. President, I believe I have a conflict and would like to be excused from voting on this matter."

The Chair asked: "Senator Cayetano, would you state your conflict?"

Senator Cayetano answered: "Mr. President, my law firm is representing the Office of Hawaiian Affairs in a lawsuit against the state which directly has this point in contention."

The Chair stated and asked: "Senator Cayetano, the Chair would just like to ask two questions.

"Are you a partner of this particular law firm?"

Senator Cayetano answered: "Yes."

The Chair further asked: "Will the law firm stand to gain financially in any manner, shape or form?"

Senator Cayetano answered: "We hope so."

The Chair then ruled that Senator Cayetano is excused from voting.

At this time, Senator George rose to inquire: "Mr. President, I wonder if the chairman would respond to a question?"

The Chair posed the question and Senator Chang asked: "May I hear the question?"

Senator George continued: "Mr. President, the question is, was an inquiry made as to whether or not passage of this bill would prejudice in anyway the difference of opinion being manifested in court between OHA and the state?"

Senator Chang answered: "No."

Senator George continued: "In that case, Mr. President, I believe I shall vote against this measure in the absence of some kind of guidance as to whether or not it would indeed prejudice our case."

Senator Henderson then inquired: "Mr. President, is the matter, the subject of this bill, being litigated right now?"

The Chair answered: "No, not that I know of."

At 11:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:14 o'clock p.m.

At this time, Senator Kawasaki rose to speak against the bill and stated:

"Mr. President, I'm voting against this bill. I would be less than consistent to do otherwise, having been the minority of one in this 76-member Legislature to vote against the creation of the Office of Hawaiian Affairs in the first place, because of my concern that perhaps some day the U.S. Supreme Court would declare OHA to be unconstitutional. For that reason I vote against this bill."

Senator Carpenter rose to speak for the measure and stated:

"Mr. President, the main intention of this bill is to provide the individual who is a beneficiary as a native Hawaiian and a beneficiary of native Hawaiian land trust to have equal footing, as it were, with 'big brother' in this case.

"It has been some 64 years since the enactment of the Act of 1920 which empowered the Hawaiian Home Lands into action, and for many of those years, if not all of them, the rights of the beneficiaries have been abridged by virtue of the language being silent in the statutes as well as in the Congressional Act which in fact brought it to being in the first place.

"Mr. President, the Office of Hawaiian Affairs was added as an afterthought because they are an organization which is empowered to deliver a service and act in behalf of native Hawaiians.

"And, Mr. President, if there is a problem, I think that that can be cleared in the House so I suggest this bill go forward. It has indeed a very deep meaning for the Hawaiian people. Thank you."

Senator Cobb then rose on a point of information and inquired: "Mr. President, I would like to ask any proponent of the bill whether they feel this would add to the litigation that we already have, not necessarily ongoing in this particular case but litigation in our society as a whole?"

The Chair posed the question to the chairman and Senator Chang answered:

"Mr. President, I'd certainly like to ensure that it's clear as to the bill's application to ongoing or pending litigation.

"If the members will look on page 4, section 3, of the bill it says, 'This Act does not affect the rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.'

"As to whether this bill will foster litigation, Mr. President, any time we provide rights and benefits to people we hope that litigation is not the consequent part of that action, but certainly these rights, privileges, and duties need to be enforced.

"I think it is incumbent upon all the people of the state to understand that we need to respect one another and when the respect and honor that is due each individual is given, litigation surely will not result."

Senator Fernandes Salling then added: "Mr. President, I don't think it's going to add any more litigation than is already being brought in the Circuit Courts by other people who are not native Hawaiians."

Senator Carpenter further remarked: "Mr. President, in the portion just above that which the chairman of the Judiciary Committee read, subsection (d), page 4, I think this is the only place in the statute that we have this kind of language -- 'Before suit may be filed under this section, the claimant must have exhausted all administrative remedies.'

"So that is precautionary language that would require administrative action to take place prior to any possibility of litigation."

