

**JOURNAL**

**of the**

**SENATE OF THE TWELFTH LEGISLATURE**

**of the**

**STATE OF HAWAII**

---

**Regular Session of 1984**

**Convened Wednesday, January 18, 1984**

**Adjourned Thursday, April 19, 1984**

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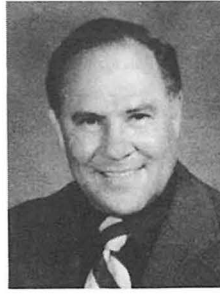
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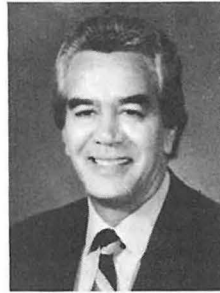
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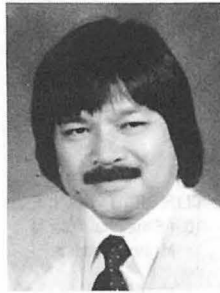
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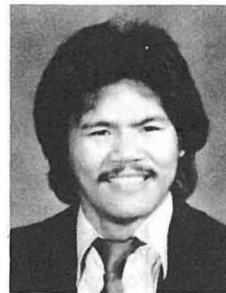
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THE  
TWELFTH LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 1984  
JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 18, 1984

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, was called to order at 10:00 o'clock a.m., Wednesday, January 18, 1984, by the Honorable Richard S.H. Wong, President of the Senate.

At this time, the members of the Senate, their guests, and the audience rose to sing the National Anthem, followed by Hawaii's state song, "Hawaii Ponoï," led by Clay and Al Naluai of "The Surfers."

The President then appointed Senators Kuroda, Ajifu, Young and A. Kobayashi to escort the Reverend David Kaupu to the dais for the invocation.

The Committee of four Senators escorted Reverend Kaupu to the dais and was discharged with thanks.

The Divine Blessing was then invoked by Reverend David Kaupu.

The Roll was then called showing all Senators present.

The President then addressed the members of the Senate and guests as follows:

"Governor Ariyoshi, Lieutenant Governor Waihee, Chief Justice Lum, distinguished guests, fellow Senators, ladies and gentlemen -- good morning and Aloha to you all.

"The opening day of the legislative session is traditionally a day of festivities, of fellowship, of high hopes, of great expectations. I hope all of you here in this chamber are enjoying yourselves. Today's festivities will be over all too soon

and we will have to get down to business, addressing the many and varied issues and concerns facing the State of Hawaii.

"But, for today, let us celebrate in the company of our families, our friends, our colleagues, our guests. Honoring us with their presence today are some very special and distinguished guests and I would like to take this opportunity to recognize them.

"To begin, we are hosting a delegation from Fukuoka, Japan. They are here in Hawaii to commemorate the second anniversary of the establishment of Goodwill Sister Prefecture/Sister State relations between Fukuoka and Hawaii.

"Heading the Fukuoka delegation is the Governor of Fukuoka, the Honorable Hachiji Okuda, accompanied by Mrs. Miyuki Okuda. My counterpart, the Speaker of the Fukuoka Prefectural Assembly, the Honorable Masamichi Higuchi, is also here along with Mrs. Kimi Higuchi.

"The other members of the Fukuoka delegation -- members of the Prefectural Assembly and distinguished government officials -- are seated in the special guest section to my right. Ladies and gentlemen from Fukuoka, welcome to Hawaii.

"We are an island community here in Hawaii, with much in common with our sister islands in the Pacific. That is why I am happy to introduce to this body the Governor of Guam, the Honorable Ricardo J. Bordallo and Mrs. Bordallo, the Governor of American Samoa, the Honorable Peter Tali Coleman, and the Lieutenant Governor of the Northern Mariana Islands, the Honorable Pedro A.

Tenorio.

