

FIFTY-NINTH DAY

Wednesday, April 18, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Patrick F. Feely, Lt. Colonel, United States Air Force, after which the Roll was called showing all Senators present.

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

The following introductions were then made to the members of the Senate:

Senator Aki introduced a group of 14 "future leaders" from Waianae High School, accompanied by Mr. Alfredo Curammeng, their teacher.

Senator Solomon, on behalf of Senators Carpenter, Henderson and herself, introduced a group of students from the Special Motivation Class from Kealahiki School, Kona, and their advisors, Mrs. Marsha Toyama and Dr. Joe Hinton, and chaperones, Mrs. Vicky Medeiros and Mr. Harry Yonemura.

Senator Kawasaki then introduced Mr. Kubota, "a gentleman who has been religiously attending our sessions and watching what mischief takes place on this floor; an effective emissary to the senior citizens and Democrats throughout the City of Honolulu."

Senator Cayetano then introduced the following and stated:

"Mr. President, this will be the first introduction that I make this session so I hope my colleagues will indulge me for introducing relatives.

"Mr. President, in the gallery today are two of my aunts -- Aunt Rachel Willing who is the sister of my mother, and, this may come as a surprise to all of you, but, Aunt Aggie Cope. Aunt Aggie and Aunt Rachel took care of 'yours truly' when I was a little boy. They heard I was in trouble so they came down here to straighten things out.

"With my aunts is my cousin, Mr. Kamaki Kanahale, a local boy who's made good. I make this introduction on behalf of Senator Solomon who is

the chairman of the committee on culture and arts also. Kamaki is the Administrator for Education of the National Endowment of the Arts based in Washington, D.C."

Mrs. Willing, Mrs. Cope and Mr. Kanahale were then asked to rise and be recognized.

Senator Chang then introduced a group of "dynamic" fifth and sixth grade students "who happen to be 'present' leaders in our community," student council members of Lanakila Elementary School, accompanied by their advisor, Jan Einhardt.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 322), transmitting a report entitled "Report of the Governor's Aquaculture Industry Development Committee," April 1984, was read by the Clerk, and was referred to the Committee on Agriculture.

DEPARTMENTAL COMMUNICATION

A communication from the Department of Commerce and Consumer Affairs (Dept. Com. No. 25), transmitting a study entitled "Fee Splitting With Brokers From Foreign Countries," January 1984, in support of passage of House Bill No. 2160-84, prepared by the Real Estate Commission, was read by the Clerk, and was referred to the Committee on Consumer Protection and Commerce.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 478 to 511) were read by the Clerk and were disposed of as follows:

House Communication Nos. 478 to 503 informing the Senate that the amendments proposed by the Senate to the following House bills were agreed to by the House of Representatives and passed Final Reading:

Hse. Com. No. 478 - House Bill No. 791, S.D. 2, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 479 - House Bill No. 1637-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 480 - House Bill No.

1681-84, H.D. 1 S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 481 - House Bill No. 1697-84, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 482 - House Bill No. 1711-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 483 - House Bill No. 1746-84, H.D. 2, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 484 - House Bill No. 1747-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 485 - House Bill No. 1748-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 486 - House Bill No. 1749-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 487 - House Bill No. 1753-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 488 - House Bill No. 1757-84, S.D. 1, passed Final Reading in the House on April 13, 1984.

Hse. Com. No. 489 - House Bill No. 1926-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 490 - House Bill 1985-84, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 491 - House Bill No. 2078-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 492 - House Bill No. 2179-84, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 13, 1984;

Hse. Com. No. 493 - House Bill No. 2406-84, H.D. 2, S.D. 2, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 494 - House Bill No. 2407-84, H.D. 1, S.D. 1, passed

Final Reading in the House on April 13, 1984;

Hse. Com. No. 495 - House Bill No. 2429-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 496 - House Bill No. 2523-84, H.D. 2, S.D. 1, passed Final Reading in the House on April 13, 1984;

Hse. Com. No. 497 - House Bill No. 183, H.D. 2, S.D. 2, passed Final Reading in the House on April 16, 1984;

Hse. Com. No. 498 - House Bill No. 1120, H.D. 1, S.D. 1, passed Final Reading in the House on April 16, 1984;

Hse. Com. No. 499 - House Bill No. 1431, H.D. 2, S.D. 1, passed Final Reading in the House on April 16, 1984;

Hse. Com. No. 500 - House Bill No. 1571, H.D. 2, S.D. 1, passed Final Reading in the House on April 16, 1984;

Hse. Com. No. 501 - House Bill No. 1726-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 16, 1984;

Hse. Com. No. 502 - House Bill No. 2194-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 16, 1984; and

Hse. Com. No. 503 - House Bill No. 2540-84, H.D. 1, S.D. 1, passed Final Reading in the House on April 16, 1984;

and were placed on file.

A communication from the House (Hse. Com. No. 504), transmitting House Concurrent Resolution No. 78, which was adopted by the House of Representatives on April 17, 1984, was placed on file.

By unanimous consent, H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF ESTABLISHING A STATE ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT, OR COMPARABLE BODY TO COORDINATE AND ADDRESS MATTERS OF ENVIRONMENTAL QUALITY," was referred to the Committee on Economic Development, then to the Committee on Legislative Management.

A communication from the House

(Hse. Com. No. 505), transmitting House Concurrent Resolution No. 132, H.D. 1, which was adopted by the House of Representatives on April 17, 1984, was placed on file.

By unanimous consent, H.C.R. No. 132, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE UNITED STATES HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FORMALLY REJECT ENUMERATED SECTIONS OF THE FINAL REPORT OF THE NATIVE HAWAIIANS STUDY COMMISSION, VOLUME I," was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 506), transmitting House Concurrent Resolution No. 138, H.D. 1, which was adopted by the House of Representatives on April 17, 1984, was placed on file.

By unanimous consent, H.C.R. No. 138, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO ASSIST ONGOING HIGH TECHNOLOGY DEVELOPMENTS, TO IDENTIFY HIGH TECHNOLOGY DEVELOPMENT SITES ON A STATEWIDE BASIS, AND TO STREAMLINE PERMIT PROCEDURES AND RECOMMEND INCENTIVES FOR HIGH TECHNOLOGY DEVELOPMENTS," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 507), transmitting House Concurrent Resolution No. 150, which was adopted by the House of Representatives on April 17, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE DAY OF APRIL 18, 1984 AS 'HAWAIIAN OCEAN DAY,'" was adopted.

A communication from the House (Hse. Com. No. 508), informing the Senate that the Speaker on April 16, 1984 appointed Representatives Albano and Kiyabu, Co-Chairmen, Yoshimura and Anderson as Managers on the part of the House for the consideration of amendments proposed by the House to Senate Bill No. 20, S.D. 1, was placed on file.

A communication from the House

(Hse. Com. No. 509), informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Concurrent Resolution No. 19, H.D. 1, and the request for a conference on the subject matter of said amendments, on April 17, 1984, the Speaker appointed Representatives Andrews, Chairman, Hashimoto, Morgado, Nakasato, Takamine, and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 510), informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Concurrent Resolution No. 20, H.D. 1, and the request for a conference on the subject matter of said amendments, on April 17, 1984, the Speaker appointed Representatives Andrews, Chairman, Hashimoto, Morgado, Nakasato, Takamine, and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 511), informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Concurrent Resolution No. 26, H.D. 1, and the request for a conference on the subject matter of said amendments, on April 17, 1984, the Speaker appointed Representatives Andrews, Chairman, Hashimoto, Morgado, Nakasato, Takamine, and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

STANDING COMMITTEE REPORTS

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 846-84) recommending that Senate Concurrent Resolution No. 107 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION URGING CONTINUED FUNDING OF THE BIOENERGY DEVELOPMENT CORPORATION'S EUCALYPTUS TREE FARM DEMONSTRATION PROJECT," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 847-84) recommending that Senate

Resolution No. 128 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 128, entitled: "SENATE RESOLUTION URGING CONTINUED FUNDING OF THE BIOENERGY DEVELOPMENT CORPORATION'S EUCALYPTUS TREE FARM DEMONSTRATION PROJECT," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 848-84) recommending that Senate Concurrent Resolution No. 109 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DESIGNATION OF ENDANGERED SPECIES PROTECTION MONTH," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 849-84) recommending that Senate Resolution No. 130 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 130, entitled: "SENATE RESOLUTION REQUESTING DESIGNATION OF ENDANGERED SPECIES PROTECTION MONTH," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 850-84) recommending that Senate Concurrent Resolution No. 116, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 116, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE WORLDWIDE GREENHOUSE EFFECT ON HAWAII'S COASTAL DEVELOPMENTS," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 851-84) recommending that Senate Resolution No. 137, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.R. No. 137, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE WORLDWIDE GREENHOUSE EFFECT ON HAWAII'S COASTAL DEVELOPMENTS," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 852-84) recommending that Senate Concurrent Resolution No. 124 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 124, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PROTECTION OF HABITAT ESSENTIAL FOR ESTABLISHING A SANCTUARY FOR THE ENDANGERED 'ALALA,'" was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 853-84) recommending that Senate Resolution No. 159 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 159, entitled: "SENATE RESOLUTION REQUESTING THE PROTECTION OF HABITAT ESSENTIAL FOR ESTABLISHING A SANCTUARY FOR THE ENDANGERED 'ALALA,'" was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 854-84) recommending that Senate Concurrent Resolution No. 126 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 855-84) recommending that Senate Resolution No. 162 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 162, entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING

ACTIVITIES IN HAWAII," was adopted. o'clock a.m.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 856-84) recommending that Senate Concurrent Resolution No. 40, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 857-84) recommending that Senate Resolution No. 46, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 858-84) recommending that Senate Resolution No. 16 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 16, entitled: "SENATE RESOLUTION CONCERNING THE SMALL BUSINESS INNOVATION DEVELOPMENT ACT OF 1982," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 859-84) recommending that Senate Resolution No. 149, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 149, S.D. 1, entitled: "SENATE RESOLUTION AUTHORIZING THE ESTABLISHMENT OF SENIOR CASE MANAGEMENT COORDINATION PROJECTS FOR THE ISLAND OF MAUI," was adopted.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59

ORDER OF THE DAY

FINAL READING

Conference Committee Report No. 1-84 (S.B. No. 2072-84, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 1-84 be adopted and S.B. No. 2072-84, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Cobb rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in favor of this measure and, in doing so, I want to express the hope and legislative intent.

"When the matter appears on the ballot, it is made crystal clear that it is not a legislative pay raise but merely an adjustment by method in which legislators are paid. I say this because in the last general election, there was a good deal of public confusion when the last such ballot issued that attempted to provide for precisely the same thing and a number of people in the general public felt that it was a legislative pay raise when it was not. All this would do is authorize the Legislature to structure the pay in equal monthly installments, if we so chose to do so, and it is my fervent hope that that be expressed either in the preamble or in the actual wording of the ballot proposition."

"Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 1-84 was adopted and S.B. No. 2072-84, S.D. 1, H.D. 1, C.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 Final 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, 25. Noes, none.

Conference Committee Report No. 2-84 (H.B. No. 2161-84, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on

Conf. Com. Rep. No. 2-84 and H.B. No. 2161-84, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the morning calendar.

Conference Committee Report No. 3-84 (H.B. No. 2486-84, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 3-84 was adopted and H.B. No. 2486-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 4-84 (H.B. No. 2337-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 4-84 be adopted and H.B. No. 2337-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke in support of the measure as follows:

"Mr. President, I merely want to register reservation that I have with respect to the committee report that reflects on the bill itself.

"If you'll look at the paragraph in the middle of the first page it says, 'Your Committee finds that present provisions requiring reflectors on bicycles are sufficient to protect bicyclists who ride their bicycles after dark.'

"Mr. President, at least in the district that I represent, in the area that I spend a good deal of time in, I do not find that to be the case. In the congested areas and narrow streets, lots of bicycles are there. It is virtually impossible to see bicyclists at night, the reflections, and why on earth anybody would ride their bicycle in the condition that do and still live to tell about it is beyond me as it is.

"I don't object to the bill so much but I wish that it had included much more stringent requirements with respect to bicyclists and reflectors in the evening, either on their person and/or on the bikes themselves. It is in my judgment far from a felicitous situation as the report makes out."

The motion was put by the Chair

and carried, and Conf. Com. Rep. No. 4-84 was adopted and H.B. No. 2337-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAIL LIGHTS ON VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 5-84 (H.B. No. 788, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 5-84 was adopted and H.B. No. 788, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 6-84 (H.B. No. 1983-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 6-84 was adopted and H.B. No. 1983-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A DUTY TO ASSIST IN CERTAIN CIRCUMSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:05 o'clock p.m., the Senate stood in recess subject to call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

Conference Committee Report No. 7-84 (H.B. No. 1828-84, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 7-84 and H.B. No. 1828-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was deferred until Thursday, April 19, 1984.

Conference Committee Reports:

By unanimous consent, action on the following conference committee reports and bills was deferred to the April 18, 1984 evening calendar:

- Conf. Com. Rep. No. 8-84 and S.B. No. 300, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 9-84 and H.B. No. 2308-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 10-84 and H.B. No. 2275-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 11-84 and H.B. No. 2224-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 12-84 and H.B. No. 1790-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 13-84 and H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 14-84 and H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 15-84 and H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 16-84 and H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 17-84 and H.B. No. 1852-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 18-84 and H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 19-84 and H.B. No. 1932-84, H.D. 1, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 20-84 on H.B. No. 2108-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 21-84 and S.B. No. 26, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 22-84 and S.B. No. 29, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 23-84 and S.B. No. 1740-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 24-84 and S.B. No. 1872-84, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 25-84 and S.B. No. 2049-84, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 26-84 and S.B. No. 2212-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 27-84 and S.B. No. 2087-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 28-84 and S.B. No. 2243-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 29-84 and S.B. No. 2073-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 30-84 and S.B. No. 1729-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 31-84 and H.B. No. 1816-84, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 32-84 and H.B. No. 1912-84, H.D. 2, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 33-84 and H.B. No. 1784-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 34-84 and H.B. No. 1821-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 35-84 and H.B. No. 2028-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 36-84 and H.B. No. 2418-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 37-84 and H.B. No. 1629-84, H.D. 1, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 38-84 and H.B. No. 1989-84, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 39-84 and H.B. No. 1729-84, H.D. 1, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 40-84 and H.B. No. 2163-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 41-84 and H.B. No. 2142-84, H.D. 1, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 42-84 and H.B. No. 538, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 43-84 and S.B. No. 1766-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 44-84 and S.B. No. 2026-84, S.D. 1, H.D. 1,

- C.D. 1;
- Conf. Com. Rep. No. 45-84 and H.B. No. 1796-84, H.D. 2, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 46-84 and H.B. No. 1799-84, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 47-84 and H.B. No. 1799-84, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 48-84 and S.B. No. 1450-84, S.D. 1, H.D. , C.D. 1;
- Conf. Com. Rep. No. 49-84 and H.B. No. 177, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 50-84 and H.B. No. 271, H.D. 1, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 51-84 and H.B. No. 1933-84, H.D. 2, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 53-84 and H.B. No. 267, H.D. 2, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 54-84 and S.B. No. 1575-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 55-84 and S.B. No. 328, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 56-84 and S.B. No. 2184-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 57-84 and S.B. No. 2249-84, S.D. 2, H.D. 2, C.D. 1;
- Conf. Com. Rep. No. 58-84 and S.B. No. 761, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 59-84 and S.B. No. 934, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 60-84 and H.B. No. 2075-84, H.D. 1, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 61-84 and H.B. No. 2169-84, H.D. 2, S.D. , C.D. 1;
- Conf. Com. Rep. No. 62-84 and H.B. No. 1946-84, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 63-84 and H.B. No. 2257-84, H.D. 2, S.D. 2, C.D. 1;
- Conf. Com. Rep. No. 64-84 and S.B. No. 1693-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 65-84 and S.B. No. 1694-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 66-84 and S.B. No. 1702-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 67-84 and S.B. No. 1745-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 68-84 and S.B. No. 1815-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 69-84 and S.B. No. 1867-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 70-84 and S.B. No. 1056-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 71-84 and S.B. No. 2085-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 72-84 and S.B. No. 1744-84, S.D. 1, H.D. 1, C.D. 1;
- Conf. Com. Rep. No. 73-84 and H.B. No. 1940-84, H.D. 2, S.D. 1, C.D. 1;
- Conf. Com. Rep. No. 74-84 and H.B. No. 2044-84, H.D. 1, S.D. 1, C.D. 1; and
- Conf. Com. Rep. No. 75-84 and H.B. No. 2006-84, S.D. 1, C.D. 1.
- Senate Bill No. 1509-84, S.D. 1, H.D. 1:
- By unanimous consent, action on S.B. No. 1509-84, S.D. 1, H.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," was deferred until Thursday, April 19, 1984.
- Senate Bill No. 2213-84, H.D. 1:
- By unanimous consent, action on S.B. No. 2213-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred until Thursday, April 19, 1984.

