

FIFTY-FIFTH DAY

Thursday, April 12, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Don Gurney, Director, Baptist Student Ministries, Hawaii Baptist Convention, after which the Roll was called showing all Senators present.

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

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Chang then introduced to the members of the Senate Hawaii's Chinese Living Treasures of 1984 and stated as follows:

"Mr. President, it is with great pride that I present to the Senate several persons who have been designated as Hawaii's Chinese Living Treasures in 1984.

"The Chinese Living Treasures program was established to recognize individuals and organizations in our community who have unselfishly dedicated their lives towards the preservation of the Chinese cultural heritage in the areas of the arts, crafts, music, and public service.

"We have with us half of the group that has been honored with the Living Treasures designation. Representative Rod Tam is presenting six of the Living Treasures in the House.

"The Chinese Living Treasures with us today are: Lam Oi Char, Lily Siou, Irma Tam Soong, Bernice Yee, and the Hawaii Chinese History Center, represented by Mrs. Puanani Kinney, president.

"Accompanying these Living Treasures are Leslie Poon, president of the Chinese Youth of Hawaii, sponsors of the Chinese Living Treasures program, and Lester Liu, a trustee of the organizations for the trustees.

"I would like to congratulate the Chinese Youth of Hawaii on their vast

contributions to the Chinese community and especially congratulate them on their 50th anniversary, celebrated this year."

The honorees rose to be recognized and were presented the Senate Certificate and leis by Senators Chang, Aki, Carpenter, Cobb, Hagino, Toguchi, Soares, and Young.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 455 to 461) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 455), transmitting House Concurrent Resolution No. 39, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No. 39, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHA WELLS," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 456), transmitting House Concurrent Resolution No. 52, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No. 52, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE INTENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPAND THE USE OF CONFESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 457), transmitting House Concurrent Resolution No. 95, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No.

95, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO PESTICIDE AND TOXIC/HAZARDOUS CHEMICAL USAGE BY THE MILITARY AND OTHER FEDERAL AGENCIES," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 458), transmitting House Concurrent Resolution No. 105, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No. 105, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER FOR DECP, EDB, TCP, AND OTHER CHEMICAL CONTAMINANTS," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 459), transmitting House Concurrent Resolution No. 110, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

At this time, Senator Abercrombie rose to remark on H.C.R. No. 110, H.D. 1, as follows:

"Mr. President, before you refer H.C.R. No. 110, H.D. 1, 'Requesting the Board of Land and Natural Resources to Lease the Former Hale Mohalu Site to an Eleemosynary Organization for Youth Athletic and Recreation Activities,' I want to register an objection to this House communication indicating that the committee report itself is a contradiction in terms, and I trust that the Tourism Committee, if the resolution is referred there, will be open to amendments to the resolution as presented by the House.

"I've very seldom seen a communication come from the House as illogically reasoned as this resolution."

By unanimous consent, H.C.R. No. 110, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 460), informing the

Senate that the Speaker has added Representative Albano as co-chairman together with Representative Kiyabu on the part of the House at the conference on Senate Bill No. 1841, was placed on file.

A communication from the House (Hse. Com. No. 461), informing the Senate that the amendments proposed by the Senate to the following listed House Bills were agreed to by the House, and passed Final Reading in the House of Representatives on April 11, 1984:

H.B. No. 162, H.D. 2, S.D. 1;
 H.B. No. 537, H.D. 1, S.D. 2;
 H.B. No. 556, S.D. 1;
 H.B. No. 787, H.D. 1, S.D. 1;
 H.B. No. 847, H.D. 1, S.D. 2;
 H.B. No. 1721-84, H.D. 1, S.D. 1;
 H.B. No. 1740-84, S.D. 1;
 H.B. No. 1742-84, S.D. 1;
 H.B. No. 1777-84, S.D. 1;
 H.B. No. 1779-84, H.D. 1, S.D. 1;
 H.B. No. 1838-84, S.D. 1;
 H.B. No. 1842-84, H.D. 1, S.D. 1;
 H.B. No. 1845-84, H.D. 1, S.D. 1;
 H.B. No. 1848-84, H.D. 1, S.D. 1;
 H.B. No. 1892-84, S.D. 1;
 H.B. No. 1925-84, H.D. 1, S.D. 1;
 H.B. No. 2002-84, H.D. 2, S.D. 2;
 H.B. No. 2020-84, S.D. 1;
 H.B. No. 2077-84, H.D. 1, S.D. 1;
 H.B. No. 2181-84, S.D. 1;
 H.B. No. 2201-84, H.D. 1, S.D. 1;
 H.B. No. 2261-84, H.D. 1, S.D. 1;
 H.B. No. 2268-84, S.D. 1;
 H.B. No. 2396-84, S.D. 1;
 H.B. No. 2451-84, H.D. 1, S.D. 1;
 H.B. No. 2477-84, H.D. 1, S.D. 1;
 H.B. No. 2484-84, H.D. 1, S.D. 1;
 and
 H.B. No. 2604-84, S.D. 1,

was placed on file.

STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 697-84) recommending that House Bill No. 2332-84, H.D. 1, 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 H.B. No. 2332-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE TO KEEP FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 1984.

Senator Chang, for the Committee on Judiciary, presented a report

(Stand. Com. Rep. No. 698-84) recommending that House Bill No. 1678-84, 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 H.B. No. 1678-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 699-84) recommending that the Senate advise and consent to the nomination of Marc V. Oley to the Hawaii Paroling Authority, in accordance with Governor's Message No. 103.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 699-84 and Gov. Msg. No. 103 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 700-84) recommending that the Senate advise and consent to the nomination of Michael M.C. Yee to the Board of Registration, Island of Oahu, in accordance with Governor's Message No. 179.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 700-84 and Gov. Msg. No. 179 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 701-84) recommending that the Senate advise and consent to the nomination of Leonilda T. Cairns to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, in accordance with Governor's Message No. 180.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 701-84 and Gov. Msg. No. 180 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 702-84)

recommending that the Senate advise and consent to the nomination of Evelyn T. Brand to the Board of Registration, Kauai and Niihau, in accordance with Governor's Message No. 181.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 702-84 and Gov. Msg. No. 181 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 703-84) recommending that the Senate advise and consent to the nomination of Joseph Cardoza, Esq., to the Juvenile Justice Interagency Board, in accordance with Governor's Message No. 212.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 703-84 and Gov. Msg. No. 212 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 704-84) recommending that the Senate advise and consent to the nomination of Warren Hisashi Nishimura to the Board of Registration, Island of Hawaii, in accordance with Governor's Message No. 297.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 704-84 and Gov. Msg. No. 297 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 705-84) recommending that the Senate advise and consent to the nominations of Douglas G. Gibb and Mary Lou Barela to the Juvenile Justice Interagency Board, in accordance with Governor's Message No. 178.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 705-84 and Gov. Msg. No. 178 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 706-84) recommending that the Senate advise and consent to the nominations of Hiroshi Sakai and Robert S. Toyofuku to the Commission to Promote Uniform Legislation, in accordance with Governor's Message No. 182.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 706-84 and Gov. Msg. No. 182 was deferred until Friday, April 13, 1984.

At this time, Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, will there be any discussion in a caucus of the bills and nominations prior to the vote?"

The Chair answered: "The answer is 'yes,' there will be a caucus."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 707-84) recommending that Senate Resolution No. 59, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 59, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was adopted.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 708-84) recommending that Senate Concurrent Resolution No. 51, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was adopted.

Senator Abercrombie then rose on a point of inquiry as follows:

"Mr. President, before you proceed to the order of the day, with respect to the nominations on one-day notice, 706-84, Gov. Msg. 182. There are two names there. I have an objection to one name, not to both. Does that create a difficulty with respect to approval or disapproval?"