Senator Henderson then asked if the chairman would yield to a question and the Chair having posed the question, Senator Chang asked: "May I hear the question?"

Senator Henderson inquired: "How many plaintiffs would this bill entitle to sue, and what are you talking about here as far as the number of people that could bring suit in courts?"

Senator Chang answered: "Mr. President, I'm afraid I wouldn't be able to estimate that. We certainly do not lack for any number of potential

litigants in this state.

"It is simply a fact of life in the American system of justice that persons who have rights, privileges, duties and other conditions that are created under the law are able to assert their interest, if necessary, in our courts. This is certainly a condition that was instituted in the American system of justice well before this great land of ours became a state, and certainly not the fault or a burden of the native Hawaiians that such a system of justice was instituted for them."

Senator Henderson further inquired: "Mr. President, maybe the chairman of the Judiciary Committee could answer another question.

"Would this bill tend to encourage class action suits against the State of Hawaii?"

Senator Chang answered: "Here again, Mr. President, it really depends upon the facts and circumstances that affect rights and duties of parties. Where a class of people is affected, our system of justice has decreed these classes of people may bring action jointly so as to actually make our system more effective.

"Those are the kinds of benefits that are derived from the institution of class action suits; that the system of justice is made more effective and efficient."

Senator Henderson further inquired: "Mr. President, if the chairman of the Judiciary Committee would answer another question, would this encourage a contingency fee arrangement for class action suits?"

Senator Chang answered: "I'm afraid, Mr. President, the questions being posed are much too speculative and conjectural for me to offer any specific answers.

"The use of contingency fees is a part of our system of justice but a very restricted one. I do not practice in this area, but those who do practice trial law know that there are deep reservations that any attorney has about instituting action in any area utilizing the contingency fee approach if the actions that are being sought will not provide benefit to the attorney who has his rent to meet, his overhead, the clerical staff and other expenses every other business bears in day to day operations. I can barely offer a

response to the question because it is really in the realm of speculation and conjecture."

Senator Soares then rose to ask: "Mr. President, I didn't plan to ask any questions, but may I ask one quick one before we go on the vote, please, of the Judiciary chairman.

"As I read the bill, page 3, it says, this Act is to provide statutorily the Hawaiian individuals and organizations the right to sue. Can they sue now without this law; do we have to have it by statute? Can any native Hawaiian sue the Hawaiian Homes Commission right now without this bill?"

Senator Chang answered: "May I have the reference that the good Senator is making?"

Senator Soares responded: "Looking at the bill, can any native Hawaiian today without this bill being passed sue the Hawaiian Homes Commission?"

Senator Chang then said: "I understood the Senator to be referring to page 3."

Senator Soares responded: "Page 3 of the bill, it says that the Act is to statutorily provide the native Hawaiian individuals...."

Senator Young then rose in response and stated: "Mr. President, I think presently they cannot sue, so it was recommended by the Federal Task Force, that instead of yelling and protesting, that the Hawaiian community go to the Circuit Court of the state, and take their complaints there.

"When this bill left the Housing and Urban Development Committee, it was to have the Hawaiian organizations or the native Hawaiians sue Hawaiian Home Lands, and when it went to Judiciary it was my understanding that OHA also wanted to be included as a land trust to be able to sue."

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

"Mr. President, I would like to remind this body that we're making a policy decision and I think that it is appropriate that we give people the right and the prerogative to sue.

"I agree with the previous Senator's remarks that this has been a long-standing problem. It has been recommended after long deliberation

and after reviewing the testimonies from many Hawaiian organizations that the report of the Federal/State Task Force which included this recommendation.

"I strongly urge this body to pass this legislation. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 378-84 was adopted and S.B. No. 1885-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN LAND TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Ajifu, George, Henderson, Kawasaki and Soares). Excused, 1 (Cayetano).

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 2184-84, S.D. 1:

Senator Cobb moved that S.B. No. 2184-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, I find myself in somewhat of a quandry because I believe this bill is important and yet the process by which this bill was amended has disturbed me a great deal. So, therefore, I want to express my concerns about that matter for the record.