"These Pacific island officials are here in Hawaii to testify before the U.S. Senate Appropriations Subcommittee on Labor, Health and Human Services, Education which is chaired by the Honorable Lowell P. Weicker, Jr., U.S. Senator from Connecticut. Senator Weicker is here today accompanied by Hawaii's own favorite son, U.S. Senator Dan Inouye.

(At this time, Mrs. Jean Ariyoshi; Mayor Eileen Anderson and Mr. Clifford Anderson, the mayor's husband; Mr. Steere Noda, the oldest living former state Senator, a guest of Senator Milton Holt; Mrs. Jane Wong, mother of the President; and Mr. C.U. Wong, uncle of the President, were introduced to the members of the Senate and guests.)

"To all of our distinguished out-of-state guests, I welcome you on behalf of the Hawaii State Senate.

"One of the duties of being President of the Senate is that I get the opportunity to outline what I see as some of the major issues before the Legislature this year.

"So, here goes.

"This year, as last year, the major overriding issue before us is in the budgetary and fiscal area. Sharp declines in state revenues have necessitated severe cuts in state spending during the past year. It is possible that similar cuts will have to be imposed during the next fiscal year as well.

"The Supplemental Budget being submitted to the Legislature this year is a bare-bones one. Funding appears to be extremely tight for many important state programs. No provision has been made for grants-in-aid for private agencies.

"Also -- and impossible to ignore -- there is the fact that the state's fiscal difficulties have prevented the state from reaching collective bargaining agreements with the various government employee bargaining units. The previous agreements expired in June of last year and here we are -- over six months later -- and the matter is still unresolved.

"I am sure that the Legislature's attention this year will be directed to a large extent on the state's fiscal problems. Frankly, I don't know

what the answers are. We will have to figure out how to keep the state operating within extremely limited means. We will have to see what can be done to address the problem of agencies and programs being severely curtailed because of lack of funds. The consequences of our actions for the people of Hawaii will be far-reaching.

"You, my fellow Senators, will have some extremely difficult decisions to make. I call on you to make them with resolve and compassion.

"Recent indications show a pickup in Hawaii's economy. Hopefully, we are now entering a state of economic recovery. If this leads to an upturn in the state's revenue picture, this will help to ease the budget problems now before us. We will have to do what we can to nurture and stimulate that recovery. Increased economic activity and increased job opportunities for our people are important goals for us to seek.

"I believe that education will be an issue of major concern this year. Over the past several months, there has been major national attention focused on the problems of our educational system. Certainly, the people of Hawaii have always been strong in their respect and support for education. It is up to us in the Legislature to seek ways to help strengthen and improve our educational system.

"While most of our attention has been on lower education, I think we all recognize that the University of Hawaii is at a pivotal stage in its history. A new president will be selected in the near future, portending changes in direction and focus. We need to devote attention to the building of a great university system, one that will be a source of pride and greatness for Hawaii.

"I think a major problem is developing in our corrections system. Our correctional facilities are getting crowded and the population trend is still going up. As one who started his career in this field, I am greatly concerned about this situation. It could mean trouble and I hope we can address the problem before it's too late.

"I will not try to present a comprehensive list of issues. We all have a good idea of the problems and issues before us. Others will emerge during the course of the session. The problem is how do we find

solutions.

"I should, for the sake of consistency with my opening day remarks of previous years, put in a word for two proposals which I have supported strongly and with which I have become identified -- namely, the hotel room tax and the lottery. If the Legislature should wish to consider possible alternative funding sources, these should be looked at.

"Many of you here today are aware of the organizational difficulties existing here within the Senate majority. I regret to report that these difficulties have not been resolved. I remain hopeful that a solution can still be found. I ask for everyone's patience and support.

"This is a landmark year for Hawaii; 1984 marks the 25th anniversary of statehood. This year, we are confronted with a host of problems, very serious problems. I hope we can turn these problems into challenges for innovation during our next 25 years of statehood so that we can move Hawaii into a new era of progress and well-being for our people.

"I call on you to rise to that challenge.