The Chair answered: "No, I don't see any difficulty; if there is a request by Senators to take up the names individually, we will."

Senator Abercrombie thanked the Chair.

ORDER OF THE DAY

MATTER DEFERRED
FROM APRIL 11, 1984

THIRD READING

House Bill No. 1947-84:

Senator Cobb moved that H.B. No. 1947-84, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Carpenter rose to speak against the bill and stated as follows:

"Mr. President, this bill, 'A Bill for an Act Proposing an Amendment to Article II, Section 12, of the Hawaii Constitution, to Allow Greater Flexibility in Scheduling the Deadline for Introducing Bills,' is, Mr. President, as represented on the standing committee report, merely a 'hope.'

"There is nothing in this proposed amendment, which merely seeks to remove certain language from the present Constitution to allow a number of events to occur, amongst which are the preference as indicated in the committee report to extend the session, to allow bills to be introduced earlier than is presently allowed.

"Mr. President, besides the nice idea that it represents, it is flawed in the sense that no Representative nor Senator is legally assigned the duties, after an election until such time as the oath of office is administered in accordance with Article XI, Section 4, of the Constitution.

"Unless, Mr. President, there is some idea that oaths of office will be administered at an earlier date to allow bills to be introduced by individuals having the full authority of that office, this bill is deficient.

"At least, every session, approximately one-half of the number of Senators will not be sworn in until opening day.

"On election years, none of the Representatives, who hold two-years terms, will be sworn in until opening day. So, this bill can only be effective, or the ideas represented in the committee report can only take place if a number of events occur, amongst which is, first, the oath of office must be administered prior (to opening day) in order to allow every Representative or Senator to introduce bills earlier than is presently allowed. And, Mr. President, it may very well be that, among other things, the Senate or the House may not be organized by that time.

"Certainly, the costs will increase because no one up to this time, as I understand it, has a full complement of staff for earlier drafting of and introduction of bills, which would certainly incur an additional cost to the Legislative process.

"So, Mr. President, for these and a host of other reasons, I suggest that while the idea may be a good one, in terms of its practicality, it is deficient in a number of respects.

"Thank you very much."

Senator Abercrombie also rose to speak against the measure and stated as follows:

"Mr. President, I would incorporate many of the thoughts of the previous speaker as my own with respect to this bill. The title of the bill is a misnomer. It does not allow for greater flexibility unless you want to have incumbent legislators have greater flexibility at the expense of those who may be newly elected.

"Mr. President, the committee report itself indicates an example of so-called flexibility, 'Bill introduction begins on the first Wednesday in January, two weeks before the legislature convenes.'

"As has been indicated by the previous speaker, the passage of this would do nothing with respect to the rules and regulations and how the Senate and the House run.

"I've long been an advocate of more staff for the Legislature, but I am constantly and those who have my point of view are constantly rebuffed by those who say this would increase cost. We increase cost for everybody else in the state and in the administration and all of the rest of it, but not for ourselves. This puts a premium on those who are already familiar with the drafting process, who already have access and understanding of the Legislative Reference Bureau, the Majority and Minority Research offices, etc. Those who are not familiar will not have the same capacities.

"The committee report states, 'The Legislature convenes on the third Wednesday in January. Non-essential legislative business is deferred....' I presume that refers to just the third Wednesday itself, but there's nothing about what happens between November and January.

"As the previous speaker has

indicated, presumably if there is an organization, there should be some attempt at some kind of program from which legislation would be derived. I don't see that we do not conduct legislative business.

"There is also an indication, as we move down the committee report, 'Bill introductions would be cut off sometime after the first week (of the session), but before the end of the second week of session.' I don't see that as providing greater flexibility to those who want to control the Legislature, who want to control the flow of legislation, who want to diminish the capacity of the public to make its view known to legislators and to solicit legislators to enter bills which would benefit the public. I think that we are not in the business here of doing what's convenient for us. We're in the business here of doing what's convenient for the public purpose and to cut off the date of introduction of bills, I think, flies in the face of the experience of everyone on this floor, no matter how long their length of service in the Senate or in the House.