"In order to understand the concerns that I have, I believe I have to give some background about this bill.

"Mr. President, last year we enacted Act 296 which provided for the geothermal subzone designation process. In enacting Act 296 we put a halt to existing exploration work while the Department of Land and Natural Resources began the process of determining where these geothermal subzones would be located.

"There are three developers, Mr. President, who are affected by Act 296. All of their work is being done on the Big Island. Two of the developers, Barnwell and Thermal Power, have invested approximately \$12 million in exploration and drilling. These two developers have their

projects located on agricultural land. They are operating with a special use permit. They have a mining lease and, as I stated earlier, they have put quite a bit of work into their project.

"After 296 was passed, both developers communicated to the state that if they could not proceed with existing exploration they would seriously consider abandoning the projects, even giving up all the work they did and the \$12 million investment that they had already made. The Executive took these concerns into consideration. The Executive became convinced that these two developers were not bluffing, that the concerns they were expressing were real and, as a result, Senate Bill 2184 was introduced by the Executive to 'grandfather' or allow these two companies to continue the work they had done. As I stated earlier, they had done a substantial amount of work and had invested a lot of money.

"The third developer, Campbell Estate, on the other hand, had not done substantial work on their project, and their project is located on conservation land.

"The Campbell Estate development is under a conservation permit and that permit is being contested by private parties on the Big Island before the Department of Land and Natural Resources.

"There is a distinct difference, Mr. President, between the kind of uses that are allowed for agricultural land as opposed to land which is designated conservation.

"If the administration bill in its original form had passed, this would have put the Campbell Estate development behind the Thermal Power and Barnwell developments in the race to be the first to seek a development permit. That, I think, was an unfortunate development. However, Act 296 was enacted to take care of the concerns that the public had about the protection of conservation and agricultural lands as geothermal development would impact these types of land.

"Well, at the hearing, the administration came to testify in support of the bill. No testimony was given by the administration regarding including the Campbell Estate development as one of the parties being 'grandfathered' in the bill.

Indeed, Campbell Estate, itself, did not appear to testify.

"The committee did not have decision-making on the amended bill that is before us. Instead, the bill was amended by the committee chairman and a committee report was sent around for signatures.

"The problems that I have with this bill, Mr. President, besides the process that I just described, is that if this bill becomes law it will do a couple of things. One, in my view, it would emasculate Act 296. The reason for this is that the Department of Planning and Economic Development and the Department of Land and Natural Resources, the directors of both of these departments, will tell you that in their opinion there will be only three developers, at least in the near future; that possibly there may be another geothermal developer appearing on Maui, but as far as the Big Island is concerned these three developers will be the only ones.

"So, therefore by 'grandfathering' all three, what we have done is really render the law less effective. Also, by 'grandfathering' the Campbell Estate and by passing this bill, we will have pulled the rug from under the private parties which are now in litigation with the Campbell Estate before the Land Board.

"Mr. President, had we had a public hearing on this matter as to whether the Campbell Estate should be 'grandfathered' along with the Barnwell and Thermal Power projects, had we had a public hearing on this, then we could have had input from all of the affected parties concerned.

"Well, we did not have a public hearing and the chairman, in trying to be fair I suppose to all three developers, took it upon himself to amend the bill and without the benefit of the opinions of his committee members, and this is the situation we find ourselves in today.

"Well, where does this leave us? I think all of us can agree that the development of geothermal energy is important. I think, further, that all of us can agree that we do not want two developers who have already invested about \$12 million in their projects abandon the projects and leave the state because we have enacted a law which caused all of these problems. So in that sense the bill should move forward.

"I feel that I had to get up on the

floor and express these concerns, and I will vote against this bill because, symbolically, I think, at least a few of us should vote against the bill so that we can raise these concerns to the members of the House.

"Judging from last year's experience with the geothermal bill in Act 296, I'm certain that this bill will receive a very warm welcome in the House. I'm hoping that the House members will address the concerns that I have raised.