MATTERS DEFERRED
FROM APRIL 17, 1984

FINAL READING

Senate Bill No. 1841-84, S.D. 2,
H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1841-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2119-84, S.D. 2,
H.D. 2:

By unanimous consent, action on S.B. No. 2119-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH," was deferred until Thursday, April 19, 1984.

Senate Bill No. 2209-84, S.D. 2,
H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2209-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES AND PURCHASES OF SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

House Bill No. 1947-84:

By unanimous consent, action on H.B. No. 1947-84 was deferred to the end of the night calendar.

House Bill No. 1755-84:

Senator Cobb moved that H.B. No. 1755-84, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie then asked: "Mr. President, would the chairman of Economic Development yield to a question with respect to line 7 on illegal activities?"

The Chair posed the question to Senator Aki and Senator Aki having answered in the affirmative, Senator Abercrombie queried as follows:

"Mr. President, would you ask the chairman to explain the implications of the phrase 'illegal activities' on line 7, under the 'General duties of the Board of Land and Natural Resources'? When I say explain the implications, indicate as to whether or not the board will be taking over activities which are now in the purview of the county police forces."

Senator Aki answered: "Specifically to that question, Mr. President, this bill does not take over the powers of the county police departments. This bill only covers Chapter 171, violations contained in that chapter and relates only to the public lands dealing with the land and natural resources."

Senator Abercrombie continued: "Mr. President, I'm going to need little further insight to that because, among other things as cited in the committee report, on the first page is 'illegal activities, such as the cultivation of marijuana.'

"This is particularly pertinent because of legal decisions just rendered as to warrants and such, so I have to ask another question of the chairman.

"While that may not be the intent, isn't the effect of this bill, then, to put the Department of Land and Natural Resources into the state police business?"

Senator Aki answered: "Mr. President, we do not see that as the duty of the Department of Land and Natural Resources. Again, this bill only relates to Chapter 171 which covers public lands."

Senator Abercrombie continued: "Mr. President, I have to ask another question. I understand that ... maybe, I'm not making myself clear. I understand it relates to public lands, that's precisely my point of the question.

"The committee report says that illegal activities ... to clarify the situation and enable the Board of Land and Natural Resources, through its chairman, to prevent illegal activities. How does this language enable the chairman of the Board of Land and Natural Resources to prevent illegal activities? What will the chairman be doing to prevent illegal activities? Will he not have to have an enforcement branch or personnel?"

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

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 o'clock p.m.

Senator Abercrombie then continued: "Mr. President, I think a question and answer for the record will clear this matter up, if I can have permission to ask the chairman, please. It would be as follows.

"The phrase, 'prevent illegal activities,' is it the intent of the committee that in order to carry out the prevention of illegal activities that the Land and Natural Resources personnel would contact local police forces in order to seek enforcement of what they observe to be an illegal activity?"

Senator Aki answered: "Yes, Mr. President, the intent of the legislation is to authorize the Department of Land and Natural Resources to contact the proper authorities, whether it be the police or the sheriff's office."

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

The motion was put by the Chair and carried, and H.B. No. 1755-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 79:

By unanimous consent, action on H.B. No. 79 was deferred to the end of the night calendar.

House Bill No. 1702-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1702-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF DEALERS IN FARM PRODUCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 832-84 (H.B. No. 1760-84):

By unanimous consent, action on Stand. Com. Rep. No. 832-84 and H.B. No. 1760-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE

ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Thursday, April 19, 1984.

Standing Committee Report No. 833-84 (H.B. No. 2021-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 833-84 was adopted and H.B. No. 2021-84, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 834-84 (H.B. No. 2230-84, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 834-84 and H.B. No. 2230-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Thursday, April 19, 1984.

Standing Committee Report No. 835-84 (H.B. No. 2409-84, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 835-84 and H.B. No. 2409-84, H.D. 1, 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," was deferred until Thursday, April 19, 1984.

MATTER DEFERRED
FROM APRIL 17, 1984

ADVISE AND CONSENT

Standing Committee Report No. 755-84 (Gov. Msg. No. 208):

By unanimous consent, action on Stand. Com. Rep. No. 755-84 recommending that the Senate advise and consent to the nomination of Roland Higashi to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 208, was deferred until Thursday, April 19, 1984.

ADVISE AND CONSENT

Standing Committee Report No. 825-84

(Gov. Msg. Nos. 149 and 250):

Senator Cobb moved that Stand. Com. Rep. No. 825-84 be received and placed on file, seconded by Senator Soares and carried.

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

Victor K. Punua to the Civil Defense Advisory Council, term to expire December 31, 1987; and

Gabe K. Kilakalua, Jr., to the Civil Defense Advisory Council, 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.

Standing Committee Report No. 827-84 (Gov. Msg. No. 316):

Senator Cobb moved that Stand. Com. Rep. No. 827-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate consent to the nomination of Richard R. Komo as Judge of the Circuit Court of the Second Circuit, for a term of 10 years, seconded by Senator Soares.

Senator Chang, in support of the nomination, stated as follows:

"Mr. President, your Committee on Judiciary respectfully recommends that the members of the Senate approve the appointment of Judge Richard R. Komo to the Circuit Court of the Second Circuit.

"Judge Komo has been a member of the Hawaii Bar since 1957. He spent nine years of his legal career as a deputy county attorney for Maui County where he garnered significant trial experience in criminal cases, represented and advised various boards and commissions, and advised and assisted the Maui County Board of Supervisors.

"For the past 16 years, Judge Komo served in the capacity as an administrative judge for the District Court of the Second Circuit. He has also spent the last three to four years on temporary assignment to the Circuit Court.

"Your committee received testimony

from colleagues, co-workers, and friends which consistently affirmed Judge Komo's conscientiousness, fairness and firmness throughout his career. As one colleague testified, 'His is a thorough knowledge of the law; his experience in dealing with litigants has rendered him a thoughtful listener, able to reach decisions which are fair and just, as well as reflective of community standards.

"For the foregoing reasons, your Committee on Judiciary recommends this Senate approve the nomination of Judge Richard R. Komo."

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

Ayes, 25. Noes, none.

Standing Committee Report No. 828-84 (Gov. Msg. No. 298):

Senator Cobb then moved that the Senate advise and consent to the nominations of Allan R. Kunimoto, M.D., and Quinton L. Uy, M.D., to the Medical Advisory Board, terms 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.

Standing Committee Report No. 829-84 (Gov. Msg. No. 184):

By unanimous consent, action on Stand. Com. Rep. No. 829-84 recommending that the Senate advise and consent to the nomination of Edwin K. Hayashi to the Stadium Authority, in accordance with Gov. Msg. No. 184, was deferred until Thursday, April 19, 1984.

Standing Committee Report No. 830-84 (Gov. Msg. No. 123, 124, 125, 201, 202 and 217):

Senator Cobb moved that Stand. Com. Rep. No. 830-84 be received and placed on file, seconded by Senator Soares and carried.

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

George S. Fujii to the Advisory Committee on Agricultural Products, term to expire December 31, 1987;

Michael Goldstein to the Advisory Committee on Flowers and Foliage, term to expire December 31, 1987;

Asher K. Ota, Ph.D., and Melvin Miranda to the Advisory Committee on Pesticides, terms to expire December 31, 1987; and

Ralph S. Yagi to the Board of Agriculture, term to expire December 31, 1987;

Mamoru Shimizu to the Advisory Committee on Agricultural Products, term to expire December 31, 1984; and

James Philip Barr and Calvin H. Oda to the Advisory Committee on Pesticides, terms 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.

Standing Committee Report No. 826-84 (S.R. No. 38):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 826-84 was adopted and S.R. No. 38, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF REGENTS AND THE UNIVERSITY OF HAWAII TO SUBMIT A COMPREHENSIVE REPORT ON ITS ASSESSMENT OF THE NEED AND SUBSEQUENT IMPACT OF ADOPTING AND IMPLEMENTING MORE RIGOROUS STANDARDS FOR ADMISSION," was adopted.

Standing Committee Report No. 836-84 (S.R. No. 147, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 836-84 was adopted and S.R. No. 147, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE ESTABLISHMENT OF A COMMISSION TO REVIEW CHAPTER 326, HAWAII REVISED STATUTES, RELATING TO HANSEN'S DISEASE, AND RULES AND REGULATIONS OF PUBLIC HEALTH POLICY APERTAINING TO HANSEN'S DISEASE," was adopted.

Standing Committee Report No. 837-84 (S.R. No. 148):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 837-84 was adopted and S.R. No. 148, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF

MEDICAL EXAMINERS AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO PROVIDE FOR EFFECTIVE DISTRIBUTION OF THE STANDARDS ON INFORMED CONSENT FOR BREAST CANCER TREATMENT," was adopted.

Standing Committee Report No. 838-84 (H.C.R. No. 95, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 838-84 was adopted and H.C.R. No. 95, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO PESTICIDE AND TOXIC/HAZARDOUS CHEMICAL USAGE BY THE MILITARY AND OTHER FEDERAL AGENCIES," was adopted.

Standing Committee Report No. 839-84 (S.C.R. No. 108, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 839-84 was adopted and S.C.R. No. 108, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ASSESSMENT OF PROPOSED ADMINISTRATIVE RULES ON UNDERGROUND INJECTION CONTROL," was adopted.

Standing Committee Report No. 840-84 (S.R. No. 129, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 840-84 was adopted and S.R. No. 129, S.D. 1, entitled: "SENATE RESOLUTION URGING THE ASSESSMENT OF PROPOSED ADMINISTRATIVE RULES ON UNDERGROUND INJECTION CONTROL," was adopted.

Standing Committee Report No. 841-84 (S.C.R. No. 120):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 841-84 was adopted and S.C.R. No. 120, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY AND ANALYZE THE NEED FOR LEGISLATION IN THE AREA OF CHILD AND ADULT PHYSICAL, SEXUAL, AND PSYCHOLOGICAL ABUSE, AND THE DEPARTMENT OF HEALTH, DIVISION OF MENTAL HEALTH, TO ADMINISTRATIVELY LINK EXISTING SERVICES IN A COMPREHENSIVE PLAN FOR NEEDS ASSESSMENT, PROGRAM PLANNING, AND

RESOURCE ALLOCATION, IMPLEMENTATION, AND EVALUATION," was adopted.

Standing Committee Report No. 842-84 (S.R. No. 150):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 842-84 was adopted and S.R. No. 150, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY AND ANALYZE THE NEED FOR LEGISLATION IN THE AREA OF CHILD AND ADULT PHYSICAL, SEXUAL, AND PSYCHOLOGICAL ABUSE, AND THE DEPARTMENT OF HEALTH, DIVISION OF MENTAL HEALTH, TO ADMINISTRATIVELY LINK EXISTING SERVICES IN A COMPREHENSIVE PLAN FOR NEEDS ASSESSMENT, PROGRAM PLANNING, AND RESOURCE ALLOCATION, IMPLEMENTATION, AND EVALUATION," was referred to the Committee on Legislative Management.

Standing Committee Report No. 843-84 (S.C.R. No. 110, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 843-84 was adopted and S.C.R. No. 110, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE DEPARTMENT OF HEALTH'S ADMINISTRATIVE RULES ON PRIVATE WASTEWATER TREATMENT WORKS AND INDIVIDUAL TREATMENT SYSTEMS," was adopted.

Standing Committee Report No. 844-84 (S.R. No. 131, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 844-84 was adopted and S.C.R. No. 131, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT OF THE DEPARTMENT OF HEALTH'S ADMINISTRATIVE RULES ON PRIVATE WASTEWATER TREATMENT WORKS AND INDIVIDUAL TREATMENT SYSTEMS," was adopted.

Standing Committee Report No. 845-84 (S.C.R. No. 119, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 845-84 was adopted and S.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ESTABLISHMENT OF

SENIOR CASE MANAGEMENT COORDINATION PROJECTS FOR THE ISLAND OF MAUI," was adopted.

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Conference Committee Report No. 2-84 (H.B. No. 2161-84, H.D. 2, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 2-84 be adopted and H.B. No. 2161-84, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

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

"Mr. President, I would hope that the chairman would reconsider, inasmuch as, if I understand the bill correctly, we are now going to tell the children they can't ride their bicycles. I'll let the full weight of that remark sink in before I proceed.

"Mr. President, on page 4 is one of the most startling definitions that I've seen in a long time with respect to the aforementioned children on bicycles, this dangerous menace to the health and well-being of our citizenry.

"Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.'

"The idea here being, Mr. President, that children will be prevented from riding their bicycles in these areas, unless they're out in the street. The idea I understand, as I read through all of this, is that bicycles will be able to move only in certain areas and not in these business districts. If I have misunderstood the bill, I would like to be corrected and corrected in detail to show where I'm off on this.

"But, Mr. President, I find it very difficult to find much sympathy for having bicycles not on the sidewalks, say along Keeaumoku Street, to make sure that some ten-year-old child doesn't run into somebody who's been drinking in one of the 'B-girl' bars that exist there, or in any other

business district.

"Does it mean that if there is a small store, for example, in such an area as defined by the 'business district' that the child will have to get off the bicycle and walk the bicycle past the store or around it or not be able to go near it? What precisely is the object of defining 'business district' in this manner and then setting up circumstances, as I read the bill, which indicate that you cannot ride a bicycle on the sidewalk in such an area?"

"If that is the effect of the bill, I think we should vote it down, unless we intend to have the police out on vigilant duty making sure that intermediate school children do not turn in to scoff laws by virtue of riding their bicycle after school. If this is not the effect of the bill, I would like to be corrected."

Senator B. Kobayashi spoke in support of the measure as follows:

"Mr. President, this particular section on 'business district' was not easy to write. It was written after consultation with the House staff and with the City and County who are the original drafters of this particular bill. A coalition of bike users, island-wide, sponsored this particular bill.

"You will note that the definition for 'business district' includes a specification of at least three hundred feet of frontage on one side, meaning that if you have one store or two stores, so long as that does not constitute three hundred feet of storefront, you can ride your bicycle in front of that store on the sidewalk. But, if you have a larger 'business district' of at least 300 feet on one side of the street, or 300 feet collectively on both sides of the highway, then that would be considered a business district.

"The encouragement here is to try to separate pedestrian traffic from bike traffic in congested areas where people normally do not expect a bicycle to be whizzing down the street. We wrote it in such a fashion so as to enable children to ride their bicycles around residential neighborhoods, but tried to, at the same time, make a differentiation between that category and 'business districts.'

"Thank you."

Senator Chang then rose on a point of information as follows:

"Mr. President, perhaps I misunderstand the intent of this bill, but as I read it, the definition 'business district' is already a part of existing law. The previous speaker's statements seem to indicate that the definition is a new one and I need to know if it is in fact part of existing law or a new definition."

At 12:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 o'clock p.m.

Senator B. Kobayashi then remarked as follows:

"Mr. President, the remarks of the previous speaker were well taken. The definition itself of 'business district' is the existing definition. I was not clear as to which of the more than 40 definitions we had revised. We had sought to revise several to make them as clear as possible. This was not one of them."

Senator Abercrombie then added as follows:

"Mr. President, the chairman indicated, when responding, that they had consulted with groups of bicyclists and, during the recess, I determined that among the groups of bicyclists that they did not consult with were intermediate school boys and girls. I don't mean that sarcastically, either. I mean it as, aside from those who have a particular interest in bike riding as an alternative transportation device or methods or those who are interested in racing or in conditioning themselves with bicycles, the category of the population that uses bicycles the most, not as an alternative means of transportation except for walking itself, are young children -- all children, not necessarily young children, children.

"And, despite comments to the contrary, I think all of us were children at one time and probably even you yourself, Mr. President, could have been seen at one time on a bicycle, possibly even today. I don't know if you understand that it's something you never forget once you do it. There are some things, I'm sure, in our lives we would rather forget once we've done it but, nonetheless, bicycling doesn't appear to be part of that.

"I have a rather nostalgic view of my bicycling days. I was told by my mother and father that I should not

race my bicycle on the sidewalk because I could hit somebody, and my bicycle was equipped by my mother and father with a bell, and if I was coming up behind someone, particularly if I noticed that the person was elderly, a stage that you and I are already at or rapidly approaching (and maybe after this session, even quicker than we thought). The plain fact of the matter was that I was taught that I should ring the bell so that they might know that I was coming or if it appeared that the person might be having difficulty walking and so on, I was to be careful.

"It's one thing to tell children, or to observe that some young people may not be as polite as they should be, or as careful as they should be on their bicycles, but I do not think it is the solution to the problem of children driving their bicycles on sidewalks. I can't believe we're talking about this, but we are. I don't think it's the solution to children riding their bicycles on the sidewalk to make them go on the street where they can tangle with real problems, like two-ton automobiles and idiot drivers behind the wheel. If children are a menace on occasion on the sidewalks, think what it is for them to be in the street.

"I realize that it's difficult, and I don't blame the chairman...I shouldn't say blame the chairman...I commend the chairman for trying to deal with a difficult subject. But, unfortunately, the way we have added language, particularly on page 24, 'Driving upon sidewalk. (a) Except as provided in subsection (b), no person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or authorized temporary driveway.' etc; and as to what the bicycles may do.