"Imua! Let's move forward."

Senator Henderson, minority leader of the Senate Republicans, then responded as follows:

"Governor and Mrs. Ariyoshi, Chief Justice Lum, distinguished guests, Mr. President, fellow Senators, ladies and gentlemen:

"In opening day remarks, it's been a long-standing tradition, and a good one, to speak about matters on the forthcoming legislative agenda.

"This year, I'd like to alter the tradition a bit and first talk about a critical issue that goes considerably beyond the immediate concerns of our Senate legislative agenda.

"My reason for doing this is that the state finds itself today in a severe financial bind. Over the past years, Hawaii's budgeting process continually appropriated more for ongoing programs than our tax and non-tax revenues could support.

"Today, the requests coming to the Legislature from the public continue to exceed the state's present ability to respond in full. These requests

range from demands for better schools, more pay for public employees, expanded services by health and human services agencies, increased visitor promotion efforts, increased funds for agricultural research, and greater support for artistic and cultural groups.

"On fiscal matters, Mr. President, the Senate Republicans believe that the people of Hawaii deserve to know with accuracy and candor just what our state's financial position really is.

"Last year, Mr. President, you will recall that there was much concern among us Republicans, as well as some of the Democrats in this body, that the operating budget was not in balance with our state's revenues.

"After we had adjourned and the extent of the revenue shortfall (some \$120 million for the biennium) became publicly known, Governor Ariyoshi chose to impose massive budget restrictions on the balance of the 1983 and the 1984 appropriations. Many worthy programs, especially in the areas of education, health and human services, were drastically cut.

"Fortunately, Mr. President, the Senate and House now have the opportunity to review in detail the Administration's restrictions and revise our '84 - '85 budget to re-order the priorities of our state.

"It is the Legislature's responsibility to set policy -- not the Administration's. It is your charge, Mr. President, and that of your majority colleagues to set the direction as to what is to be done -- to re-establish our priorities within the overall revenue resources of our state.

"In addition to the general concerns about the financial condition of our state, Senate Republicans also feel that the specific issues of taxation and workers' compensation are two areas that need immediate attention.

"Granted, we should probably wait for the final report from the Tax Review Commission before we make wholesale changes in our tax laws. However, one area that certainly can be addressed now is that of the so-called "unitary tax." If we truly want Hawaii to be the headquarters of multinational firms doing business in the Pacific Basin, we need to send out the message loud and clear that Hawaii's tax laws clearly exempt the foreign earnings of such corporations, and we encourage their establishing

their headquarters here in Hawaii.

"We may also need to wait for the Haldi report on workers' compensation before comprehensive changes can be made in this area. However, certain areas such as fraud provisions and the general curtailment of medical costs, both as they affect workers' compensation and Medicaid, can certainly be acted upon in 1984.

"Also, the language of our current presumption clause as it relates to cardiovascular cases needs to be re-examined this year.

"During the interim, Mr. President, we Republicans reviewed many other areas of legislative concern and have come up with some 40 issues on which our caucus has unanimously adopted positions. I will not go over all of these issues this morning.

"A few of the most important should, however, be spelled out briefly:

1. In order to sustain our visitor industry, we need to provide adequate funding for the Hawaii Visitors' Bureau;
2. In order to foster our basic agricultural industries of sugar, pineapple, and diversified agriculture, we need to continue to support basic research at the University of Hawaii;
3. In order to secure the leadership we need at the university, the Legislature should allow the Board of Regents to set the salary of the President of the University;
4. In order to protect the natural beauty of Hawaii, we should adopt a litter-control program like Washington State's award-winning program, which imposes a modest millage tax on the manufacturers and distributors of litter stream products. The revenues are then used for a multi-faceted program of enforcement, clean-up and education.
5. In order to stem the flood of costly litigation in our state, we need to adopt legislation which allows for prevailing parties in civil lawsuits to recover their costs from the losers. Such legislation in other states has resulted in a

marked reduction in litigation and has effectively cleared court calendars of frivolous cases. I might point out, Mr. President, that a substantial amount of Governor Ariyoshi's supplemental requests are for funds to defend the state from what the department heads in testimony at pre-session hearings considered to be frivolous lawsuits.