"I hope, also, Mr. President, that in the future when such major amendments are made to bills of great importance that members of the committee be consulted."

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

"Mr. President, I rise to speak in favor of S.B. 2184.

"First of all, Mr. President, as chairman of the committee I take full responsibility for the amendments proposed. The bill was heard in committee on Tuesday and after closing the hearing I received additional information from another party. As a result of that information, it became very apparent to me as committee chairman that for us to take action on Senate Bill 2184, as proposed, would indeed circumvent the law that we passed last year by 'grandfathering' in geothermal subzones.

"Secondly, it became very apparent to me that by adopting Senate Bill 2184 we would be favoring one developer as opposed to another. Therefore, it was my decision to make it fair to all parties by including the other developer.

"Mr. President, the key issue addressed in Senate Bill 2184 deals with the need to clarify whether or not geothermal energy should be permitted use in agricultural and conservation lands. Clarification of this issue will allow geothermal developers with any state or county land use permits, special use permits, or geothermal mining lease within an agricultural district upon which a geothermal well has been drilled prior to June 14, 1983, or on conservation area use application approved by the Board of Land and Natural Resources, prior to June 14, 1983, to continue to use their permits for exploration.

"I believe, Mr. President, that the amendments contained in Senate Bill

2184 will address geothermal developments to provide a lot to proceed by allowing all developers to continue their investigation, their research, and develop comprehensive plans for development of this valuable resource.

"I believe that geothermal energy development is a highly complex issue and one that will affect the long and short-range future of Hawaii, and I urge passage of this bill."

Senator Cayetano rose in rebuttal and stated:

"Mr. President, I guess the saying, 'the best intentions of men and mice always go awry' is the case in this situation.

"As the chairman stated, he was trying to be fair. Unfortunately, when he was trying to be fair to one party without hearing all of the evidence, I think that what he has succeeded in doing, if this bill becomes law, will be to be unfair to the other parties, including the other two developers.

"First, as I stated, this bill if enacted into law, if the House adopts the bill as is, would pull the rug from out of the litigants of the contested case now before the Land Board.

"Second, it is my understanding that if all three developers are 'grandfathered' in, that all of the land which the Campbell Estate project had projected using for their geothermal subzone would have been 'grandfathered' in, but this would not be the case with the Barnwell and Thermal Power companies. So, Campbell would be free and clear by 'grandfathering.' Barnwell and Thermal Power, from what I understand, to proceed further would have to seek additional permits."

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, taking into account all that's been said by the previous speakers, I still find that I have to vote against it.

"Mr. President, I'm not a member of the committee, but it would seem to me if new information was made available to any chair, such that a complete change in effect was made in the bill, the very least that can be done is that information should be shared with other members of the committee, let alone with the

leadership of this body. Why not communicate it?

"Communicated in this fashion, in effect we are being given a situation which you know has occurred in the United States Congress on occasion to the great detriment of good legislation, that is in effect, putting of riders on bills that are either unexpected or have no proper place in the bill because the assumption is that the bill has to pass and therefore it can be done.

"Mr. President, I'm particularly sensitive on this issue this evening because this body has been the recipient of remarks communicated to the public at large as recently as last night.

"We were castigated by the attorney for the Hawaii Newspaper Agency, perhaps from the point of view of some of us entirely fairly, but, nonetheless, the remarks have been made publicly with respect to secrecy, with respect to doing things without proper hearings, with respect to sunshine laws, with respect to open communication that can be expected where major issues are to be decided. And as a result of that we will find I am sure that some of these issues, important issues with respect to geothermal energy are liable to be lost in the wider discussion.

"Perhaps it will be to our benefit to do so, than to have this discussion, rather, take place as to the manner in which we do business. This is not the way we should do business on these important issues.

"And as a result of that, I cannot bring myself to vote for this bill in its present form and under the circumstances and conditions it reached this floor.

Senator Carpenter then rose to speak in favor of the measure as follows:

"Mr. President, I don't have to say that this bill is not only important for the Big Island but the State of Hawaii as well.