"The plain effect of this, especially in apartment areas and in areas that have become much more densely populated with younger children and small businesses still exist, in effect, you are saying that small children can't utilize any of those sidewalks, and have to go on the street. And I might point out that in some of these areas the sidewalks there are wider than they in the areas in which the children will be able to ride on the sidewalk. In many of the residential areas, the sidewalks aren't that wide. In many of the business areas, the sidewalks are much wider. So, from that point of view, I think that if we pass this bill, in effect, the co-chairman of the Transportation

Committee will be known as the 'anti-intermediate school bike rider' chairman.

"You see, this is my great opportunity. Senator Cayetano and I among others were noted for a long time for being against the Girl Scouts, and a few others because of some of our views and, now, if we pass this bill, we will force this designation on the Transportation chairman. I don't think that's fair to him.

"Over and above that, in one sense it can be seen in a lighthearted way, but it's not going to be funny if in fact we are serious about passing the bill and the law goes into effect and young children will in fact be breaking the law if they do not follow what is in the bill. And sooner or later, that means they're going to have to be informed of it. I don't know how it's going to happen. Maybe at the end of one of these business districts, no bike riding area ... this kind of thing, which seems to me to be getting into the ludicrous stage of regulation in government.

"It seems to me, in conclusion, that a lot of times we find ourselves passing bills when it doesn't really affect us, and we find it real easy to vote 'yes' on a bill because it affects somebody else. And in this instance, probably very few of us are fulltime or most-time bike riders, and may have forgotten that time. But the fact of the matter is if we pass this, we are putting a burden on those young people who ride their bicycles in the ordinary course of their existence and do not have a clue that they are about to become law-breakers."

Senator Cayetano rose to speak for the measure as follows:

"Mr. President, this section of the law dealing with bicycles I've had some experience with as chairman of the Transportation Committee in the House, and as the previous speaker pointed out, this is a very, very difficult problem to deal with or area to deal with.

"What has happened, Mr. President, is that as the times have changed, in the days that you and I used to ride a bicycle which was well after the days that the previous speaker used to ride a bicycle, the situation was quite different. On the streets that we rode on, there weren't too many people. We have today almost a

million people in the state, most of them concentrated here on the Island of Oahu.

"What this bill proposes to do is to force us to make a policy decision, which we already have made because this only proposes amendments to the existing law, that there will be some restrictions as to who can ride a bicycle on the sidewalk.

"On page 3 of the bill, the bill attempts to deal with at least part of the population that Senator Abercrombie is concerned about by incorporating a definition of toy bicycle.

"Now, it's not easy to do, in terms of accommodating all of the population, but, certainly, as I read the definition of toy bicycle on page 3, it would deal, and just so there's no misconception, with those very young persons who may be riding training bikes, tricycles, and the like.

"When we speak about bicycle riders who are in the intermediate age, that's a different story. That boils down to a policy decision.

"Bike riding on sidewalks poses a major problem in terms of injury to people. You may remember, the impetus for this kind of legislation came, I think, about five or six years ago when someone was killed by a person riding a bicycle, I believe it was in Manoa or Makiki. This elderly man walking on a sidewalk was run over and, incidentally, the driver of the bicycle was never caught.

"That's the kind of problem that this kind of legislation was meant to address and it's a very, very difficult situation. We have to make a policy decision, and I think that's what we have to decide today.

"Quite frankly, I doubt very much if the police will go all out to enforce the law, and I don't think that they really have, except in maybe certain designated areas, primarily because anyone who has read the bill knows that it will be a very difficult law to enforce. It's not only difficult, but perhaps burdensome on the police, and I have a feeling that at the present time the police are dealing with young people, intermediate bicycle riders, in terms of just observing them and if they're creating a problem, they deal with them; if not, then it's live and let live. I think that's the kind of situation that we're dealing with.

"On the other side, the legal side, this bill specifically sets forth legal duties and obligations. So if there is a problem, if someone is hurt, then the duties and obligations, at least, have been set forth in law, and if there is a civil liability, it can be prosecuted accordingly."

Senator Abercrombie then added as follows:

"Mr. President, I want to add a final remark on this because I take the previous speaker's remarks seriously about it.

"If there was a bill written in such a manner as to define negligent riding of a bicycle for which, for example, parents could be held liable or held to account and so on, then I think we would be dealing with that issue. I just don't think it's a matter of policy, as has been mentioned, that it's a good idea to pass laws which we think, even as we talk about them in the passage of them, unlikely to be enforced or enforced at the discretion, if you will, of the police officer.

"If it is meant to be discretionary, say in the business district, with the police officers, we should say so.

"So, if the bill should pass, it seems to me, I would hope then that the chairman of the committee and others who are interested would consider legislation that would make this kind of thing a discretionary decision by police officers and maybe take up the question of negligence and responsibility with minors and parents. That might be a good way to handle it, even with the passage of this bill."

Senator Cayetano then responded as follows:

"Mr. President, just in final response, first, we cannot write a bill, it will be unconstitutional, which would give the police the discretion to enforce laws at their discretion. What I was talking about is a practical consideration that has been my observation of how the police react to these things.

"As far as negligence, I think that everyone here should understand that there need not be any law or bill passed to define negligence as far as the riding of bicycles. Our general tort law applies to that. And for all of you who are parents and have minor daughters and sons, our law

clearly states that you are responsible for the negligence of your children."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 2-84 was adopted and H.B. No. 2161-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE BICYCLE LAWS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Ajifu and Carpenter).

RECONSIDERATION OF ACTION TAKEN

House Bill No. 1800-84, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action on Third Reading of H.B. No. 1800-84, H.D. 1, on April 17, 1984, seconded by Senator B. Kobayashi and carried.

By unanimous consent, action on H.B. No. 1800-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," was deferred until Thursday, April 19, 1984.

At this time, Senator Aki, chairman of the Committee on Economic Development, requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Economic Development Committee's hearing notice for the afternoon of Wednesday, April 18, 1984, and the President granted the waiver.

At 12:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:07 o'clock p.m.

At 1:08 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 8:00 o'clock p.m.

NIGHT SESSION

The Senate reconvened at 8:40 o'clock p.m.

MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 325), informing the Senate that on April 18, 1984, he signed the following bills into law:

S.B. No. 139 as Act 38, entitled:

"RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES";

S.B. No. 784 as Act 39, entitled: "RELATING TO ELECTIONS";

S.B. No. 1520-84 as Act 40, entitled: "RELATING TO STATEWIDE TRANSITION TO WORK SYSTEM";

S.B. No. 1540-84 as Act 41, entitled: "RELATING TO TIME SHARING";

S.B. No. 1541-84 as Act 42, entitled: "RELATING TO TIME SHARING";

S.B. No. 1553-84 as Act 43, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

S.B. No. 1555-84 as Act 44, entitled: "RELATING TO THE PRACTICE OF VETERINARY MEDICINE";

S.B. No. 1562-84 as Act 45, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

S.B. No. 1629-84 as Act 46, entitled: "RELATING TO PARKING FOR DISABLED PERSONS";

S.B. No. 1704-84 as Act 47, entitled: "RELATING TO REAL PROPERTY LEASES";

S.B. No. 1718-84 as Act 48, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";

S.B. No. 1726-84 as Act 49, entitled: "RELATING TO THE JUDICIARY";

S.B. No. 1732-84 as Act 50, entitled: "RELATING TO THE FAMILY COURT";

S.B. No. 1733-84 as Act 51, entitled: "RELATING TO THE JUDICIARY";

S.B. No. 1734-84 as Act 52, entitled: "RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS";

S.B. No. 1757-84 as Act 53, entitled: "RELATING TO TAXATION";

S.B. No. 1765-84 as Act 54, entitled: "RELATING TO THE BOARD OF REGENTS";

S.B. No. 1786-84 as Act 55,
entitled: "RELATING TO INCOME
TAX";

S.B. No. 1868-84 as Act 56,
entitled: "RELATING TO
HORIZONTAL PROPERTY
REGIMES";

S.B. No. 1874-84 as Act 57,
entitled: "RELATING TO
HORIZONTAL PROPERTY
REGIMES";

S.B. No. 1877-84 as Act 58,
entitled: "RELATING TO
HORIZONTAL PROPERTY
REGIMES";

S.B. No. 1878-84 as Act 59,
entitled: "RELATING TO THE
NATURAL ENERGY LABORATORY
OF HAWAII";

S.B. No. 1943-84 as Act 60,
entitled: "RELATING TO
TAXATION";

S.B. No. 2123-84 as Act 61,
entitled: "RELATING TO HUMAN
SERVICES";

S.B. No. 2203-84 as Act 62,
entitled: "RELATING TO
CONSTITUTIONAL AMENDMENTS";

S.B. No. 2205-84 as Act 63,
entitled: "RELATING TO THE
BOARD OF EDUCATION";

S.B. No. 2206-84 as Act 64,
entitled: "RELATING TO VOTER
REGISTRATION";

S.B. No. 2208-84 as Act 65,
entitled: "RELATING TO
CONGRESSIONAL DISTRICTS";

S.B. No. 2248-84 as Act 66,
entitled: "RELATING TO
HOUSING";

S.B. No. 2251-84 as Act 67,
entitled: "RELATING TO RENTAL
ASSISTANCE";

H.B. No. 1632-84 as Act 68,
entitled: "RELATING TO
INTEREST";

H.B. No. 1636-84 as Act 69,
entitled: "MAKING AN
APPROPRIATION FOR HILO
HOSPITAL, HILO, COUNTY OF
HAWAII"; and

H.B. No. 1758-84 as Act 70,
entitled: "RELATING TO THE
STATE CLEARINGHOUSE,"

was read by the Clerk and was placed

on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 512 and 513) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 512), transmitting House Concurrent Resolution No. 126, H.D. 1, which was adopted by the House of Representatives on April 18, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 126, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC SCHOOLS OF THE STATE TO DEDICATE THE SONG 'EIA MAKOU' TO THE SILVER JUBILEE STATEHOOD CELEBRATION," was adopted.

A communication from the House (Hse. Com. No. 513), returning Senate Concurrent Resolution No. 44, which was adopted by the House of Representatives on April 18, 1984, in an amended form, was placed on file.

At 8:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:46 o'clock p.m.

On motion by Senator Solomon, seconded by Senator Toguchi and carried, the Senate agreed to the amendments proposed by the House and S.C.R. No. 44, H.D. 1, 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, ON THE NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT PROJECT," was finally adopted.

STANDING COMMITTEE REPORTS

Senators Holt and Cobb, for the Committee on Higher Education and the Committee on Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 860-84) recommending that Senate Resolution No. 83, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.R. No. 83, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A REPORT ON THE NEED TO DEVELOP AND OFFER A REGULAR PROGRAM OF COURSES WHICH WILL PROVIDE THE NECESSARY TRAINING REQUIRED FOR DENTAL HYGIENISTS TO PROPERLY ADMINISTER LOCAL ANESTHETICS AND PERFORM OTHER EXPANDED FUNCTIONS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 861-84) recommending that House Concurrent Resolution No. 7, H.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT FOR CORRECTIONS," was referred to the Committee on Legislative Management.

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

The Senate reconvened at 8:55 o'clock p.m.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 862-84) recommending that Senate Resolution No. 98 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 98, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INVESTIGATE AND ESTABLISH A FOREST MANAGEMENT PROGRAM FOR NATIVE FOREST TREES," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 863-84) recommending that Senate Resolution No. 146 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 146, entitled: "SENATE RESOLUTION RECOGNIZING THE PLIGHT OF

HAWAII'S CITIZENS LOCATED IN THE KEKAHA TOWN FLOOD AREA AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORMULATE A FLOOD CONTROL MANAGEMENT PLAN FOR THE KEKAHA TOWN REGION," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 864-84) recommending that Senate Concurrent Resolution No. 115, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 115, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE DAY OF APRIL 18, 1984 AS 'HAWAIIAN OCEAN DAY,'" was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 865-84) recommending that Senate Resolution No. 136, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 136, S.D. 1, entitled: "SENATE RESOLUTION DESIGNATING THE DAY OF APRIL 18, 1984 AS 'HAWAIIAN OCEAN DAY,'" was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 866-84) recommending that House Concurrent Resolution No. 74, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 74, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE ESTABLISHMENT OF THE PROPOSED NATIONAL MARINE SANCTUARY FOR HUMPBACK WHALES IN HAWAIIAN WATERS," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 867-84) recommending that Senate Concurrent Resolution No. 56, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee

was adopted and S.C.R. No. 56, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPROVE AND UPDATE ITS PROGRAM OF PREVENTING CHILD MOLESTATION WITHIN THE ELEMENTARY SCHOOL SYSTEM," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 868-84) recommending that Senate Resolution No. 65, as amended in S.D. 1 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 65, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPROVE AND UPDATE ITS PROGRAM OF PREVENTING CHILD MOLESTATION WITHIN THE ELEMENTARY SCHOOL SYSTEM," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 869-84) recommending that Senate Resolution No. 141 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 141, entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF FINANCE, WITH THE ASSISTANCE OF THE DEPARTMENT OF EDUCATION, TO REVIEW ITS POLICY OF FUNDING SPEECH THERAPISTS UNDER SEPARATE EDN BUDGET CATEGORIES," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 870-84) recommending that Senate Resolution No. 1, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 1, S.D. 1, entitled: "SENATE RESOLUTION URGING ACTION TO PROHIBIT DISCRIMINATION AGAINST DISTANT STATES THROUGH USE OF MAIL-IN DEADLINES," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 871-84) recommending that Senate Concurrent Resolution No. 1, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 1, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ACTION TO PROHIBIT DISCRIMINATION AGAINST DISTANT STATES THROUGH USE OF MAIL-IN DEADLINES," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 872-84) recommending that Senate Resolution No. 2, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 2, S.D. 1, entitled: "SENATE RESOLUTION URGING ACTION TO ENSURE THAT TOLL-FREE TELEPHONE NUMBERS ARE AVAILABLE TO ALL CITIZENS OF THE UNITED STATES," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 873-84) recommending that Senate Concurrent Resolution No. 2, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 2, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ACTION TO ENSURE THAT TOLL-FREE TELEPHONE NUMBERS ARE AVAILABLE TO ALL CITIZENS OF THE UNITED STATES," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 874-84) recommending that Senate Resolution No. 71, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 71, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF CHANGES TO IMPROVE THE REGULATION OF HAIRDRESSERS, COSMETICIANS, BEAUTY SHOPS, AND BEAUTY SCHOOLS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 875-84) recommending that Senate Concurrent Resolution No. 60, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF CHANGES TO IMPROVE THE REGULATION OF HAIRDRESSERS, COSMETICIANS, BEAUTY SHOPS, AND BEAUTY SCHOOLS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 876-84) recommending that Senate Resolution No. 90, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 90, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO STUDY METHODS TO EXEMPT HOTEL OPERATIONS FROM REAL ESTATE LICENSING," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 877-84) recommending that Senate Concurrent Resolution No. 80, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 80, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO STUDY METHODS TO EXEMPT HOTEL OPERATIONS FROM REAL ESTATE LICENSING," was adopted.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 878-84) recommending that Senate Resolution No. 96, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 96, S.D. 1, entitled: "SENATE RESOLUTION EXPRESSING CONCERN REGARDING THE USE OF KAHOLAWE AS A SHELLING TARGET BY THE DEPARTMENT OF THE NAVY AND RIMPAC 1984 PARTICIPANTS," was adopted.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 879-84) recommending that

Senate Concurrent Resolution No. 111 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 879-84 and S.C.R. No. 111, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RESCIND ALL STATUTES THAT DENY UNEMPLOYMENT INSURANCE BENEFITS TO PROFESSIONAL AND NONPROFESSIONAL EMPLOYEES OF EDUCATIONAL INSTITUTIONS SOLELY DUE TO THE 'REASONABLE ASSURANCE' THAT THEY WILL BE EMPLOYED DURING THE NEXT ACADEMIC TERM," was deferred until Thursday, April 19, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 880-84) recommending that Senate Resolution No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 880-84 and S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING TIMELY REINSTATEMENT OF SITES TO THE HAWAII REGISTER OF HISTORIC PLACES," was deferred until Thursday, April 19, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 881-84) recommending that Senate Resolution No. 82, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 82, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY OF DEVELOPING UNDERGROUND OR OTHER ALTERNATIVE PARKING FOR THE IOLANI PALACE," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 882-84) recommending that Senate Concurrent Resolution No. 75, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF DEVELOPING UNDERGROUND OR OTHER ALTERNATIVE PARKING FOR THE IOLANI PALACE," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report

(Stand. Com. Rep. No. 883-84) recommending that Senate Resolution No. 171, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 171, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE ACQUISITION OF THE REMAINING PORTION OF THE NIKE ACCESS ROAD," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 884-84) recommending that Senate Concurrent Resolution No. 136, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 136, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE ACQUISITION OF THE REMAINING PORTION OF THE NIKE ACCESS ROAD," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 885-84) recommending that House Concurrent Resolution No. 130 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY FOR THE ESTABLISHMENT OF A CONVENTION CENTER," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 886-84) recommending that Senate Resolution No. 145, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 145, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT/EXPANSION OF TRAP AND SKEET SHOOTING FACILITIES ON OAHU," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 887-84)

recommending that Senate Resolution No. 139 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 139, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DREDGE PERIODICALLY THE ACCESS CHANNEL FROM THE WAIKAEA CANAL BOAT LAUNCHING RAMP TO THE SEA," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 888-84) recommending that Senate Resolution No. 112 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 888-84 and S.R. No. 112, entitled: "SENATE RESOLUTION REQUESTING COMMUNITY PARTICIPATION IN THE PLANNING OF HISTORIC PARKS AND SITES," was deferred until Thursday, April 19, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 889-84) recommending that House Concurrent Resolution No. 144 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 889-84 and H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF SISTER-STATE/PREFECTURE RELATIONSHIPS BETWEEN HAWAII AND HIROSHIMA, KUMAMOTO, OKINAWA, TOKYO, AND YAMAGUCHI PREFECTURES," was deferred until Thursday, April 19, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 890-84) recommending that House Concurrent Resolution No. 52, H.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and 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 CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was adopted.