"All of us have turned in bills on the last day of bill introduction that have evolved as a result of discussions and perceptions that we have arrived at, once the session is underway, and once we see some of the legislation coming in. It doesn't make any sense to try, from a public purpose point of view, to cut this off.

"I would indicate further, under Section 5(c), page 2, of the committee report, 'There would be less pressure to hold hearings during the legislative recess....' Why should there be less pressure during the legislative recess. That's when we should be taking the time to explore some of these issues at greater length so they don't come under the so-called pressure cooker that exists during the 60-day session of the Legislature. That certainly is not indicated in the title of the bill about greater flexibility.

"If we want greater flexibility, we should be encouraging interim work, not trying to discourage interim work. I think we should put more pressure on ourselves to hold hearings during the legislative recess so that many of the issues which are ongoing can be discussed in greater length.

"Continuing on (c), '...or during late evening hours which are

inconvenient to the general public.' Since when is it inconvenient to the general public to hold hearings at a time when people are more available? If late evening hours may be inconvenient to legislators, they need not run for office.

"But it certainly is not inconvenient to those people who put in a full working day and then because of their interest in a subject matter are willing to come down to the Legislature during the evening or on weekends or any other time that they can get here. I hardly see it as an argument to be made to the public, should we pass this legislation, that if we pass the legislation we won't do any work during the interim and don't worry, you won't be able to do anything about it anyway because we're not holding hearings at night. That's a helluva message to deliver to the public.

"Under (a), 'More time would be available for hearings by committees.' How's it going to be more time be available for hearings by the committee if the idea of passing it is to restrict interim work and to cut down on evening hours for legislators.

"Shorter agenda would be possible.' Since when are we in the business of making shorter agendas. I don't see anything in the Constitution that says the object of the legislative process is to make its work as short as possible. Have longer agendas, if that's what's involved. Public business has to be served whether it's a long agenda or a short agenda. What difference does it make?

"Shorter agendas would result in more deliberative hearings and shorter waiting periods for persons wishing to testify.' That's not true at all. You can have a subject matter before a committee with only one issue before it and I've seen hearings where the hearings went on all day long and you had to have another session afterwards; one subject matter just on raising the drinking age, for example, this year. The hearings went on for hours and hours and hours, just on that one subject alone.

"On the other hand, I've seen hearings take place with an agenda as long as your arm that just whistled right through, unless there's somebody like me around or Duke.

"So the point here is that this is no argument to make to the public, and

if it passes, I think those of us who'd like to see the public defeat it will be requesting of those who favor of it is to give the public a reason why this benefits them as opposed to suiting the convenience of individual legislators who don't wish to work as hard as they should.

"Thank you."

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

By unanimous consent, action on H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," was deferred until Friday, April 13, 1984.

FINAL READING

Senate Bill No. 785, S.D. 1, H.D. 2:

Senator Cobb moved that S.B. No. 785, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I'm voting against this bill because I don't think we should by statute dictate the interest rates that are chargeable by retail merchants to the average consumer.

"While there are some improvements made to the basic statute regarding sales, I think the language, particularly on page 40 of the bill, is objectionable where we mandate, practically, interest charges to be charged.

"Let me read line 15, for example, 'Upon maturity of a contract, the rate of finance charge on the unpaid principal balance of the contract shall be eighteen per cent a year, unless a lesser rate for after maturity finance charge is specified in the contract.'

"Unless the rate is specified in the contract, I don't think we should be dictating by putting it into concrete, as it were, rates that retail merchants should charge borrowers after the contract matures.

"Of course, I've always objected to

the possibility of a 24 percent per year charge being imposed upon consumers on a renewed loan. These kinds of things, I think, should be left as the businesses generally advocate 'open-market competition climate,' and for us to enact by statute these charges which, in my judgment, are usurious for that matter, I think, is not what we may want and in two or three years we may regret doing this.