6. Mr. President, a major accomplishment of this session would be to send a resolution to the Congress in support of a balanced federal budget. Only two more states need to adopt a balanced budget resolution to mandate Congressional action.
7. Finally, in order to save young lives, we must raise the state's legal drinking age back to 21.

"Mr. President, we now have 59 days left to examine and re-establish the priorities of this state and adopt new legislation to deal with needed areas of action. Mr. President, I would like you to know that we Republicans are ready and willing to fully participate in the legislative process during this session to accomplish these goals.

"Thank you!"

At this time, the Chair recognized Senator Carpenter, and, Senator Carpenter remarked as follows:

"Mr. President, I rise to speak for Senators Abercrombie, Cayetano, Fernandes Salling, Kawasaki, Toguchi, and myself.

"Mr. President, you've painted a bleak picture in regard to the state's financial posture, and, you've pointed to numerous policy considerations and decisions that must be addressed by this body during this session.

"Mr. President, people who have put their minds as well as their hearts and hands together have built this great state of ours at no small sacrifice, and while the great majority of our contemporary needs have been met, many have not. We're concerned for and mindful of the past and protective of the delicate balances essential to a productive future for all.

"What we have here today are the ceremonial trimmings of democracy.

Only our actions in the days to come will tell whether we can give meaning to the time that we spend here. We can so easily become ruled by events, rather than reason; subjects of partisan necessity, rather than thoughtful conclusions.

"Time lost is time empty of accomplishment, filled only with doubt and anxiety. We are called upon in the next 60 days, today included, not to give vent to our personal desires, our whims, our arguments, our theories or demands, but to give an account of our experience to demonstrate what we have learned in common.

"Mr. President, our house remains divided in organization, in structure, in program direction, and philosophical base. Mr. President, six independent members of this body want to and will participate to the fullest in addressing the issues facing us this session, irrespective of the final outcome of our recent meetings with you and many of our colleagues. However, Mr. President, like you, we're hopeful and we're pleased that our recent meetings appear cordial and can lead to a constructive resolve.

"Be assured, Mr. President, that we'll make every effort to reconcile our differences toward the goal of the Senate, that is a body deliberate with full-on discussion of every important issue, and we'll work with you and the other minority toward that end -- to do that which all of us are here to do, that is, the work of the people. And, Mr. President, we're ready to start immediately.

"Thank you."

At 10:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 1), submitting for consideration and consent to the Circuit Court of the Second Circuit, the nomination of Boyd P. Mossman, as Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 2), submitting for consideration and consent to the First Circuit Court, the nomination of Robert G. Klein, as Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

The President then extended appreciation and thanks to Clay and Al Naluai -- "The Surfers," Al Harrington and group, Rene Paulo and group, Bla Pahinui, Ikona, and the Kailua Teenage Angklung Club of Kailua Intermediate School for providing the entertainment during the recess.

#### ADJOURNMENT

At 12:04 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, January 19, 1984.



## SECOND DAY

Thursday, January 19, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:00 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Dr. W. C. Garland, Pastor, First Southern Baptist Church of Pearl Harbor, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the First Day.

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

"Mr. President, we are honored today with the presence of the Governor of Fukuoka Prefecture, Japan. He is here with the Speaker of the Fukuoka legislature and fellow legislators to help commemorate the second anniversary of the establishment of the Hawaii/Fukuoka sister-state and sister-legislature relationship.

"It is my pleasure this morning to introduce these dignitaries who are on the Senate floor. At this time, I'd like to ask the Governor of Fukuoka, Mr. Hachiji Okuda, to please stand up.