Senators Machida and Mizuguchi, for the Committee on Health and the

Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 891-84) recommending that Senate Concurrent Resolution No. 88 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committee was adopted and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND THE DEPARTMENT OF HEALTH TO CONSIDER THE UTILIZATION OF NURSES IN SMALL INTERMEDIATE CARE HOMES," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 892-84) recommending that Senate Resolution No. 101, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 101, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING CREATION OF ALS/BLS AMBULANCE UNITS FOR HONOKAA, KAU AND KOHALA, HAWAII," was adopted.

Senators Machida and Mizuguchi, for the Committee on Health and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 893-84) recommending that Senate Resolution No. 102 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committee was adopted and S.R. No. 102, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND THE DEPARTMENT OF HEALTH TO CONSIDER THE UTILIZATION OF NURSES IN SMALL INTERMEDIATE CARE HOMES," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 894-84) recommending that the Senate advise and consent to the nomination of John M. Gooch, D.V.M., to the Windward Oahu Subarea Health Planning Council, in accordance with Governor's Message No. 318.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 894-84 and Gov. Msg. No. 318 was deferred until Thursday, April 19, 1984.

Senator Kawasaki, for the majority

of the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 895-84) recommending that Senate Concurrent Resolution No. 7 be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and, Roll Call vote having been requested, S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PREPARE AND SUBMIT A CONSTITUTIONAL AMENDMENT REQUIRING A BALANCING OF THE FEDERAL BUDGET, OR TO CALL A CONSTITUTIONAL CONVENTION TO PROPOSE SUCH CONSTITUTIONAL AMENDMENT," was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Chang, Kuroda, Machida and Mizuguchi).

Senator Kawasaki, for the majority of the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 896-84) recommending that Senate Concurrent Resolution No. 89, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 896-84 and S.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO STOP MILITARY AID TO CENTRAL AMERICA," was deferred until Thursday, April 19, 1984.

Senator Kawasaki, for the majority of the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 897-84) recommending that Senate Resolution No. 103, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 897-84 and S.R. No. 103, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO STOP MILITARY AID TO CENTRAL AMERICA," was deferred until Thursday, April 19, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 898-84) recommending that Senate Concurrent Resolution No.

131, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 898-84 and S.C.R. No. 131, as amended in S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING NUCLEAR-FREE ZONES IN THE STATE OF HAWAII," was deferred until Thursday, April 19, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 899-84) recommending that Senate Resolution No. 166, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 899-84 and S.R. No. 166, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING NUCLEAR-FREE ZONES IN THE STATE OF HAWAII," was deferred until Thursday, April 19, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 900-84) recommending that House Concurrent Resolution No. 11, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 900-84 and H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MORATORIUM ON THE DISPOSAL OF NUCLEAR WASTE MATERIALS IN THE PACIFIC BASIN," was deferred until Thursday, April 19, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 901-84) recommending that Senate Concurrent Resolution No. 113, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 113, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF THE POSSIBILITY OF ESTABLISHING FILM PRODUCTION FACILITIES ON MOLOKAI OR LANAI," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 902-84) recommending that Senate Resolution No. 134, as amended in

S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 134, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF THE POSSIBILITY OF ESTABLISHING FILM PRODUCTION FACILITIES ON MOLOKAI OR LANAI," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 903-84) recommending that Senate Resolution No. 29, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 29, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TOWARDS FULL FEDERAL FUNDING FOR INTERLINE AGRICULTURAL INSPECTIONS AT NEIGHBOR ISLAND AIRPORTS," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 904-84) recommending that Senate Concurrent Resolution No. 30, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 30, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, SECRETARY OF AGRICULTURE, SECRETARY OF COMMERCE, AND SECRETARY OF TRANSPORTATION TO WORK TOWARDS FULL FEDERAL FUNDING FOR INTERLINE AGRICULTURAL INSPECTIONS AT NEIGHBOR ISLAND AIRPORTS," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 905-84) recommending that Senate Concurrent Resolution No. 29, S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 29, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TOWARDS FULL FEDERAL FUNDING FOR INTERLINE

AGRICULTURAL INSPECTION AT NEIGHBOR ISLAND AIRPORTS," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 906-84) recommending that House Concurrent Resolution No. 71, H.D. 2, be adopted.

Senator Cobb then moved that Stand. Com. Rep. No. 906-84 be adopted and H.C.R. No. 71, H.D. 2, be adopted, seconded by Senator Cobb.

At this time, Senator Kuroda rose to speak in support of the resolution as follows:

"Mr. President, my remarks will explain why I have asked for a deferral of this resolution and the previous resolutions making reference to nuclear-free zone. They will affect the nature of this delivery that I make to enter into the Journal.

"Mr. President, there is need for continued support for the maintenance of work at our Pearl Harbor Shipyard. Why are we concerned? Has the Navy's workload base always been here? What has changed? Let me give you some examples.

"Three ships previously homeported and scheduled for overhaul here have been mothballed and not been replaced -- USS Morton, 85 thousand man-days of work, \$32.3 million; USS Edwards, 85 thousand man-days of work, \$32.3 million; USS Sommers, 90 thousand man-days of work, \$34.2 million. Two other ships previously scheduled for overhaul here were transferred to the Western Pacific for overhaul -- USS Sterret, 150 thousand man-days of work, \$57.1 million, to Subic Bay; USS Cochran, 78 thousand man-days of work, \$30 million, to Yokosuka.

"The total loss of base revenue before considering economic multipliers from these ships alone exceeds \$156 million. This, compared to the total pineapple industry which is valued at \$175 million.

"We must, as a matter of great urgency, take all possible actions to obtain replacement workload for our naval shipyard and private repair firms and stabilize the homeport out-year plans.

"The Pearl Harbor Shipyard, our largest industrial facility, is steadily

declining in workload. Seven-thousand-four-hundred employees down to 6,700, a loss of 700 jobs. And that translates directly to fewer jobs and material orders to downtown businesses, a loss of 200 jobs.

"The private ship repair firms which are heavily dependent upon the naval shipyard for work assignments are facing economic depression and an uncertain future. You may conclude that this situation is a dip in the work cycle and things will soon get better. I assure you that without our support and that of our congressional delegation, things will not get better and may become much worse. One needs only to look at the national maritime situation to see why that is so.

"The national maritime industry has declined by 20,000 jobs. Private shipbuilding orders have virtually vanished from the United States Navy orders for new ships and maintenance of the fleet accounts for nearly all revenue available to private industry.

"Private shipyards now build all new ships and they are fighting for a legislatively guaranteed 40-50 percent share of the repair workload. If that legislation passes, one or more Mainland public shipyards will close and Pearl Harbor may well be further reduced in size.

"HCR 71 is a necessary first step in protecting a vital resource for the State of Hawaii. We must support it now.

"I give you another example of a ship on which one of my relatives served, an aircraft carrier, based in San Diego. When that ship moves to Bermington for overhaul the whole crew of 5,000 people and their families move. What does that do to one port? It causes a great decrease in economic activities.

"I'm not saying don't move the ship, but what is important, as this statement I have just read to you into the Journal indicates, we can't on one hand try to prevent the Navy from operating in our shores and at the same time ask the Navy to provide us more work so that our people can enjoy a better life.

"Thank you."

Senator Abercrombie then responded as follows:

"Mr. President, I was under the

impression that Standing Committee Reports 898 and 899 had been deferred until tomorrow and yet I hear them being debated tonight. I don't think that's in order."

The Chair answered: "The Chair had ruled that Senators may enter into the Journal any statements that they care to make on any of the measures but for those resolutions that were specifically requested to be deferred, because of the nature and wording of the resolution, some members feel that they need more time to fully study the resolutions to debate the measures."

Senator Abercrombie continued: "Mr. President, I understand that, but I don't think it's fair to debate the merits of resolutions which have been deferred when defending ostensibly, sensibly defend a resolution which is before us. On that basis, I too will rise to speak in favor of the particular measure mentioned by the previous speaker but I will dispute some of the logic or reasoning that is being cited. I take exception to the flat statement, unsubstantiated by the facts that to be in favor of or speak favorably of the deferred resolutions, SCR 131 and 166, is to be against having the Navy station ships in Hawaii.

"That is not the case and that is not true. I think the previous speaker, if he reflects on it, will see that my statement is the accurate one.

"Also, unless I misunderstood the previous speaker's first sentence, the two deferred resolutions do not speak about a nuclear freeze. They talk about nuclear-free zones, two entirely different subject matters of the deferred resolutions, one having to do with arms control and the other to do with the establishment of so-called nuclear-free zones which have as their feature that the stockpiling buildup or establishment of nuclear weapons in a particular area is to be discouraged or forbidden. That is a subject matter, as I say, entirely separate from a nuclear freeze.

"If the word 'freeze' is incorrect due to the nature of the resonance of the speaker system here in the auditorium why then we need be concerned with it no further. But, in supporting the resolution, I want to reiterate that that in wise is inimical to the passage of the deferred resolutions."

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 71, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION AND THE GOVERNOR ACTIVELY ENCOURAGE THE HOMEPORTING OF A LARGER SEGMENT OF THE U.S. FLEET AT PEARL HARBOR," was adopted.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 907-84) recommending that Senate Resolution No. 157 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 157, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE IMMEDIATE IMPROVEMENTS TO GENERAL AVIATION FACILITIES IN HAWAII," was adopted.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 908-84) recommending that House Concurrent Resolution No. 87, H.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 87, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO PROVIDE NECESSARY WHARFAGE SPACE TO PURSE SEINERS," was adopted.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 909-84) recommending that the Senate advise and consent to the nomination of George K. Sano to the Commission on Transportation, in accordance with Governor's Message No. 264.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 909-84 and Gov. Msg. No. 264 was deferred until Thursday, April 19, 1984.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 910-84) recommending that the Senate advise and consent to the nominations of the following:

Sam Leong, Helen K. Tayamen, Maile Ann Rierison, and Lily Yuriko

Inouye to the Library Advisory Commission, County of Hawaii, in accordance with Gov. Msg. No. 285; and

Rufina K. Molaka-Lee, Manu Kahaialii, Ramona N. Teves, Anne K. Inaina Kaapana, Beatrice H. Rosa, and Henry Cho, Sr., to the King Kamehameha Celebration Commission, in accordance with Gov. Msg. No. 286.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 910-84 and Gov. Msg. Nos. 285 and 286 was deferred until Thursday, April 19, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 911-84) recommending that House Concurrent Resolution No. 94, H.D. 1 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 94, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO DETERMINE HEALTH RISKS OF PESTICIDES AND OTHER RELATED CHEMICALS IN THE ENVIRONMENT," was adopted.

Senators Machida and Mizuguchi, for the Committee on Health and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 912-84) recommending that Senate Resolution No. 154 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 912 and S.R. No. 154, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEES ON HEALTH AND HUMAN RESOURCES TO STUDY THE EMPLOYEE CLASSIFICATION AND COMPENSATION SCHEDULES OF HAWAII'S PRIVATE, NONPROFIT HUMAN SERVICES AGENCIES IN ORDER TO ESTABLISH A CLASSIFICATION AND COMPENSATION SCHEDULE COMPARABLE WITH STATE CIVIL SERVICE," was deferred to Thursday, April 19, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 913-84) recommending that House Concurrent Resolution No. 39, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.C.R. No. 39, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHO WELLS," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 914-84) recommending that House Concurrent Resolution No. 105, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 105, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER FOR DBCP, EDP, TCP, AND OTHER CHEMICAL CONTAMINANTS," was adopted.

Senators Cobb and Mizuguchi, for the Committee on Consumer Protection and Commerce and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 915-84) recommending that Senate Concurrent Resolution No. 118, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committee was adopted and S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO REVIEW THE REIMBURSEMENT OF CLINICAL SOCIAL WORKERS UNDER MEDICAID AND MEDICARE AND PRESENT INSURANCE LAWS," was adopted.

Senators Cobb and Mizuguchi, for the Committee on Consumer Protection and Commerce and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 916-84) recommending that Senate Resolution No. 143, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committee was adopted and S.R. No. 143, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO REVIEW THE REIMBURSEMENT OF CLINICAL SOCIAL WORKERS UNDER MEDICAID AND MEDICARE AND PRESENT INSURANCE LAWS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 917-84) recommending that Senate Resolution No. 158 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 158, entitled: "SENATE RESOLUTION REQUESTING A STUDY INTO THE EXISTING DUTIES AND RESPONSIBILITIES OF THE REAL ESTATE COMMISSION AND TO DEVELOP RECOMMENDATIONS TO IMPROVE THE SERVICES TO LICENSEES AND THE PUBLIC," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 918-84) recommending that Senate Concurrent Resolution No. 122 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 122, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY INTO THE EXISTING DUTIES AND RESPONSIBILITIES OF THE REAL ESTATE COMMISSION AND TO DEVELOP RECOMMENDATIONS TO IMPROVE THE SERVICES TO LICENSEES AND THE PUBLIC," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 919-84) recommending that Senate Resolution No. 140, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 140, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF PROBLEMS RELATING TO INSURANCE CLAIMS BY VICTIMS OF HURRICANE IWA ON KAUAI," was referred to the Committee on Legislative Management.

Senators Cobb and B. Kobayashi, for the Committee on Consumer Protection and Commerce and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 920-84) recommending that Senate Resolution No. 66, as amended in S.D. 1, be adopted.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the joint report of the Committee was adopted and S.R. No. 66, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE COMPILATION OF MOTORCYCLE ACCIDENT INFORMATION," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 921-84) recommending that Senate Resolution No. 106 be referred to the Committee on Legislative Management.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 106, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF HAWAII'S HOUSING COOPERATIVE LAWS," was referred to the Committee on Legislative Management.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 922-84) recommending that Senate Concurrent Resolution No. 61, as amended in S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PORT AUTHORITY FOR HAWAII," was adopted.

ORDER OF THE DAY

MATTERS DEFERRED FROM THE MORNING CALENDAR

FINAL READING

Conference Committee Report No. 8-84 (S.B. No. 300, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 8-84 was adopted and S.B. No. 300, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

Conference Committee Report No. 9-84 (H.B. No. 2308-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 9-84 be adopted and H.B. No. 2308-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I have spoken before on this so it should come as no surprise. And I will ask the question once again because I think it's important when we pass these bills to understand what it is we are doing. I intend to vote favorably on another bill because I've taken the time to find out what the substance is, what it does, and why it's there.

"Mr. President, would the chairman of the committee or any other member please tell me what the substances are that are to be added to Schedule 1 ... excuse me, rather, to bring the Hawaii law into conformity with the federal schedule, beginning on page 1, No. 1, item No. 6; item No. 45, item No. 35 on page 3. What is the necessity of adding the phrase 'cocaine or any salt or isomer thereof' on page 4, No. 4; on page 5, No. 23; on page 6, No. 1, No. 12; on page 7, No. 23, No. 24?"

Senator Machida rose to respond as follows:

"Mr. President, I anticipated that question since it was posed previously, so I took it upon myself to ask the department (of Health) if they could give me the contents of all of these substances, and they couldn't do that either. So at this point, I have the same answer; I'm not quite sure; it's just in conformance with the federal requirements.

"But, the whole thrust of this bill really is whether uniform prescriptions should be used for Schedule 2 substances. That's the whole thrust of this bill.

"On the other part of the bill that is before us, there are no changes from the original draft. So, my answer to his question is I'm still not aware of what these substances are."

Senator Abercrombie thanked the chairman and continued as follows:

"Mr. President, also, I would like to know what is the basis for the belief that by having an official prescription form that there will be less chance of procurement of

Schedule 2 drugs for forged or stolen prescriptions and of theft of prescriptions being prevented, unless that has been removed?"

Senator Machida answered as follows:

"Mr. President, the Senate position was to have uniform prescription forms for Schedule 2 substances. The House position was that we should go with the present system of each physician having his own form. The reason why the Senate took the position that it should have a uniform prescription form is for better input into the computer and also to prevent fraudulent or stolen prescriptions.

"The other thing that came up in our deliberations was that the Hawaii Medical Association, the member physicians, were not able to have any dialogue on the possibility of having to use uniform prescriptions so we ultimately decided that, during the interim, dialogue should take place between the department and the physicians, and we are contemplating enactment of some legislation next session."