"Mr. President, notwithstanding the modification that changed the language, I think most of us here supported the language in the initial bill, which would have allowed Barnwell and Thermal Power, in this particular case, on agricultural lands to be 'grandfathered' in.

"But for the grace of God those two

developers of geothermal power were not contested in the courts. They could very well have been, in which case all of them, in this particular situation, perhaps, would be in litigation. They were not and this body saw fit to go forward to 'grandfather' them in light of the fact that each had invested some millions of dollars to determine the worth of the geothermal power beneath the earth.

"So, not necessarily in defense of the chairman, but in some manner of understanding that I believe that he sincerely tried to make matters somewhat even. I understand that the ramifications of this bill is such that sites, and specific areas need to be determined. Only the areas in which permits have been granted for specific areas immediately adjacent to the drill sites, as I understand it, are the areas that are essentially 'grandfathered' in this language.

"Mr. President, I hope we can go forward with our reservations as Senator Cayetano has expressed, relating to the conservation land, and expressing those concerns to the House members so that they can take appropriate action and return the bill to us. Thank you."

Senator Henderson also spoke in favor of the bill and stated:

"Mr. President, I don't think there's anything more important to the State of Hawaii right now than the development of geothermal energy on the Big Island.

"In my opinion, whatever we can do to accommodate that development is in the best interest of all of the people of the State of Hawaii. There's a potential on the Big Island of some 500 megawatts of electric energy, about half of the peak on Oahu. And my understanding is there is the technology and the likelihood, the economic feasibility of bringing that energy to Oahu is imminent, that there's a good chance that it'll be very economically feasible.

"So, Mr. President, I support the chairman of the Economic Development Committee in his accommodation of the competing entities in trying to develop geothermal energy on the Big Island.

"Also, Mr. President, I think that the areas that are prescribed in the permits are limited. It doesn't take the entire Campbell Estate 27,000 acres and allow geothermal

development on it. It doesn't do that. It only allows the area that was permitted.

"I know in the case of Thermal Power, it only allows part of their holdings to be 'grandfathered,' not the entire holdings. They have some 10,000 acres in Puna, some of which are in conservation areas which are not included in this 'grandfathering' so I would recommend to the members of this body to support the bill. Thank you."

Senator Cayetano, in response, stated: "Mr. President, there is no question that the development of geothermal energy is important. I think all of us agree to that and, quite frankly, I feel that this bill being the only vehicle should move to the House. I'm not going to vote for it.

"I'm not going to vote for it and I'm disappointed in the remarks of the previous speaker because on Friday night he was talking about process, and that's what I'm talking about. Process in amending this bill was wrong, and I want to bring that fact to the attention of this body."

The motion was put by the Chair and carried, and S.B. No. 2184-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 11:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock p.m.

Senate Bill No. 2156-84, S.D. 1:

By unanimous consent, action on S.B. No. 2156-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 266-84 (H.B. No. 530):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 266-84 was adopted and H.B. No. 530, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS IN THE PLANNING AND DEVELOPMENT OFFICE OF THE DEPARTMENT OF

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

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and George).

Standing Committee Report No. 267-84 (H.B. No. 531):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 267-84 was adopted and H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN EMPLOYEES IN THE DIVISION OF MILK CONTROL OF THE DEPARTMENT OF AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and George).

Senate Bill No. 2093-84, S.D. 1:

Senator Cobb moved that S.B. No. 2093-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I rise to speak against passage of this bill because what it does in effect is to require that the banks collateralize our state deposits, which amounts to about half-a-billion dollars with less collateral than at present.

"Presently, they collateralize our deposits with their assets amounting to 100 percent of the value of the deposits by the state. This bill cuts it down to 50 percent.

"This reduction from a 100 percent requirement to 50 percent is too great a reduction. I would support something like 75 percent but I would think that going to a 50 percent collateral requirement is going a little too far.