"We have with us also, members of his staff: Mr. Eijiro Kondo, Director, Secretarial Office; Mr. Michiyasu Ichinomiya, Director, General and Foreign Affairs Division; Mr. Hiroji Furusawa, Assistant Director, Governor's Office; and Mr. Nobuo Okubo, Clerical Specialist.

"From the legislature, is the Speaker of the Assembly, (a unicameral system there,) Mr. Masamichi Higuchi. The chairman of the Fukuoka Prefectural Assemblymen's Federation for Promotion of Goodwill Relations with the State of Hawaii, Mr. Hatsujiro Yokota, was not able to be with us here because of illness; however, representing Assemblyman Yokota is Mr. Masahiko Nohara, Director, Fukuoka Prefectural Assemblymen's Goodwill Federation with Hawaii. The other legislators are: Mr. Isao Matsuoka, Mr. Junichi Otsuka, Mr. Hisaya Tanaka, Mr. Katsuya Sakaguchi, Mr. Yoshitaka Kondo and Mr. Masatoshi Yoshinaga.

"Staff members from the legislature, are: Mr. Masaaki Sugimoto, Director, General Secretariat of Prefectural Assembly (this position is comparable to our Senate Clerk); and Mr. Takeshi Takayama, Director, General Affairs Section, Secretariat of Prefectural Assembly.

"Sitting in the back of them is the translator-interpreter, Masako Bellinger of Hawaii."

At this time, Governor Okuda, Speaker Higuchi and Mr. Nohara were presented with gifts, on behalf of the Senate, by Senators Yamasaki, Kuroda and Cobb; and the entire Fukuoka delegation were presented with leis.

At 11:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:18 o'clock a.m.

The President then invited Governor Okuda to the rostrum and stated:

"At this time, members of the Senate, ladies and gentlemen, it gives me a great deal of pleasure to introduce to you His Excellency, the Governor of the Fukuoka Prefecture, Hachiji Okuda. Would you please give him a very warm welcome."

Governor Okuda addressed the members of the body as follows:

"The Senate President Mr. Wong and Senators, we are so very pleased and honored to have been invited to your first legislative session of 1984. We have certainly appreciated your warm hospitality which has been extended to us since our arrival here two days ago. We hope that our visit to your State will strengthen our friendship with the people of Hawaii. Aloha and Mahalo."

The Chair then responded:

"Thank you very much, Governor Okuda.

"At this time, Senators and ladies and gentlemen, may I have the honor of presenting the Speaker of the Assembly of the Fukuoka Prefecture, the Honorable Masamichi Higuchi."

Speaker Higuchi addressed the members of the body as follows::

"The Senate President Mr. Wong and Senators, it is our great pleasure and honor to be here this morning and to be introduced to your assembly at the first legislative session of 1984. We will do our utmost effort to strengthen our ties of friendship between Hawaii and Fukuoka Prefecture. Lastly, we wish to express our heartfelt thanks to the Senate President Mr. Wong and the various levels of legislators for making our visit to Hawaii very, very

memorable. Aloha and Mahalo."

At 11:24 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:25 o'clock a.m.

#### ADJOURNMENT

At 11:26 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 20, 1984.

## THIRD DAY

Friday, January 20, 1984

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

The Divine Blessing was invoked by the Reverend Terrance Watanabe of St. John Vianney Church, after which the Roll was called showing all Senators present with the exception of Senators Ajifu, Chang, Henderson, Kawasaki, B. Kobayashi, Mizuguchi and Yamasaki who were excused.

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

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

Senator Solomon introduced a group of neighbor island teachers: Geraldine Giffin of Kamuela, Flo Kubota and Lynne Shimazu of Hilo, Chris Brown of Kohala, Arthur Murata of Kona, Flo Nakama of Maui, Pat Neils of Molokai and Donald Matsui of Lanai, all of whom are representatives of the HSTA.

Senator Solomon then rose to commend Mrs. Masae Gotanda of the Office of Library Services and her staff for the "excellent demonstration of the Automated Speculation System" this morning.