Senator Abercrombie again thanked the chairman then continued as follows:

"Mr. President, I appreciate the fact that the chairman tried to find out what these substances were and couldn't do it. I think that this is a commentary, quite frankly, on the diligence of the Department of Health.

"I understand what the reasoning is on the surface behind these continuing acts of adding all these drugs to these various schedules. What I object to in principle is that we do it in a kind of lockstep motion with the Federal Government, and the Federal Government in these instances, Mr. President, has a built in empire that constantly requires being fed; and it is to the advantage especially with the specter of narcotics addiction and notorious aura surrounding it which does not even preclude our own deputy attorney general going to Washington and spreading visions of Al Pacino with his face in a fistful of cocaine, being the image of Hawaii, which I'm sure the HVB is very happy about machine gun toting junkies and 'gunsels' being what one might expect to find in Hawaii by comparing it to Miami ... in Honolulu comparing it to Miami.

"This is precisely the kind of sensationalism that does nothing to

alleviate the drug abuse problem in this country and does everything to give the opportunity to those who want to take advantage of it to propagandize for their bureaucracies, for their salaries, for all the perquisites that go along with the rather sleazy symbiotic relationship that seem to exist in many instances between the narcotics trade and those who ostensibly are trying to stop it.

"So I just don't think it good policy to pass laws where you simply don't know what it is you are reflecting upon in the law. We simply do not even have a definition. The fact that it happens to be a drug of some kind that does something and is looked upon as dangerous, says no more than any other medical preparation with respect to drugs in the sense of it being abused.

"So it's a philosophical point. I think it's an important one. I think it's a fundamental one when you're passing laws. I don't think it's a good idea; I don't think it's fair to the utilization of any kind of drug for medical purposes to constantly look upon any drug as an extension of criminal activity. I think that the development of most of these drugs have been done in laboratories with the idea of relieving one's illness or disease or medical condition or another, and to judge the utilization of these drugs constantly, in a lockstep fashion, in rote fashion, on the basis of criminal activity, I think, is a disservice to the proper medical use of drugs and their relationship to disease and its belief."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 9-84 was adopted and H.B. No. 2308-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 10-84 (H.B. No. 2275-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 10-84 be adopted and H.B. No. 2275-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Cayetano then rose to inquire: "Mr. President, will the

chairman of the committee yield to a question?"

The Chair posed the question to the chairman and the chairman having answered in the affirmative, Senator Cayetano queried: "Mr. President, would you ask the chairman what kind of testimony the committee received to justify the ostensible purpose of this bill which is to regulate bumper heights of vehicles?"

Senator B. Kobayashi replied as follows:

"Mr. President, we received favorable testimony from the State Department of Transportation and the Honolulu Police Department. The State Department of Transportation had contacted the various county agencies, their county counterparts, and had received support for the bill. Also, we received information from the State Department of Transportation that the bumper heights indicated in this bill were originally proposed by a private, national organization having to do with motor vehicle equipment specialty dealers who had on one hand the desire to sell, including among other things, parts for raising up vehicle heights, and at the same time, wanting product liability and setting these standards as a compromise between, on one hand, more sales and, on the other hand, their own liability. It was this kind of testimony that made us support this particular bill."

Senator Cayetano further queried: "Mr. President, would you ask the chairman if any figures were submitted to indicate the number of accidents, for example, that have occurred within the State of Hawaii involving vehicles which have been elevated and the comparison of accidents of vehicles of that nature to the accidents experienced by vehicles which are of a normal height?"

Senator B. Kobayashi answered: "Mr. President, we do not have a great deal of data but we do know, for instance, that Jeep CJ5's have a rollover record eleven times that of other automobiles.

"We have had one or two very particular situations in which raised vehicles have tipped over, in one case on Maui, killing the driver on an open highway in a single car incident, that is, no other car was involved in this incident, nor any collision.

"Another incident on Oahu had a

woman almost lose her arm because of a rollover, again, on dry pavement in the Windward District."

Senator Cayetano thanked the chairman and then continued as follows:

"Mr. President. I am going to speak against this bill.

"Mr. President, I'm a bit disappointed because when this bill left this house, concerns were raised about the problems the bill posed to those who have followed the law and, within the confines of the law, went out and spent money to have their vehicles elevated.

"All this bill does, it seems to me, or all that was done to the bill was to put back the effective date approximately a year or so. That, Mr. President, does not address what I think is the most serious defect of this bill, namely, dealing with those who have, as I stated earlier, complied with the law in good faith and spent money accordingly.

"My own view of this bill is that there are two constitutional problems which may render this bill defective. The first is, I have some questions as to whether this bill violates the ex post facto clause of the United States Constitution and the Constitution of the State of Hawaii.

"Secondly, there is a real question in my mind as to whether this bill complies with the due process clause of our State Constitution, as well as the Constitution of the United States, which prohibits the taking of private property without just compensation. The pertinent section of the Fifth Amendment to the United States Constitution, for example, states in part: 'That no person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.'

"It may be easier to see what this bill does and the problem it causes, if we were to apply this fact situation to improvements, for example, that were made to one's dwelling. Every man's castle is his home. We don't feel that way about cars, but let's apply this to a person's home.

"Let us suppose, using the fact situation of this bill, that a citizen went to the Building Department of the City and County of Honolulu, had plans approved for modifications to his dwelling, spent the money for

those improvements, and at a later time the state were to pass a law which said that the improvements made were going to be prohibited. I don't believe, Mr. President, that you can do that without compensating that person for prohibiting, restricting or, in effect, taking away his property.

"When the state or the county condemns property, under its powers of eminent domain, for public use, you have to meet the due process requirements of the state as well as the federal constitution, and that requires that that person or that party be given reasonable compensation for the government's taking his property. I don't see any provision in this bill which deals with that particular concern.

"How can we justify the thousands of dollars that some of the young people or the drivers or owners of these vehicles have spent to elevate their trucks?

"Just in talking to some of these people, I find that, for example, the large tires that they put on their trucks cost as much as a thousand dollars a piece. You lower the truck and there is no way you have use for those tires unless you want to drive a caterpillar around town. This is what I'm talking about in terms of fairness.

"What the bill does, it proposes to postpone dealing with the problem by delaying the effective date. If we're going to make this bill effective a year or more from now, it seems that there is really no reason to pass it now, this year. In the interim, we can study ways, for example, to deal with the problems that I mentioned. And, in fact, maybe take a survey as to how many of these vehicles are out there and what it would cost for the government to compensate these people because basically what we're talking about is due process and fairness. And this bill does not address that particular problem.

"The figures that I've heard given in testimony before the committee, as stated by the chairman, don't seem to point out that there is any kind of extraordinary problem that mandates that we deal with this particular issue here and now. For that reason, Mr. President, I ask that we vote against this measure."

Senator Abercrombie then rose to inquire as follows:

"Mr. President, with particular reference to the statement by the

Transportation chairman about the accident rates of jeeps, perhaps the chairman could ... I have a reason for mentioning jeeps and being concerned, that is, the principal bit of testimony, if you will, in answer to the previous speaker's question to the chairman ... could you ask the chairman if he can relate to us what the weight of the jeep is that he was referring to, and the front and rear height of bumpers on that jeep?"

Senator B. Kobayashi answered: "Mr. President, I'm not certain of the weight of the jeep, but I would guess that it would be in the lowest weight category stated in the bill, which is 4500 pounds or less."

Senator Abercrombie further queried: "Mr. President, I take it then that the chairman is also not necessarily aware of what the height of the bumpers are then for that jeep?"

Senator B. Kobayashi answered: "No, I'm not, not for any particular jeep...."

Senator Abercrombie thanked the chairman then rose to speak against the measure as follows:

"Mr. President, I speak against the bill because, if the testimony to the chairman, and I'm not holding him accountable for the testimony, he, after all, is reciting what came to his committee ... if the testimony has to do principally with the stability factor associated with the jeep, I would like to remind members of this body that there was extensive studies done on the instability of the jeep vehicle which were reviewed extensively in the national press and in the national media on television. I cannot recall whether the program was '60 Minutes' itself, but it was one of the news programs of the '60 Minutes' ilk, '20-20,' 'First Camera,' etc., that kind of news magazine show, where a rather extensive appraisal and testing was done of the jeep vehicle.

"The jeep vehicle is notorious for its instability. I do not recall that the height of the bumpers had anything to do with the instability of the jeep with respect to turning over. If that is the testimony being given to the chairman by the police departments and/or the Department of Transportation, I think it is grossly unfair to then tie-in reconstructed vehicles that exist throughout the state, utilizing all kinds of makes and models of vehicles other than jeeps.

"As a matter of fact, the many

numbers of jeeps that I see on the road here in Hawaii are rent-a-car's being driven by tourists. Now, if they are unstable then I suppose the jeep people can take their licks or the rent-a-car people would have to take their chances on that, if they want to purchase jeeps.

"I don't think it's fair then to penalize what I consider to be a group of people who are not necessarily in the forefront of everyone's mind when it comes to a road vehicle.

"The fact of raising or lowering, for that matter, one's automobile or truck is primarily an aesthetic consideration. These reconstructed vehicles are among the cultural artifacts, if you will, of our contemporary existence and are regarded as such by the people who favor them as an object of beauty, as an object of utility, as a cultural predilection that is not necessarily shared by the wider range of people.

"I don't think it's the business of the Legislature to get involved in legislating just because we do not necessarily approve of what someone else does or do not think that what they do is very important to them because it isn't important to us.

"I see no compelling reason nor has any been given, either in the committee report or in the recitation of testimony as delivered to the committee and in turn given to us tonight by the chairman, no compelling reasons given at all to, in effect, discriminate against people who have a different aesthetic sense than some of the rest of us might with respect to road vehicles."

Senator Cayetano then added as follows:

"Mr. President, just a few more remarks on this.

"I don't have any problem with prohibiting or this bill having prospective application. In other words, if the effective date is June 1st, then any person who elevates his vehicle on that date or thereafter suffers the consequences of the law. But, the problem with this bill is that there has been no 'grandfathering.' There's been no provision for compensation for the expenses that have already been incurred. That's the point of concern that I have."

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

"Mr. President, I would note that we're not discriminating against jeeps, per se, because this bill specifically exempts certain vehicles, and I quote: 'This section shall not apply to motor vehicles which, at manufacture, have a bumper height in excess of that provided in this section.'

"So if a vehicle, and there are in this case at least some trucks that fall in the category, had, at manufacture, a bumper height higher than those given in these respective weight categories in the bill, those vehicles are exempt. So, jeeps by themselves, at manufacture, may have a bumper height higher than 22 inches, as provided in this bill; but if that is the manufacturer's specification which is scrutinized by the Federal Government, then that would be exempt from this bill.

"The other point to be made is that cars on the road affect each other, that is, dangerous cars on the road affect one another. One of the examples given previously was that of rebuilding one's home and having that not affect someone else. In this case, a dangerous vehicle or a potentially dangerous vehicle affects other vehicles on the road and in that regard it is to our advantage that these vehicles are carefully monitored so that the general public welfare of all drivers on the road be protected.

"Thank you."

Senator Cayetano, in rebuttal, stated:

"Mr. President, I believe that a rebuttal to that is in order.

"First of all, it has not been established, when I asked the committee chairman about the testimony that was received, that there is a pressing safety problem in this state regarding these vehicles.

"Secondly, the City and County of Honolulu which came in and testified for this bill should not have issued the permits for the reconstruction of the vehicles, in the first place.

"Before we do anything, there has to be a public purpose, whether it's one affecting a dwelling that has been reconstructed or affecting a motor vehicle that's reconstructed. And I don't see that the public purpose has been established by the evidence that came before the committee in this particular case."

Senator Cobb then rose to speak in

support of the measure as follows:

"Mr. President, recently, I had an incident that convinced me of the need for this. I had a near-miss on Palolo Avenue with an elevated truck. The bumper of that truck was the height of the windshield of my car, exact center mast of the windshield of the car I was driving. If it had been a collision instead of a miss, the consequences could have been much more severe than if it had just impacted either on the side of the car or bumper-to-bumper on the front of the car, or even a rear end collision. That's one very clear danger I see.

"The second is that any vehicle that is elevated has by definition a higher center of gravity than a vehicle that is not. In fact, one of the advantages of the newer cars today is that they have built in a lower center of gravity because the car sits lower on the road unless some modification has been made to elevate that car. The center of gravity does have a very real effect on the cornering ability and the stability of a car. But the incident of a near-miss with a bumper at eye level opposite me convinced me that this is a needed safety measure.

"Thank you."

Senator Abercrombie then added:

"Mr. President, I too must make a bit of a rebuttal because I apparently failed to make my point to the chairman about the jeep which was utilized as part of the evidence for the bill.

"My point was that vehicles like the jeep will be exempt even though it's the jeep that's cited as one of the principal culprits in terms of instability because it is manufactured that way, and those who do manufacture it and those who drive it are taking their chances as I indicated.

"I felt that it was unfair and do feel it is unfair then to penalize those people who then reconstruct vehicle as they have under the law as Senator Cayetano has indicated for some time.

"I do also find it a bit ironic, inasmuch as part of my argument is based on aesthetic perception, that we now have an argument given to us about the fact that vehicles have been lowered when there was a time in this country that to lower a vehicle was seen as dangerous and representing

something reprehensible in the way of 'motor vehicledom,' and that the people who drove lowered vehicles were somehow suspect as to what they would do or not do and what kind of people they were, and that a car which had some height to it and, again I guess I'll have to indicate once again my bias because my car is higher than probably most of your automobiles if you have one, at one time, having a running board and having a car where the height off the ground was considerable, was considered not only fashionable, but good design.

"So, I think from that point of view it is always in order to drive your vehicle safely and that no matter what the height, and especially given the lowering effect of many cars done for aesthetic purpose and not for safety purposes, cars have not been lowered for safety purposes although that might be a side effect in particular designs, they have been lowered for aesthetic purposes or such aesthetic purposes as people can be convinced of by advertising agencies."

Senator Cayetano then added as follows:

"Mr. President, I think in all of this discussion about safety factors of the vehicles, I think we can put that aside.

"I would like proponents of this bill to answer this question. How is this bill fair to the person who owns an elevated vehicle and in full compliance with the law having sought a permit and having spent maybe thousands of dollars, how is this bill fair to that person? I think that's the basic issue as far as I am concerned."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 10-84 was adopted and H.B. No. 2275-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Abercrombie, Carpenter, Cayetano, Fernandes Salling, Kawasaki, A. Kobayashi, Henderson, Holt, Mizuguchi and Toguchi).

Conference Committee Report No. 11-84 (H.B. No. 2224-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb,

seconded by Senator Soares and carried, Conf. Com. Rep. No. 11-84 was adopted and H.B. No. 2224-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 12-84 (H.B. No. 1790-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 12-84 be adopted and H.B. No. 1790-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I speak against this bill on the grounds that I find the phrase 'confusingly similar,' 'confusingly similar' to the argument in, perhaps, the previous bill.

"I simply recall an instance where a man's name was John Carson and he had it on his business and, if I'm not mistaken, he had some difficulty with having his own name on his own business because it was 'confusingly similar' to the gentleman who is much more notorious with the size of the settlements he has to make with his various wives.

"I just don't think that it's fair, despite the good attempt within the bill to see to it that people are not being tricked, to take the opportunity to prevent people from utilizing names, etc., simply because there might be some similarity. I think that that is more likely to end up, on occasion, with people, especially those not necessarily having the means to defend themselves, being in an adverse position with those who have better means to substantiate their claims against them."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 12-84 was adopted and H.B. No. 1790-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 13-84 (H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 13-84 was adopted and H.B. No. 2281-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 14-84 (H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 14-84 was adopted and H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 15-84 (H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 15-84 was adopted and H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 16-84 (H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 16-84 was adopted and H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 17-84 (H.B. No. 1852-84, H.D. 1,

S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 17-84 was adopted and H.B. No. 1852-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 18-84 (H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 18-84 be adopted and H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie then rose to inquire as follows:

"Mr. President, I just have an inquiry of form. Is the bill in the correct form with the underlining on line 7 and line 11? Is that simply to take out the word 'he'?"

At 9:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:45 o'clock p.m.

Senator Abercrombie then continued: "Mr. President, I think the chairman of the Judiciary Committee can clear my question with a statement for the record."

Senator Chang responded: "Mr. President, the question was raised as to whether the word 'he' was intended to be deleted or inserted on line 7 and line 11 of this particular bill. The answer to that question is that the word 'he' is being inserted.

"The question was further raised as to whether this insertion of the word 'he' was appropriate inasmuch as the Legislature has been engaged in the process of degenderizing our statutes and my answer to that question was that in this particular case your conference committees had addressed themselves to the particular statutory reference on line 12 where Chapter 585 was incorrectly referred to, where it should have referred to Chapter 586. And the House conferees were reluctant to take up

any other matters besides that particular discrepancy.

"In answer, then, to the final question as to whether the reference 'he' would unfairly penalize males and not address females, if the situation should so occur, the answer to that question is that under Section 1-17 of the Hawaii Revised Statutes, words in the masculine gender signify both the masculine and feminine gender where that application may be appropriate.