"The banks, of course, are going to benefit materially by the reduction of the collateral requirements. I don't know that the banks need this kind of reduction that is proposed here.

"For that reason I must speak against this bill and will vote against that proposition."

The motion was put by the Chair

and carried, and S.B. No. 2093-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Carpenter, Fernandes Salling and Kawasaki).

Standing Committee Report No. 288-84 (H.B. No. 1297, H.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 288-84 be adopted and H.B. No. 1297, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki then rose to speak against the measure as follows:

"Mr. President, may I direct a point of inquiry to the chairman of the Ways and Means Committee?"

The Chair replied in the affirmative and Senator Kawasaki continued:

"Mr. President, I know that the other special purpose revenue bonds involving other medical institutions, like Queen's Hospital, Kuakini, and so forth, have been recommitted probably because there has been a companion House bill passed upon by the other body. Is that right?"

Senator Yamasaki answered: "That's correct."

Senator Kawasaki continued: "That kind of strikes me as being curious as to why the House did not consider this particular bill for St. Francis Hospital.

"To the best of my knowledge St. Francis Hospital has not as yet come to this Legislature for a similar type of bill."

Senator Yamasaki answered: "This was a special bill for St. Francis."

Senator Kawasaki continued: "But I was surprised that the other body did not consider this bill along with the others that they considered."

Senator Soares, on a point of order, remarked: "Mr. President, this is a House bill."

The Chair responded: "Yes, it is a House bill, Senator Kawasaki, not a Senate bill."

Senator Kawasaki then said: "I see,

I stand corrected.

"Mr. President, I vote against this bill and similar propositions.

"I had predicted some time ago, a number of years back, when the hospitals came to us for special purpose revenue bonds, which in effect means they enjoy a tremendous savings in the way of not having to pay income taxes not them, the buyers of these bonds not having to pay income taxes to the state and the federal government.

"Now, it was argued at that point that these savings would be passed on to the consumers, in other words, the patients of these hospitals.

"We've granted Queen's Hospital a total of \$100 million of these special purpose revenue bonds, which means they enjoy a tremendous savings by selling bonds with lower rates of interest than would otherwise be possible and the bond buyers enjoy a tremendous saving in not paying income tax on the interest income.. The question here is, have the hospital passed these savings along to the consumers? I don't think so.

"Let me just recite to you some of the daily rates charged by Queens Hospital in particular. Mr. President, Queen's Hospital does not have wards. Kuakini Hospital does; it charges \$198 per day for ward rates. Queen's Hospital, however, has semi-private rooms for which you have to pay anywhere between \$200 a day to \$206 a day. For private rooms, Queen's Hospital charges \$231 per day; for intensive care, their charges are \$718.

"So, if you're an elderly person confined in intensive care, the total cost to you at the end of three weeks' stay or a total of a month's stay is an enormous amount. In many cases families have been faced with chaos, simply because all their lifetime savings were expended in paying for their hospital costs.

"My point is, with all of these savings that we had expected medical institutions to enjoy, what happened to the savings that was going to go to the patients? Nothing has taken place so far as I can see.

"To address this problem, as you all know, I have introduced a resolution asking for a Legislative Auditor's audit of the hospital care expenses and what goes into the charging of room rates for two

hospitals, particularly, Kuakini Hospital and Queen's Hospital. I trust that the chairman of the Health Committee who agrees with me that the problem of high hospital care is a big problem will act on the resolution.

"Hopefully, we can get the answers as to why the hospitals, notwithstanding special purpose revenue bonds, ostensibly passed over here to save them money, these savings have not been passed on to the patients who have to be hospitalized. For that reason, I speak against passage of this appropriations bill for St. Francis Hospital."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 288-84 was adopted and H.B. No. 1297, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 302-84 (S.B. No. 878, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 302-84 be received and placed on file, seconded by Senator B. Kobayashi and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, S.B. No. 878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 303-84 (S.B. No. 1115, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 303-84 be adopted and S.B. No. 1115, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares:

Senator Mizuguchi, in support of the measure, stated:

"Mr. President, members of the Senate, I rise to speak in favor of Senate Bill 1115, S.D. 2, which would establish a compulsory arbitration procedure for collective bargaining negotiations with police officers in Unit 12. This bill creates a viable alternative to the right to strike when

contract negotiations have reached an impasse.