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

The motion was put by the Chair and carried, and S.B. No. 785, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Kawasaki). Excused, 2 (Kuroda and Uwaine).

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

Senate Bill No. 1577-84, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1577-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

Senate Bill No. 1890-84, S.D. 1, H.D. 1:

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

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

In accordance therewith, the President discharged the Managers

who were appointed on the part of the Senate.

THIRD READING

House Bill No. 2116-84, H.D. 1:

Senator Cobb moved that H.B. No. 2116-84, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure as follows:

"I do not believe it is a good idea to change the reacquaintance or updating requirements for drivers with the kind of equipment that's being addressed here.

"In the caucus I indicated that I drive an automobile, for example, which is 20 years old and as a result I have to have it inspected twice a year rather than once a year. I have found that while that costs me some money, on occasion it costs me money for good reason, more likely that there needs to be attention paid as a result.

"In other words, Mr. President, the argument being that, while it may on the surface seem to be an inconvenience to me, the public purpose is well served by such an activity. I think, also, I indicated from a personal point of view, I was reminded the other day that some of the rules of the road are there for good purposes.

"I happened to be coming to a stop light and a light that was changing and I felt I could make the light. It's not what the rules of the road say, and I decided no, that wasn't a good idea, and as I pulled up I discovered that someone was crossing, an elderly person was crossing against the light, a person I did not see because of the car in the other areas of the road. Had I gone through that light, I might very well have hit that person. But the burden of my point there is that I was reminded by a stroke of good fortune as to what the rules of the road were.

"It might be good if, with respect to licenses, we had to be tested more often.

"I also went through the experience of letting my license lapse and had to take my test all over again and had to familiarize myself on all the rest of it in order to get that license. It turned out that I missed a few

questions on that. I was confident that I could pass it all and it turned out I didn't know everything. I hadn't remembered everything and it was to my benefit to know these things.

"I don't see any harm whatsoever when we're dealing with drivers who have control over vehicles far larger than anything that we're driving. We're talking about vehicles that weigh tons and tons and have tremendous force behind them who are on the road infinitely more often than we are and for much longer periods of time.

"I see nothing wrong whatsoever and every benefit to be derived from seeing to it that if for no other reason than refamiliarizing yourself, reacquainting yourself with the reasons for the rules of the road that they be required to, on an annual basis rather than a biennial basis, to submit themselves to a driver improvement program. Certainly, no public harm comes from such an activity and there's every reason to believe public good would accrue from it.

"If a driver finds it inconvenient, that's a comment on the driver's perception of public safety in his or her own relationship to it, not a comment on the illogic of the law or the inconvenience of the law or the motivation of the law.

"The burden, it seems to me, is on those who would say that we should not have a regular yearly, an annual if you will, driver improvement program which would have at the very least a period of time in which the drivers of these heavy vehicles would have the opportunity to recognize once again the special place that they occupy on the public road and their responsibility."

Senator B. Kobayashi rose to speak in support of the measure as follows:

"Mr. President, the bill was warmly supported by the various safety officers involved, including the Department of Transportation safety officer and the Honolulu Police Department.

"The crux of the bill really was that we have a situation in which most of us here have a driver's license that extends for four years. This driver's license extends for only two years if you are 65 years and above. In the case, however, of professional drivers they have a

yearly requirement.

"This yearly requirement is not just a re-licensing procedure such as we go through where we get our eyes checked and a rather short 20-question test. This procedure, rather, is a full-blown almost driver education course in which you have classroom hours; you have vehicle instruction and check-out procedures; and you have a problem of not only inconvenience, so to speak, but time away from the job and cost to either the employer or in some cases the employee.

"So, it's a matter of time and not inconvenience. It's a matter of saying that these drivers generally have a good record as supported by the various safety officers involved, and also that their frequency of renewal is already much greater than most of us here in this room who have four years for renewal."