"I trust these answers answer all of the previous speaker's questions. Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 18-84 was adopted and H.B. No. 1863-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 19-84 (H.B. No. 1932-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 19-84 was adopted and H.B. No. 1932-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 20-84 (H.B. No. 2108-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 20-84 was adopted and H.B. No. 2108-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Uwaine).

Conference Committee Report No. 21-84 (S.B. No. 26, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and

carried, Conf. Com. Rep. No. 21-84 was adopted and S.B. No. 26, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 22-84 (S.B. No. 29, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 22-84 be adopted and S.B. No. 29, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak in favor of the measure as follows:

"Mr. President, I'd like to speak in favor of this bill, probably much to the surprise of Senator Cobb. Everybody deserves one every once in a while. I'm sure he'll do the same for me some day, although I do want to, now that I have him feeling good. I now want to give him a 'zinger' by saying that when we did pass time sharing, or legalized time sharing, or regulated it, I guess is the more popular phrase for it, and maybe even proper phrase for it, by regulating it we did open ourselves up to what I thought at the time would be virtually endless legislation as we tried to keep up with the devious moves of time-sharers. And I think this bill is one of those results.

"I won't read all of the points. I do hope the members will take a look at it because, aside from meticulous rules and regulations, I've seldom seen legislation which more specifically spells out, as if it was a rule and regulation rather than the passage of a general law, what may or may not be done in this instance with respect to sales promotion plans. And I think that it is indicative of how difficult it is to keep up with these time sharing schemes. So, I do think it's something we definitely do need and I hope it will be very vigorously enforced."

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

"Very briefly, Mr. President, when we passed a measure attempting the ban of time sharing here in the Senate, it was made very clear, both in testimony as well as by AG

opinion, that even if we succeeded in banning it that those units already in existence would have to be regulated and that if there was a considerable number of units even at that time which would be requiring further regulation.

"This bill, Senate Bill 29, is last year's bill and the reason it went to conference is because when it came back from the House it had been considerably weakened. But we restored the teeth, the jaws, if you will, to the bill in terms of the disclosure requirements in a conference committee and it's coming out. But I do want to ensure everyone understands the point that even if a ban had passed, those units that were grandfathered in because you could not retroactively pass a ban which would still be in need of regulation and their sales practices would have continued for years into the future.

"Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 22-84 was adopted and S.B. No. 29, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 23-84 (S.B. No. 1740-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 23-84 was adopted and 1740-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 24-84 (S.B. No. 1872-84, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 24-84 be adopted and S.B. No. 1872-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, passed Final Reading, seconded by Senator Soares.

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

the Chair.

The Senate reconvened at 9:56 o'clock p.m.

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

"Mr. President, I wonder whether the previous speaker, with respect to the bill on time sharing, would object to allowing his remarks to be inserted in the record of the discussion with respect to House Bill No. 2275-84, 'A Bill for an Act Relating to Motor Vehicle Safety'?"

Senator Cobb answered: "No objection, Mr. President, as long as it's made clear that driving is a privilege and not a right, just like a driver's license is a privilege and not a right, and that if there's a question of public safety involved then my near-miss is very much included. Thank you."

Senator Cayetano then commented: "Mr. President, driving is a privilege but a car is property, and ownership of a car is a property right."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 24-84 was adopted and 1872-84, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 25-84 (S.B. No. 2049-84, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 25-84 was adopted and S.B. No. 2049-84, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 26-84 (S.B. No. 2212-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 26-84 was adopted and S.B. No. 2212-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

Ayes, 25. Noes, none.

Conference Committee Report No. 27-84 (S.B. No. 2087-84, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 27-84 be adopted and S.B. No. 2087-84, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final 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 it is a bill that has a carrot stick on one hand, which is to say, it limits the interest that's chargeable to people entering into agreements of sale.

"The bill also has a sledge hammer with which it clobbers consumers, particularly that segment of our population of consumers who by their economic status are forced to make loans, of necessity, with lending institutions, loans today ranging anywhere from 12 to about 18 percent.

"This bill, by statutory language, now allows lending institutions to charge what was in just a few years back an unthinkable rate of interest that was comparable to what was called usury a few years ago -- 24 percent. This is what it does in this statute and it, on one hand, helps a limited number of our population who enter into agreements of sale, so their interest rates are limited; but, on the other hand, that large segment of our lower economic class of citizens who are forced to enter into loans of all types, by necessity, the lending institutions are now able to charge these people 24 percent interest per year, which means most of their monthly payments do not even make a dent on the principal balance.

"Most of their monthly payments go into payment of interest charges every month, 24 percent. Simply unthinkable! And this bill writes into statutory language this kind of punishment, if you will, to the consumers.

"For that reason, I speak against this bill and hope that others can see the hardship it's going to cause

consumers of this state."

Senator Cobb then rose to speak in favor of the measure as follows:

"Mr. President, I would hope that the previous speaker's concern for the usurious rates of interest would also apply to landed estates that charge their lessees anywhere from 300 to 6,000 percent increases, and that if we could impose a 24 percent ceiling on leases, as this bill does on the lending of money, we'd have a lot of lessees in this state in a lot better shape than they are in right now.

"The second point I'd like to make, Mr. President, is that this measure only makes permanent what has been the law for the last four years and that is, the 24 percent ceiling under industrial loans and an 18 percent ceiling under bank loans.

"The prevailing rates right now are anywhere from 5 to 8 percent below what the ceiling is and that we have learned that, realistically, the cost of money is set in the national market, in the major banks of New York, Washington, Chicago, Los Angeles, San Francisco, and not by one state. And that money is a highly mobile commodity that will cross state lines very, very quickly.

"Thank you."

Senator Kawasaki, in response, stated as follows:

"Mr. President, I recall when the dialogue took place a few weeks ago when this bill was first in the Senate, contrary to the committee reports that most of the states were now practicing this practice of having high interest rates chargeable to consumers, I recited a list of states that indeed have lower rates of interest, certainly, much, much lower than 24 percent per annum. So, there are states which do have some consideration for the plight of the consumers, particularly, in the lower economic strata."

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

"Mr. President, I'm not sure that I see the relationship between rise in leasehold charges that was indicated by the previous speaker in rebuttal to the first comments against the bill with respect to interest. But, be that as it may, my objection comes principally with respect to the statement that this bill merely extends what is already the practice.

"I might be mistaken and if I am, obviously, I would like to be corrected on it, but if I am not mistaken, we are raising the rate from 2 percent to 4 percent above the highest rate of interest with respect to renegotiation of agreements of sale. I believe that appears on page 15. And, if I understand it correctly, that is in fact what is intended; that there is to be a 2 percent raise over the previous 2 percent that was charged when there is renegotiation on the agreement of sale.

"It is indicated in the committee report that, (I'm quoting from the committee report), 'It is the intent of the committees represented to observe the effect and application of the changes in interest rate ceilings during the next year and to be prepared to make amendments which may be necessary and appropriate.'

"I cannot find it to vote for the bill if the raise is a 100 percent with respect to the renegotiation of the agreement of sale, if the argument made in favor of it is, we'll see what happens as a result, and then come back and deal with it.

"I think it would be more fair to leave it at 2 percent and see whether there were difficulties with renegotiation of agreement of sales.

"In the absence, there may be testimony that I'm not aware of. I was not a member of the conference committee or the committee which considered it ... testimony which indicates that it was necessary to raise it a 100 percent, to 4 percent ... to the extent that such testimony was available or rationale available, but it does not appear in the committee report so I am unable to discern it other than to be able to look at the fact of its increase from 2 percent to 4 percent."

Senator Cobb then responded as follows:

"Mr. President, it was discussed, first of all, in the caucus and, secondly, reported in the discussion of the conferees that with a number of old mortgages existing at 6 or 8 percent, the House conferees felt that a 4 percent figure would be more fair in terms of being applied across-the-board because, since we had agreed on the concept of a percentage limitation, it would be more fair to the individual with a 6 percent or 8 percent mortgage to be able to have a 4 percent spread instead of a 2 percent spread.

"The limitation on agreements of sale is a new idea that was addressed this year based in large part on problem areas that were discerned in not only my district but a number of other areas as well and communications from people who found themselves trapped in an agreement of sale situation where, on renegotiation, they found that even with an underlying mortgage of 8 percent, their renegotiated agreement of sale was going up in the area of anywhere from 15 to 18 percent. And, so, some relief was attempted by means of this cap.

"The reason that we're willing to take a look at it next year is to see how well it has worked. That's the only new part of the bill.

"The older existing part of the bill is to simply repeal the 'drop-dead' clause that was due to go into effect in 1985.

"I would like to address also the previous comments about the number of states in terms of usury. The evidence that we had presented before our committee in testimony was that the number of states with no usury whatsoever is nine; the number of states with no usury for real estate loans for over \$150,000 is 33; the number of states with high usury ceiling of over 25 percent is 11; the number of states with no usury for commercial loans is 45; the number of states with a restrictive usury ceiling below that of Hawaii is five; and the number of states with a complicated usury law where some of the usury ceilings are above and some are below what we allow is 12.

"Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 27-84 was adopted and S.B. No. 2087, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Abercrombie, Cayetano, Fernandes Salling, Kawasaki, Toguchi and Young).

Conference Committee Report No. 28-84 (S.B. No. 2243-84, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 28-84 be adopted and S.B. No. 2243-84, S.D. 1, H.D. 1, C.D. 1, having been read

throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to inquire as follows:

"Mr. President, before voting on the bill I'd like the chairman to answer a question if he would.

"If you observe the bill, at the end it says, '...provided that, in addition to, or as a condition to the suspension of the fines and penalties,' (this is where we're talking about the violation of any rule) 'the court may deprive the offender of the privilege of operating or mooring any vessel in state waters for a period of not more than two years.'

"Is it really the intention of the committee that if someone is found in violation of a rule and, as far as I can read, there is no differentiation as to whether it's a serious misdemeanor or the equivalent of a felony or just a petty violation of some kind ... is it really the serious intention to prevent that person called 'the offender' here from the privilege of even operating a vessel in state waters for two years? Is that the genuine intent?"

Senator B. Kobayashi responded as follows:

"Mr. President, that was the intent. The department had asked for some sort of penalty so that they could control people involving certain kinds of violations from operating vessels within state harbors, in particular.

"You will note that in this particular case we gave the discretion of the penalty to the court so that violators will have due process."

Senator Abercrombie then continued:

"Mr. President, I'll speak against the bill, then.

"It amazes me that we pass these penalties that are mandatory sentences and so on, very heavy penalties. Now we say it's the discretion of the court. It means the court, literally, if someone, and I'm going to read it here: 'Violation of rules; penalty. Any person who violates any rule,' any rule, 'made, adopted, and published by the department of transportation' etc., 'or who violates any lawful command of any harbor master, harbor agent, or

harbor district manager,....'

"I think that anybody who's had any experience with harbors here knows that there are sometimes some serious questions as to what's fair and what's not fair, certainly, what's a lawful command or unlawful command.

"I ask all of you on this floor, I don't know whether you operate boats or not, but if we're talking about state waters here ... you know, in between the islands, the whole thing. What you're saying here is that if you get in an argument with the harbor master or harbor district manager and that person says he's given you a lawful command with respect to how you're docking your boat or whether you gave the right of way to somebody, or whether there's an argument, you can bring the full weight of the Department of Transportation and the Attorney General to take you into court.

"And you heard the chairman of the Transportation Committee say it's up to the courts. That means you get to go to court, hire an attorney and go there and fight the case and, as a result, we're saying not only can you be fined up to \$1,000 for this offense, but that you can be prevented from even getting into the water. You can't operate a boat in the water for up to two years.

"There are people out on bail on serious felonies who can operate a boat in the water. There are people on probation for felonies. But what we're saying here is that if you don't pay attention to the district manager, you can't go into the water. That's what it says. I hope we're not going to get an answer back on the floor tonight. Well, maybe that won't happen, and that's not what we really mean, or I'm sure nobody will do that, because when you pass these laws, I'm informed by the attorneys on the floor and others, when you pass a law that says you can do something, the courts say that's what they meant; otherwise, the Legislature wouldn't have passed it and put those words in. This is in connection, by the way, Mr. President, with something that I feel a little bit leery of in the first place, which is, that you can buy your way into a slip in the harbor. That's what this all provides for.

"The owner of a vessel can transfer the valid mooring permit. Now you know there are some of the most deep-seated arguments that take place

and I think all of you who served on the Transportation Committee over time here in the Legislature know that these moorings, that these slips, the getting of them, is among the most sought after and competitive activities that take place in this state.

"So, here we're saying, well, one way to get it is to go buy it and move in, which just seems to me is not necessarily very fair unless you have a lot of money to move in. That's one way to get a slip where somebody else who doesn't have the money to buy in may have to wait forever to get a slip or may never get it.

"And on top of it, then, in the back, if you find yourself at odds with the harbor manager, you get the opportunity, according to the chairman, to go to court to spend all the money that you can against the Attorney General and then in the end possibly suffer the penalty of literally being prevented on being on water for two years.

"Now, that certainly is ... and in answer to my question, the chairman says that the department wanted some kind of enforcement capacity. Now, if that isn't taking an elephant gun and going after the proverbial fly, I don't know what is, and I cannot believe that ... and I'm looking at some of the faces on the floor right now. It would be incredulous if it was actually the intention of the members on the floor to vote such a penalty through.

"I think that the harbor can probably survive until next January at which time we can come back with something that is at least faintly reminiscent of something that's fair and equitable with respect to the violation of a particular rule or regulation in the harbor. I don't think you could do this to people who are mining Nicaraguan waters."

At 10:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:19 o'clock p.m.

Senator Abercrombie continued:

"Mr. President, the discussion that took place during the recess convinced me that about the closest equivalent that I can come to this is when notorious felons are told by their parole officer that they can't go into Waikiki. I'm not kidding.

That's the only other incident I can think of where you would, literally, to some offender who's done something so heinous, so incredibly dysfunctional to the well-being of the harbors that they literally will be deprived of being able to operate any vessel.

"I'm presuming, 'operate any vessel' means you can't even row a boat and if I'm wrong ... it says 'operate a vessel' and I presume a vessel is a boat, and operate it means to maneuver it, to do things with it, to steer it. You can't paddle for two years because you have offended the harbor master or the harbor district manager.

"Maybe my perception of human nature after ten years in here is so warped that I do not understand the essentially benign context within which people conduct themselves as bureaucratic elements in this state. But I do not think that the harbor district managers throughout this state have reputations for being clones of St. Francis.

"What you do when you pass this law is make these people into minor league Gods. And if you operate a vessel in any of these harbors, you'd better make sure that you don't get on the wrong side of any of these people because if you violate any rule ... and one of these brought up to me during the recess is, there are certain scoff laws, apparently, in the harbors that say go ahead and fine me, so as a result of that we're going to set up a whole category ... this goes back to my idea about criminals setting the standard. It's amazing to me.

"We now set up a category of punishment, then, that anybody who has a boat, anybody who is doing business or engaged in activity, recreational or otherwise, in our harbors runs the risk of getting on the wrong side of one of these district managers and can be prevented from operating a vessel for up to two years.

"Now, I think one of the previous speakers in respect to another bill said something on the bottom line effect, 'tell me that isn't the case that that can't happen.'

"If somebody can honestly stand up and tell me that can't be done as opposed to it's up to the judge or it's up to the person making the accusation or something like that, then I withdraw my remarks. But in

the absence of that, I cannot see how it can possibly be in the interest of anyone to pass this kind of legislation which seems to me just to border on the verge, I suppose, of an invitation to arbitrary and capricious behavior to those individuals who might want to avail themselves of the opportunity to harass people who are under their control in this bill."

Senator B. Kobayashi spoke in favor of the measure as follows:

"Mr. President, I would note that the language is 'the court may deprive.' I point out that the court is the deciding agency and not the harbor master or harbor agent. Further, the court can exercise discretion under the 'may' category and judgment in deciding what kind of privilege revocation is used.

"The important part of this particular section is that the department originally wanted to use what might have been referred to as a double elephant gun. The department originally wanted imprisonment as another section of this penalty clause. We took out that part having to do with penalty. We made it clear that the department does have very serious problems in controlling their harbors and, in particular, it seems to lack strong enforcement measures when serious danger to life and property is at stake.

"The penalty clause that was intended to be most operative, that is, most frequently used was the section having to do with mooring any vessel in state waters. It is revocation of the privilege of mooring, which the previous speaker noted, which is a highly valued commodity, which is intended to be the chief means of controlling violations and it is this particular section that is intended to be used more frequently.

"We presently have a situation in the harbor system where the harbor master has no discretion but to impose a fine, and we have been told that that is not a significant deterrent to many of the more serious, long-term, flagrant violations that occur in state harbors."

Senator Abercrombie then added to his comments as follows:

"Mr. President, I appreciate that commentary. In the future, I think, that I will keep in mind the double elephant shot gun approach and I

think that I would suggest to Senator Kawasaki, perhaps in the future when he puts in his death penalty bill, that he'll have a much better chance of getting it through if he coupled it with something like drawing and quartering it and then and we could just simply drift back to an ordinary death penalty and say we made a real improvement over what was asked for."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 28-84 was adopted and S.B. No. 2243-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Carpenter, Kawasaki, Solomon and Young).