"Currently, police officers are not subject to a final offer whole package arbitration procedure like the firefighters. The police officers have the right to strike, but it is questionable whether this right is an effective method of dispute resolution.

"A police officers' strike would certainly present an imminent or present danger to the health and safety of the public. It is reasonably foreseeable that HPERB would declare most police officers as 'essential' due to the nature of their work.

"Utilizing the provisions of Section 89-12(c), HRS, HPERB could effectively forbid most police officers from legally participating in any strike action. Unit 12's right to lawfully strike would be emasculated. There would be no adequate alternative in the event of a strike except to require the trained incumbents of Unit 12 to provide the minimum manning necessary to remove any danger to the public health and safety.

"Removal of any of the critical police services such as dispatch, traffic control, investigation of crimes and traffic accidents as well as responding to other calls for police assistance, would present a grave danger of an unpredictable and awesome nature to the health and safety of the public.

"Since Unit 12's right to lawfully strike can be effectively curtailed by the provisions in HRS 89-12(c), police officers would be left in a very precarious bargaining position with little leverage in contract negotiations.

"Chapter 89 of the Hawaii Revised Statutes recognizes the right of public employees to bargain collectively for their mutual benefit. An important right such as this should not be abridged merely because the employees happen to be police officers. Thus, it is imperative that a viable alternative mechanism for dispute resolution be designed for Unit 12.

"Therefore, Mr. President, I strongly view binding arbitration as the only viable alternative to the right to strike. Binding arbitration would protect the public's interest in continued health and safety while preserving the police officers' right to bargain collectively in an effective

manner.

"Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 303-84 was adopted and S.B. No. 1115, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes. none.

Standing Committee Report No. 310-84 (S.B. No. 1677-84):

By unanimous consent, action on Stand. Com. Rep. No. 310-84 and S.B. No. 1677-84, was deferred to the end of the calendar.

Senate Bill No. 1854-84:

Senator Cobb moved that S.B. No. 1854-84, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Fernandes Salling rose to speak against the measure as follows:

"Mr. President, I just want to point out that what this bill is doing is saying that these records will not be disclosed even upon court order, and, is this something that we want to do that we consider is in the public's interest in setting up these investigative committees?"

The motion was put by the Chair and carried, and S.B. No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1671-84, S.D. 1:

Senator Cobb moved that S.B. No. 1671-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I speak against the passage of this bill because what this bill does in effect is to hurt an aggrieved private citizen in his confrontation with government. If

there has been some act by any officer of the government, any employee of the government, any director of an agency in government, his act that the court has adjudged to be very harmful, if there's a loss incurred by the private citizen or his entity, then this act will relieve a public official or employee of responsibility.

"It just seems to me when the courts, when the courts decide...."

"Mr. President, I stand corrected, this is the not bill that I was supposed to talk on."

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

"Mr. President, we are on Senate Bill 1671, aren't we?"

"Mr. President, initially, I signed the committee report, free and clear, but my objection on this bill is on page 2, line 14 through 19. This provision reads, 'Nothing in this paragraph shall prohibit the arresting

agency from monitoring any calls if the agency has reason to believe that the caller is attempting to hinder the actions of the agency with regard to other persons or events.'

"Mr. President, this means that the person in custody will be allowed to make a phone call to his attorney, but if the police or the agency involved feel that they have reason to believe that the caller is attempting to hinder the actions of the agency, then they can listen in or monitor the conversation. This would allow them to do what is prohibited in our wiretap law.

"Under our wiretap law, in order for the law enforcement agency...."

At this time, the Chair declared that time has lapsed for the Thirty-Third Day.

ADJOURNMENT

At 12:00 o'clock midnight the Senate adjourned until Tuesday, March 13, 1984.