Senator Carpenter then rose to speak against the measure as follows:

"Mr. President, the committee report on page 1, I believe, expresses a conflict. In the last two sentences of the last paragraph: 'Your Committee finds that the potential danger and seriousness of accidents involving heavy trucks and buses justifies the requirement of driver safety courses as a means of reinforcing positive driving behavior and detecting potentially dangerous drivers.'

"On the other hand, Mr. President, the next sentence conflicts with that when it says: 'Your Committee further finds that it is both justifiable and financially reasonable that experienced, full-time drivers only be required to participate in biennial driver safety course and therefore your Committee is in agreement with the intent and purpose of this bill.'

"Mr. President, the question is, financially responsible to whom? And are we also assuming that experienced drivers do not experience accidents?"

"I think the answer to both of those questions is 'no.' They do, and they get into every bit as serious accidents as anyone else, although the statistics may tend to favor those who have experience versus those who may not.

"I think, Mr. President, what this represents basically is a relaxing of standards, irrespective of whether

the Department of Transportation has testified in favor of this.

"I know for a fact, on the Big Island, the Department of Transportation has always been strapped for personnel who actually conduct the tests and any relief from that, as I see this bill representing, perhaps reduces the load. That perhaps could be simulated throughout the State of Hawaii.

"I don't believe that shirking the duty or having an inadequate number of personnel to adequately conduct the safety requirements of these tests is excuse to support a measure which essentially reduces the standards of safety that we need on our state highways.

"Thank you."

Senator Abercrombie then further remarked, in speaking against the measure, as follows:

"Mr. President, the comments of the chairman of the Transportation Committee would seem to argue for the points raised by Senator Carpenter and myself.

"If the drivers of these heavy vehicles, in fact, have a better record than other drivers, maybe it's because they have to go through this course every year and be reminded. And as far as the rest of us not having to take a driver's test or to renew our license on the same basis, I for one have just indicated that I thought perhaps that to our disadvantage. And the fact that we are not doing or participating in a safety program as much as we should, would it not be an argument for someone else then not to do it, as well. I don't see the logic behind that.

"The fact of the matter is that we are lowering the standard here and taking a chance; whereas, if we continued it on the present basis it would seem to me, as I indicated previously, at the very least people who might otherwise become a bit complacent precisely because they, as sensible professionals, might have the opportunity to remind themselves as to what they are doing.

"I find it interesting that in some of the contacts I've had with people who race, for example, they are constantly going through checks on themselves with respect to reaction time, with respect to equipment. These equipment changes do take

place, especially with these heavy vehicles, and they do not see it as a burden at all to re-familiarize themselves, in effect, with equipment and techniques; rather, they find that as a boon to their capacity to be able to engage in their sport."

The motion was put by the Chair and carried, and H.B. No. 2116-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Carpenter). Excused, 2 (Kuroda and Uwaine).

House Bill No. 194, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 194, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRONGFUL DEATH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 786, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 786, H.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, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1839-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1839-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Carpenter). Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1846-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1846-84, entitled:

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

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1980-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1980-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVES-DROPPING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Ajifu). Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1999-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1999-84, H.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, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

At this time, Senator Cayetano rose on a point of inquiry and asked: "Mr. President, will the chairman of the

Ways and Means Committee yield to a question?"

The Chair posed the question to the chairman, and Senator Yamasaki having answered in the affirmative, Senator Cayetano asked as follows:

"Mr. President, this morning I heard on the radio that the Senate Ways and Means Committee will be making the Senate position on the budget worksheets available to the public. Is that correct?"

Senator Yamasaki answered: "Yes, Mr. President. In the conference on the budget, House Bill 1640, we have made available to the public our positions on House Bill 1640. We have the worksheets on display at the conference for public inspection."

Senator Cayetano continued: "Mr. President, I have not hesitated to criticize the chairman when I thought he was acting wrongly in not making these worksheets available to the public. I won't hesitate now to commend him for this step which I think is a step in the right direction.

"Hopefully, another step will be taken very soon to accommodate the members of the Senate."

ADJOURNMENT

At 12:31 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 13, 1984.