Conference Committee Report No. 29-84 (S.B. No. 2073-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 29-84 was adopted and S.B. No. 2073-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 30-84 (S.B. No. 1729-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 30-84 was adopted and S.B. No. 1729-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 31-84 (H.B. No. 1816-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 31-84 was adopted and H.B. No. 1816-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read

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

Ayes, 25. Noes, none.

Conference Committee Report No. 32-84 (H.B. No. 1912-84, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 32-84 was adopted and H.B. No. 1912-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 33-84 (H.B. No. 1784-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 33-84 was adopted and H.B. No. 1784-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 34-84 (H.B. No. 1821-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 34-84 be adopted and H.B. No. 1821-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I rise to indicate that I'll vote 'no' on this bill.

"I just want to indicate for purposes of the record that some testimony was received or representations were made to various members of the Legislature and to the chairman, if I remember correctly, his remarks, which I do not believe influenced the chairman in his advocacy of the bill, but I do want to enter into the record my objection to receiving as an argument for this bill a letter signed Dr. Martin E. Jenness, DC, Ph.D., which indicated as part of his reasoning for support

for this approach had to do with possibility of some chiropractors possibly endangering the lives of patients as a reason for rejecting their view.

"Mr. President, I've been a patient of various chiropractors with various philosophies for a good portion of my life since I was a very young child and I really resent someone attempting to influence me or any other member of this Legislature who may not be as familiar with the activities of the chiropractic profession. I bitterly resent receiving such commentary that anyone, because of a philosophical difference, who is licensed to practice in this state would even consider for a moment the idea that they would be endangering lives of patients because they don't happen to agree.

"I think it's a scandalous statement and, if I were a chiropractor who fell under this category, would consider suing this individual for slander. And I appreciate the fact that the chairman did not give any weight to this kind of scurrilous commentary that was being passed around in this Legislature as representing the actual case, with respect to this bill.

"There may be arguments as to merits and demerits but I do not believe that this kind of activity nor the remarks contained in this letter are representative of the reasoning that went on in the conclusion of this bill."

Senator Cobb added as follows:

"Mr. President, I would like to add to the remarks of the Senator from the 11th District that it had no bearing at all on my reasoning and that, in fact, we had a third public hearing, if you will, in the conference committee where we had representatives of both schools of thought, straights and mixers, and possibly even some combinations thereof. They were in front of us arguing their case to the members of the joint House/Senate Conference Committee and it was after House members heard the arguments for a period of almost two hours, and then asked numerous questions of their own, and then caucused on their own, then they came back in agreement with the stated decision of the Senate. We did very little arguing or convincing ourselves. It was really in effect another public hearing.

"I think that was the basis on which a decision was made and, as

far as I know, we took this decision long before this correspondence ever came out and, I would agree with the previous speaker, it had absolutely no bearing on my thinking on it, my position on the issue nor that of my committee members.

"Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 34-84 was adopted and H.B. No. 1821-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 35-84 (H.B. No. 2028-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 35-84 was adopted and H.B. No. 2028-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 36-84 (H.B. No. 2418-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 36-84 was adopted and H.B. No. 2418-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 37-84 (H.B. No. 1629-84, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 37-84 was adopted and H.B. No. 1629-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and

Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 38-84 (H.B. No. 1989-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 38-84 was adopted and H.B. No. 1989-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 39-84 (H.B. No. 1729-84, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 39-84 was adopted and H.B. No. 1729-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 40-84 (H.B. No. 2163-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 40-84 was adopted and H.B. No. 2163-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 41-84 (H.B. No. 2142-84, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 41-84 was adopted and H.B. No. 2142-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conference Committee Report No. 42-84 (H.B. No. 538, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 42-84 was adopted and H.B. No. 538, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMITATION CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

Conference Committee Report No. 43-84 (S.B. No. 1766-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 43-84 was adopted and S.B. No. 1766-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 44-84 (S.B. No. 2026-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 44-84 was adopted and S.B. No. 2026-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 45-84 (H.B. No. 1796-84, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 45-84 was adopted and H.B. No. 1796-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 46-84 (H.B. No. 1799-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 46-84 was adopted and H.B. No. 1799-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Conference Committee Report No. 47-84 (H.B. No. 2597-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 47-84 was adopted and H.B. No. 2597-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 48-84 (S.B. No. 1450-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 48-84 was adopted and S.B. No. 1450-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 49-84 (H.B. No. 177, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 49-84 was adopted and H.B. No. 177, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

Conference Committee Report No. 50-84 (H.B. No. 271, H.D. 1, S.D.

2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 50-84 was adopted and H.B. No. 271, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 51-84 (H.B. No. 1933-84, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 51-84 and H.B. No. 1933-84, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Thursday, April 19, 1984.

Conference Committee Report No. 53-84 (H.B. No. 267, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 53-84 was adopted and H.B. No. 267, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF PETROLEUM PRODUCTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 54-84 (S.B. No. 1575-84, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 54-84 and S.B. No. 1575-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," was deferred until Thursday, April 19, 1984.

Conference Committee Report No. 55-84 (S.B. No. 328, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 55-84 was adopted and S.B. No. 328, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," having been read throughout, passed Final Reading on the following

showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Conference Committee Report No. 56-84 (S.B. No. 2184-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 56-84 was adopted and S.B. No. 2184-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conference Committee Report No. 57-84 (S.B. No. 2249-84, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 57-84 was adopted and S.B. No. 2249-84, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 58-84 (S.B. No. 761, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 58-84 was adopted and S.B. No. 761, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 59-84 (S.B. No. 934, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 59-84 be adopted and S.B. No. 934, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie then inquired and stated as follows:

"Mr. President, would the chairman

make sure for me, before I vote, that I am correct in my assumption that if this bill passes there will be a destruction of records after a period of seven years, is that correct?"

Senator Machida answered as follows:

"Mr. President, it depends on what kind of records the previous speaker is referring to. If he is referring to records that contain basic information which is found on page 3 of the bill, from line 8 down to line 19, that basic information consisting of records such as records of all diagnosis, operations, special study results, operative reports, pathology reports, and discharge summaries, those must be kept in perpetuity.

"All other non-pertinent records can be destroyed after the seven-year period."

Senator Abercrombie then rose to speak against the bill as follows:

"Mr. President, I'll speak against the bill. I appreciate the chairman's remarks and explication of this...."

At 10:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:46 o'clock p.m.

Senator Abercrombie continued: "Mr. President, in the interim the chairman made representations to me that I think cover the questions that I raised. My only caveat would be that, if I understand the bill correctly, what is known as health care providers here has to indicate to patients that such records are available to them so a transition can be made by that patient who has a long-term ailment that they are being treated for so that they do not lose the record of their treatment. They should be aware of that. They'll indicate that its available to them and I'm taking it as a matter of intent that health care providers will make that knowledge to the individual patient."

Senator Carpenter rose to speak against the measure as follows:

"Mr. President, while I recognize and commend the chairman of the committee for some fairly specific language that will retain a portion of the medical records, I also recognize that it wasn't too many years ago that the number of years for medical

record retention was lowered to ten years. Now we seek to lower it another three.

"Mr. President, I strongly feel, with the pressures obviously applied by certain medical practitioners and the hospitals for the destruction of records for the purpose of having more storage for other records coming on, lends itself to the possibility of, perhaps, covering up for mistakes, errors in judgment which could possibly end up in litigation and, thereby, the destruction of records could preclude that kind of amelioration of problems for the patient in particular, Mr. President, with the greater use of chemicals in treating patients in the future, greater preponderance of use of chemicals, the reactions to which have yet to be measured, should not allow reducing the record retention period.

"And, Mr. President, I think that this kind of legislation which essentially excuses a portion of the record to allow them to be destroyed may not be in the best interest of the people of this state; therefore, I am voting 'no' on this measure."

Senator Kawasaki rose to speak in support of the measure as follows:

"Mr. President, I am supporting passage of this bill with reservations, so to speak.

"I, too, had the concerns Senator Abercrombie had and I, too, made inquiries of the chairman of the Health Committee. I would have preferred, rather than a seven-year retention period, possibly, the retention of a ten-year period.

"With microfilm usage and with the ability of computer disks, double-density, eight-inch computer disks to be able to store a megabit or one million characters of information in a very small, limited space, I don't think storage capacity is such a problem.

"I would have preferred, as I said, retention of the ten-year period but I am willing to go along with the provisions of the bill for a seven-year period. Then, if we find that there has been abuses perpetrated by the providers of medical service, because of passage of this bill, I think then we can come back and possibly amend the bill to provide the bill for a longer retention period.

"I must agree with Senator Carpenter that the medical profession

has indeed had a lot to say in this Legislature. I regret that."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 59-84 was adopted and S.B. No. 934, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Carpenter, Cayetano and Toguchi).

Conference Committee Report No. 60-84 (H.B. No. 2075-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 60-84 was adopted and H.B. No. 2075-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 61-84 (H.B. No. 2169-84, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 61-84 was adopted and H.B. No. 2169-84, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 62-84 (H.B. No. 1946-84, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 62-84 and H.B. No. 1946-84, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERSONAL CARE SERVICES," was deferred until Thursday, April 19, 1984.

Conference Committee Report No. 63-84 (H.B. No. 2257-84, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 63-84 and H.B. No. 2257-84, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES," was deferred until Thursday, April 19, 1984.

Conference Committee Report No. 64-84 (S.B. No. 1693-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 64-84 was adopted and S.B. No. 1693-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 65-84 (S.B. No. 1694-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 65-84 was adopted and S.B. No. 1694-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 66-84 (S.B. No. 1702-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 66-84 was adopted and S.B. No. 1702-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Conference Committee Report No. 67-84 (S.B. No. 1745-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 67-84 was adopted and S.B. No. 1745-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 68-84 (S.B. No. 1815-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 68-84 was adopted and S.B. No. 1815-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 69-84 (S.B. No. 1867-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 69-84 was adopted and S.B. No. 1867-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 70-84 (S.B. No. 2056-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 70-84 was adopted and S.B. No. 2056-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 71-84 (S.B. No. 2085-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 71-84 was adopted and S.B. No. 2085-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No.

72-84 (S.B. No. 1744-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 72-84 was adopted and S.B. No. 1744-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 73-84 (H.B. No. 1940-84, H.D. 2, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 73-84 be adopted and H.B. No. 1940-84, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose in support of the measure as follows:

"Mr. President, I would like to speak in favor of this bill by indicating that this is another step in a long trek that has been taken on behalf of the Research and Training Revolving Fund at the University of Hawaii and that, I hope, if its intent is carried through by the University, that it will help to establish the grounds for raising the amount to that which I believe it should be, of 50 percent.

"I have every confidence that the results of this change will be such that the Legislature will find it well within the public interest as well as the special interest of the University to raise it to 50 percent.

"In addition, I would just like to mention the situation that is alluded to in a resolution which I believe we will have before us and in the committee report with respect to the relatively small amount of money, but, nonetheless, possibly very important amount of money that might need to be available for some research projects that might otherwise be lapsed back into the general fund. And I trust that the University will avail itself of whatever administrative opportunities exist to make such representations as is necessary to the budget and finance people, to the executive branch of government to see to it that should emergency situations arise, specific situations come to the attention of the University, where such funding is in

the interest of the state and the University, that they take those steps and see to it that no project is endangered."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 73-84 was adopted and H.B. No. 1940-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 10:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:59 o'clock p.m.

Conference Committee Report No. 74-84 (H.B. No. 2044-84, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 74-84 and H.B. No. 2044-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Thursday, April 19, 1984.

Conference Committee Report No. 75-84 (H.B. No. 2006-84, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 75-84 and H.B. No. 2006-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Thursday, April 19, 1984.

MATTER DEFERRED FROM APRIL 17, 1984

Senate Bill No. 2180-84, H.D. 1:

By unanimous consent, action on S.B. No. 2180-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was deferred until Thursday, April 19, 1984.

MATTER DEFERRED FROM THE MORNING CALENDAR

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 measure as follows:

"Mr. President, I appreciate the Chair's allowing several days to go by while we attempted to get together with the chairman to discuss certain points of difference.

"Mr. President, the measure, as I read it, has several flaws. First of all, Mr. President, the measure, '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,' that is the title of the bill.

The purpose section enumerated immediately under the 'Be It Enacted By...' states that 'The purpose of this Act is to propose an amendment to Article III, section 12, of the Constitution of the State of Hawaii to allow the legislature to establish the deadline for introducing bills to be considered in the regular session prior to the twentieth day of the session.'

"And in the bill itself, there is no new language proposed. It is merely a repeal of a portion of language in the fourth paragraph on page 2 which commences: 'By rule of its proceedings, applicable to both houses, each house shall provide for the date by which all bills to be considered in a regular session shall be introduced.' The language to be deleted by this proposed amendment reads: 'This date shall be after the nineteenth day of the session and shall precede the commencement of the mandatory recess of not less than five days as provided in section 10 of this article.'

"The repeal of that sentence does three things. It removes the restriction for introduction of bills after the nineteenth day of the session in the present Constitution; it removes the language of a mandatory recess; and it removes the language to speak to the recess not occurring prior to five days after the conclusion of introduction of bills.

"Mr. President, if I may read the language in the standing committee report of the constitutional convention proceedings in which the language was inserted in the Constitution adopted by the people of the State of Hawaii in 1978, the discussion briefly went to, 'the amendment to section 13

also requires both houses of the legislature to establish by rules a cutoff date for introduction of bills which shall precede the commencement of the mandatory recess by not less than five days.' This is to allow the public the use of the mandatory five-days recess to review every bill that will be ever be introduced in that legislative session.

"Mr. President, while the discussion in the committee report, both the House committee report and the Senate committee report, which are very much identical, pose a hypothetical situation in which a certain event would occur. Events such as pre-filing of bills prior to session commencement, a word which is not defined either in the Constitution or the committee report and which I would assume would suggest that individuals who may be elected to office, and although they may not have been sworn into that office, may not be in a legal position to uphold and carry out the duties of that office, would be allowed to somehow get bills drafted and introduced, prior to the convening of the Legislature, and somehow get those promulgated, made available to the public, and somehow allow for those bills to be discussed in some public forum.

"Mr. President, all of these are hypothetical situations. There is nothing in the existing language, in the repeal portion of the constitutional amendment proposed, that does exactly what either the proposal in its title claims it to do nor in the purpose section.

"Mr. President, actually, the Legislature, concurring with each other, both houses, in adopting of a resolution setting the constraints of introduction and cutoff for introduction of bills, certainly, could not allow for the introduction of bills until such time as all members are sworn into office and can effectively carry out the duties of their offices; and, secondly, Mr. President, certainly could not conduct the business of the people until the session started.

"So, Mr. President, I'd like to suggest that the amendment, as is proposed, is really not an amendment at all but merely a hypothetical presentation. I am wondering how, should this measure pass, the Lt. Governor of the State of Hawaii will present the question to the people in a form that will be understood by the electorate, since there is really no

question or no statement within the portion of the constitutional amendment in language...all it does is repeal a certain portion of the constitution.

"May I suggest to this body also that in an action taken earlier, last week, I believe, we passed House Bill 1948 which would speak to the recess portion and change the language of that recess consideration to allow for the mandatory recess, which is now a five-day period and a contiguous manner to be broken up into, perhaps, less than five-day increments. How that will couple with this proposed amendment and how that amendment, coupled with this one, would actually be carried out in practice, would be very confusing, indeed, and certainly would emasculate the entire constitutional convention process that put this consideration into the constitution, the law of this land.

"It would allow for the taking away, at the convenience of the Legislature, the privilege and the prerogative of the people who in no way, as far as I'm concerned, should ever be contravened by an action by the Legislature, that privilege of looking at every and all bills introduced prior to the mandatory recess which may not be in a five-day period, should the other constitutional provision prevail.

"Mr. President, I believe that this will be very confusing to the public out there. I think it will be confusing to the Lt. Governor who will try to put the questions to the people in such a way as to represent a concerted desire by the Legislature to really smooth out things, to expedite the proceedings, and to somehow come out with a better product as a result of legislative action.

"For these and a number of other reasons which I cited the other night, I believe this bill should be held.

"Thank you."

Senator Cayetano rose to speak in support of the bill as follows:

"Mr. President, I think the remarks of the previous speaker are well-taken; however, as I see the issue proposed in this bill, we are in fact putting the question before the people. The Legislature is a creature of the people through the State Constitution and this bill, all it calls for, is to put the question before the

people as to whether the Constitution will be amended. That's how simple I see this issue.

"I think the question as to whether the amendment is wise or not is something that should be debated at the election when this measure comes before the people, not here, that is not the question before us."

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

"Mr. President, I think that the Legislature is an autonomous and responsible body and we fully understand that it is in our interest that we have a full scope of bills before us. I doubt that we would short-change our constituents and our duties by restricting, unduly, the introduction of bills.

"I do not see it difficult to talk about a person having certain legislative responsibilities before taking the oath of office because as all of us know, we are legislators from general election day to general election day, and, in fact, carry on very heavy responsibilities long before we are sworn into office. That is, it is traditional in both the House and Senate that we have deliberations on the state budget before opening day.

"During that period before opening day, the legislative budget is not introduced officially but is a topic of serious discussion and examination. So there is already precedent about activities relating to bills and bill introduction before opening day.

"The Legislature, I think, needs to discuss a variety of possibilities to give ourselves the opportunity to, perhaps, consider fewer bills. If we shorten the period of time in which bill introduction is allowed, maybe, we will have fewer bills and, maybe, that is not altogether a bad thing.

"Thank you."

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

"Mr. President, I think the previous speaker has summed up very good reasons why we should be against the bill. I think Senator Carpenter essentially enunciated and reiterated the remarks of last week or earlier in the week with respect to this bill and in a very good fashion.

"Surely, no one supposes that we want to put this before the people

with the idea of lengthening the amount of time that there'll be for the introduction of bills and, yet, the previous speaker would have us believe that the time period here, there's nothing, perhaps, magic about the time period that it's indeed a flexible measure and that is the object. I think that it should be quite clear and will be quite clear to the people of the state should it pass, that the idea here is to shorten the length of time.

"There probably is no magic formula that exists as to why it was nineteen days rather than twenty days. Maybe somebody thought it was a good idea to make it one day short of a third of the sixty-day period. That maybe is lost in the mist of time, I'm sure that there was a discussion of it, I do not have it before me as to what the reason was, but we do have before us, rather, the constitution.

"One of the previous speakers indicated that the simple question was whether it should be put before the people and that was to be debated by the people at that time, not at this time; however, I do think it's pertinent to debate whether the question should go before the people, whether it is necessary.

"The reason I say that is, is I think that when you amend laws that's one thing, but, when you amend the constitution, you should have compelling reasons to do it. You should not lightly go before the people asking that the constitution be amended. You should have good and sufficient reason for doing it because we do not want to treat the constitution in such a manner as to think that every time it is convenient for the Legislature or some, perhaps, fashionable view in the Legislature, that the constitution then be abrogated in some fashion or altered in a manner that suits that.

"I think this is one of the reasons why over the two-hundred-plus years existence of the nation there have been relatively few constitutional amendments and there have been a subject of extensive debate. In this particular instance, Mr. President, if you examine the committee report, except for the hypothetical situation mentioned in the first remarks concerning the inadvisability of passing the bill, nothing is really stated as to why we want to do it, other than to make it...there can be no other conclusion, I should say, rather, then, we somehow want to

make it easier on the Legislature. I don't think that that's the reason for putting that before the people. There is no doubt in my mind it will shorten it.

"And, if the intention of the bill was to see that fewer bills were introduced, I have no doubt that that will in fact be the case. Mr. President, you know that I am not an advocate of that position.

"If the idea was to have fewer bills introduced, I think it should have been stated in the committee report, at the very least, and probably should have been put in such a manner, in the way the legislation was formed, in the body of the legislation, is to make sure that that was the effect. I would oppose it on those grounds as well.

"I do not think it is the business of this Legislature to have as few bills as possible. I think that people ought to have the opportunity and, Mr. President, I believe that virtually every person in this room, including yourself, has at one time or another introduced bills that he or she did not necessarily subscribe to, either in concept or in form, at the request of individuals in the community because it was felt, as a matter of principle, that it was fair for those ideas to be brought before the legislative body in one form or another, either in committee hearings or even just the introduction of the idea for the scrutiny by the general public and its commentary.

"I think there is good and sufficient reason for the nineteen-day figure. I don't argue that it couldn't be eighteen or that it might not be twenty but the fact of the matter is, the constitution says nineteen and a case can be made to sustain that. Essentially, three weeks of legislative activity in which members of the public as well as legislators here can see what kind of legislation is being introduced and have an opportunity to take a look and see whether they want to modify some stand; to see whether in fact they want to introduce legislation they may be contemplating. It gives us an opportunity to get the wheels of government rolling in terms of the legislative process and, as a result, gives the maximum opportunity for people to introduce bills. That is something I think that we should treasure, that we should covet.

"It doesn't bother me in the least that newspapers may rail against the

idea of us piling up paper in the Legislature. I notice the newspapers never worry about piling up paper when they have a lot of ads to run. They don't mind making the paper as thick as possible. And they don't mind, by the way, filling it in with stories about the Legislature, if it suits their purpose to break up the ads. So, the piling up of paper is not a problem, but depriving people of the opportunity to make known their views and desires, if only to have the honored and treasured capacity of an individual go to a legislator and say, please introduce this bill or please introduce this concept, please consider this view. That's something that's relatively unique to the United States and a few other democracies throughout the world and throughout time, throughout the history of this world, as a matter of fact. That's something that should not lightly be set aside.

"So I would hope that the chairman would consider, as Senator Carpenter has requested, holding this bill for now, and to try to come up in the process, if it's determined that this is something that is really vital, it needs to be put before the people with a much better rationale.

"I want to conclude, Mr. President, by indicating that had I realized that this bill would be coming forward that I would not have voted for the other proposal in HB 1948 with respect to so-called flexibility in scheduling the mandatory recess. I regret that vote and wish I could rescind it at this time. It is, however, obviously a matter of record and that will go forward. I think that the remarks made with respect to HB 1948 are pertinent and if this bill should pass; I think that, probably, we should try to seek the defeat, at the polls, of both of these measures.

"I think we would be hard pressed, and, in conclusion, to justify to the voters in virtually any respect what the rationale for this bill will be, with respect to indicating to them, why it is in their interest as voters and taxpayers to agree with the proposition that will be put before them."

Senator Cobb then rose to speak in favor of the measure as follows:

"Mr. President, to respectfully disagree with the previous speaker, I have for sometime been an advocate of limiting the number of bills, yet, at no time when I looked at this particular measure before us, that I consider this measure to be tied in

with the bill limitation.

"If anything, as I view this measure, all it would provide for is flexibility in terms of the period of time that we would have for introducing bills. And if we look at the past practice, if you will, of pre-filing, and normally that practice of pre-filing has taken place only in an even-numbered year which is the second year of a legislative biennium, and we're already sworn in, already have one session of the two under our belts, and have the opportunity, through the mechanism of pre-filing, if the body agrees upon it, to get a running start.

"In no way shape or form have I considered this measure to be tied in to the idea of limiting the number of bills even though I have been a long-time advocate of that. Because, if we have pre-filing in an even-numbered year we could start in a much earlier time frame in January, in terms of being able to get the bills in, and perhaps have a four-week period with the cutoff near the end of January. That's a matter of flexibility which, at the present time, we don't have.

"I'm not so concerned about the problem of having pre-filing in an odd-numbered year because we're not sworn in yet and sometimes we're not organized, in fact, more often than not we're not organized but that's an internal legislative problem, but, nevertheless, I have not seen pre-filing take place in an odd-numbered year, immediately after an election.

"But, in an even-numbered year it would give us that kind of flexibility and possibly even a longer period of time by starting in early January in order to consider having bills introduced. And that, I think, the essential point of the amendment is merely provide for that kind of flexibility, because in no way do I tie it in to bill limitation.

"For those reasons, Mr. President, I would urge the members to support the measure. Thank you."

Senator Carpenter then responded and stated as follows:

"Mr. President, I guess what I've tried to put in my mind and on a piece of paper here are questions that would be posed on the bill that we passed earlier, speaking to a constitutional change, I think the question would be on that House bill

to the people -- should the legislative recess be allowed to be broken up into two or more periods? That would be a question demanding a 'yea' or 'nay' answer.

"And, in this case, I would imagine the question would be posed something along this line. Should the Legislature be allowed to establish a deadline for introduction of bills prior to the twentieth day of session?

"Mr. President, neither one of those questions address the constitutional convention's installation of language in both Sections X and XI or X and XII which speaks to the allowance of the public in a contiguous five-day recess to review every bill that will ever be introduced in a particular legislative session. And it could allow the Legislature to break that idea to disallow the recess to be used for the public's viewing of and commentary of the legislation introduced during any particular session.

"Mr. President, I think that both of these going forward in this way tends to emasculate the constitutional convention proceedings, the discussion and the whole concept of the mandatory recess allowing the public's introspection and observation of the proceedings so that they can make an enlightened discussion entry into the proceedings of the Legislature and, hopefully, from which would proceed with enlightened legislation which would help all of the people of the State of Hawaii.

"Thank you."

Senator Abercrombie then added as follows:

"Mr. President, I remain unconvinced by the chairman of the Consumer Protection Committee with respect to whether or not this would have the effect of bill limitation. I think any period, the introduction of a concept or a date that might change from Legislature to Legislature, I might add, will most certainly be shorter than the present time, otherwise, why introduce the bill. I cannot conceive that it would be other than for shortening the time for the introduction. How that might, in fact, have the effect of less bills being introduced, no doubt about it. The less time, the less bills would be likely to be introduced.

"It does not appeal to me in the least to talk about introducing before the session actually begins. The

reason for the nineteen days, you see before you tonight. There are people from the media sitting right in these cubbyholes over here; there are members of the public in the gallery; people can observe the proceedings; we are in our offices and available; we have staff available; before the session starts it's all hit-and-miss proposition, you may or you may not run into a legislator. I would remind everybody that not all of us live on Oahu and it may be a quite different proposition for those who live on the neighbor islands to engage in this process that would be contemplated should we gain this so-called flexibility.

"The question before me, as far as I'm concerned, is flexibility for whom? It is certainly not flexibility for the public with respect to the introduction of bills or any other business that may be conducted during the nineteen days. It seems to me the bottom line on this legislation and the legislation that is attendant with it, as indicated by Senator Carpenter, HB 1948 will have the effect of reducing for the public the capacity to have bills introduced, to scrutinize bills, to engage in dialogue in a sensible and in a business environment that will increase the capacity for those who have the possibility of engaging lobbyists, of having the time and opportunity available to seek out legislators before the session, etc., to carry on their activity. It would make it much more difficult for citizens as a whole or those who have an interest, perhaps, on an intermittent basis to make themselves known and to make themselves heard.

"There is no good reason for doing this. There may be some reason for doing it in terms of fashionable convenience for the Legislature, but certainly no pressing constitutional necessity for making these changes. And, unless such a necessity can be established, I think it is well for any legislative body to leave the Constitution alone."

Senator Chang then rose to speak in favor of the measure as follows:

"Mr. President, it seems to me that the proposition to be put to this body and to the public has been misstated.

"The proposition, simply put, is this. Shall the requirement that bills be introduced after the nineteenth day of the session and prior to the commencement of the mandatory recess be repealed, permitting each house to

provide for that date of introduction by rule of its proceedings applicable to both houses? That is the proposition, plain and simple.

"By permitting the establishment of this particular item in the legislative timetable, it would be consistent with the remaining Section XII of Article 3, whereby, each house chooses its own officers, determines the rules of its proceedings and keeps a journal. We might note, Mr. President, that there is no constitutional provision that relates to the date of the first crossover or that of the second crossover or the date by which substantive resolutions shall be introduced. All of these items are crucial to the faith of every proposition presented to both bodies.

"This particular proposal merely permits the Legislature to establish a timetable that is appropriate to the conditions that it must deal with in its proceedings each year and I believe that it is a proposition well worth considering and will enhance the effectiveness of this body.

"Thank you."

Senator Carpenter then responded as follows:

"Mr. President, while I recognize the good intentions of the previous speaker, I don't think that proposition that is so clearly stated is stated anywhere, in any committee report, or in the bill for an act, or in the language that is to be repealed, or in any new language which is absent on this bill.

"Mr. President, I suggest that the possibility also exists that while the previous speaker's ideas may in fact be the proposition, the proposition could in future Legislatures go beyond that which is indicated here and be diametrically opposed to the purpose stated in this particular statute or the bill for a constitutional amendment, say, to change the day to sometime after the nineteenth, possibly to the fiftieth day, and that is certainly not precluded in the mere removal of language...from the constitutional language which is presently in the books. That could happen.

"The purpose clause will certainly not appear in the constitutional amendment and will certainly not appear in any discussion after the acceptance of the question, should the question be in fact put in the manner in which was suggested by

the previous speaker.

"So, I suggest, Mr. President, that a great deal more work needs to be done in terms of preparation of this proposal for a constitutional amendment to be put to the people of the State of Hawaii in a more enlightened and clearer fashion."

Senator Abercrombie then added as follows:

"Mr. President, the chairman of the Judiciary Committee has posited again what I consider to be a rather frightening proposition, constitutionally.

"He's indicated that the reason for passing this, and remember we're talking about allowing greater flexibility, that can be read both ways. It can also make it more inflexible. And the reason that I fear for that is, is that the chairman himself has just stated that if we are able to get rid of this language about nineteen days then we can put a date with respect to the deadline for introducing bills, I think I'm quoting him correctly, appropriate to the condition that prevails. That means from Legislature to Legislature. We will be dealing with what is convenient to those who control the Legislature.

"Now, Mr. President, the chairman of the Judiciary Committee may be a man of tremendous approbation; he may be an individual of meritorious demeanor; he may be a gentleman possessed of a rectitude which would amaze the aegis; however, it is not certain, and I think this is the reason we have such respect for constitutions that such an individual always occupy the post of the chairman of the Judiciary Committee or even possibly president of the Senate or speaker of the House.

"The fact remains that we will be putting before the people a proposition that will state, whatever constitutes the organization of the Legislature, and I would indicate to you, Mr. President, parenthetically, in remembrance of a proposition that I recently came across in a book concerning the operation of the Texas State Legislature that no institution can rise above its own control by its own members; no matter what we have by way of so-called institutional safeguards, if we abrogate those safeguards in any way we are then at the mercy of those who control the institution and, I venture to say, Mr. President, that there may be times

when the people of the state may not be well served by the organization of the Legislature with respect to the introduction of legislation.

"The fact is that if we pass this and are able to succeed in convincing the people that it's in their interest to accommodate our interest, that the time may very well come in this Legislature when, in the name of something appropriate to the conditions which exist, we could find ourselves in the position of seeing to it that people who might otherwise introduce legislation are prevented from doing so.

"To say that that might not happen or that isn't the intent is entirely beside the point when you pass legislation and, in this instance, pass constitutional amendments for allowing that kind of condition to exist. Seems to me we should support those propositions, especially when they exist in the constitution that minimize the chance of that kind of thing taking place, rather than maximizing the opportunity for such a condition to exist."

The motion was put by the Chair and House Bill 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," 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, 20. Noes, 5 (Abercrombie, Carpenter, Fernandes Salling, Kawasaki and Toguchi).

House Bill No. 79:

By unanimous consent, action on H.B. No. 79, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY," was deferred until Thursday, April 19, 1984.

At 11:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock p.m.

Senator Kawasaki then rose on a point inquiry as follows:

"Mr. President, I rise on a point of inquiry directed to the chairman of

the Higher Education Committee."

The Chair asked the chairman if he would yield to an inquiry and Senator Holt having answered in the affirmative, Senator Kawasaki asked:

"Mr. President, a few days ago, as I recall, in a joint hearing of the Health and Higher Education Committees, it was decided after due hearing and listening to testimony, that the Senate resolution requesting a Legislative Auditor's audit of the Cancer Institute, for valid reasons and complaints registered to the members of the Senate,...it was decided in that joint committee hearing that the resolution be reported out.

"I would like to inquire as to the status of that resolution in view of the fact that it was decided by committee vote at the public hearing that it was to be reported out. Has the chairman of the committee arbitrarily decided that it was not going to be reported out? That being the case, has he made an announcement of the fact that there was to be another committee hearing to reconsider the action on the decision taken at the joint hearing?"

Senator Holt answered as follows:

"Mr. President, I informed the previous speaker that I would be consulting with the other chairman on that joint referral and we have discussed it and there was some additional information that was provided, subsequent to that hearing, and we are working on the resolution right now and plan to bring down tomorrow morning."

Senator Kawasaki thanked the chairman for the response.

The Chair then made the following observation:

"Before adjourning for the evening, the Chair would like to encourage the conferees on the functional plans to meet again tomorrow. I know the hour is drawing late, however, there is time and it is the Chair's hope that some kind of accommodation can be made tomorrow."

At 11:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock p.m.

Senator Cayetano then rose to remarks as follows:

"Mr. President, just a brief rejoinder to your remarks, I hope your choice of the word 'accommodate' was unfortunate on your part. I am tired of hearing the word 'accommodate' when it comes to our negotiations with the House.

"Quite frankly, I have never heard the phrase, 'we're doing this because the House won't budge' so often, as I have this session. It's time, I think, that we seek compromises which are satisfactory to both bodies rather than make accommodations. And if that means that our Governor will get only 10 out of 12 (of the functional plans) then let him wait until next year because he's waited this long for ten."

The Chair then responded as follows:

"I guess I am an eternal optimist. I always feel that there is some hope somewhere that things can be resolved and if the word 'accommodation' is inappropriate at this time, then maybe I should say, some 'compromise' ought to be made, if possible. And if not, I'm sure the conferees have already stated their position to me earlier this evening and I would like to think that they will be meeting tomorrow. Every effort should be made to try to arrive at some kind of compromise."

Senator Ajifu then introduced Representative Clayton Hee, "one of my constituents-to-be following the adjournment of the session," who was sitting in the Senate gallery.

ADJOURNMENT

At 11:50 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, April 19, 1984.