Senator Holt then introduced Coach Dave Shoji and the University of Hawaii Rainbow Wahine Volleyball Team and stated as follows:

"Mr. President, I think all of Hawaii is proud and honored to have such a team represent us. For the last three years they have done an outstanding job, acclaimed by some as the best volleyball team ever; and it's a tribute to them, their hard work and dedication, and their coaches' support and guidance that they came as far as they did."

Senator Holt then read the Senate Certificates commending and congratulating Dave Shoji, Dietre Collins, and the University of Hawaii

Rainbow Wahine Volleyball Team and, thereafter, introduced the individual members as follows: Coach Dave Shoji, Assistant Coach Dean Nowack, UH Women's Athletic Director Cindy Boener-Mazda, and players -- Dietre Collins, Naomi Higa, Susan Hlavenka, Pam Lawrence, Sista Palakiko, Lee Ann Pestana, Kori Pulaski, Kris Pulaski, Lisa Strand, Marcie Worts, and Missy Yomes; Debbie Black and Joyce Kaapuni were not present. All rose to be recognized and received a rousing round of applause.

The Senate Certificates were then presented by Senator Holt with members of the Senate presenting the leis.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

The President, at this time, introduced Mr. George Freitas, former Director of Taxation, and Councilman George Akahane who were sitting in the gallery.

## HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 1) transmitting House Concurrent Resolution No. 1, which was adopted by the House of Representatives on January 18, 1984, was read by the Clerk and was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

## ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 10:00 o'clock a.m., Monday, January 23, 1984.

## FOURTH DAY

Monday, January 23, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 10:10 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Mrs. Carol Caspary of Wahiawa Christian Science Society, after which the Roll was called showing all Senators present with the exception of Senators Hagino and Kawasaki who were excused.

The Chair announced that he had read and approved the Journal of the Third Day.

At 10:17 a.m., the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives in accordance with House Concurrent Resolution No. 1.

## JOINT SESSION

The Joint Session of the Senate and the House of Representatives was called to order at 10:42 a.m., by the Honorable Henry H. Peters, Speaker of the House of Representatives.

At this time, the Speaker introduced to the members of the Joint Session the First Lady of Hawaii, Mrs. Jean Ariyoshi, and her family, and Chief Justice Herman Lum. The Speaker also welcomed the various department heads and Chairman of the City Council, Patsy Mink.

The Speaker then introduced the Dean of the Consular Corps in Hawaii, Consul General Sunao Miyabara; Consul General of Australia, William N. Fisher; and Consul General of Japan, Kaizo Nakamura.

The Speaker appointed a Committee composed of Senators Cobb, Henderson, Kuroda and Young, and Representatives Blair, Marumoto, Rohlfing, Segawa and Stanley to escort the Honorable George R. Ariyoshi, Governor of the State of Hawaii, to the rostrum.

The Governor addressed the Joint Session as follows:

"Mr. President, Mr. Speaker, Members of the Legislature, Members of the Consular Corps, Distinguished Guests and Friends:

"Your new legislative session convenes in a momentous year. The world is deeply troubled by conflict and rumors of conflict. Nuclear war and its effects are discussed openly and widely feared. Millions continue to be afflicted by hunger and social distress. The year 1984 sees George Orwell's prophetic book, "1984," near the top of best-seller lists. That chilling novel tells how totalitarianism can enslave peoples. And all the while, anxiety over the world's economy continues in spite of the hope that one of our greatest recessions is passing.

"In the midst of all this gloom, Hawaii shines forth as a place of beauty, peace and progress. In this year 1984, we celebrate with profound joy and gratitude our Silver Jubilee of Statehood. The youngest State of the United States will soon be 25 years old. As the world around us worries, we count our blessings, while ever conscious of our responsibility to be a bright, positive, American influence in the vast Pacific region.

"My first thought, then, in this auspicious Silver Jubilee year, is to thank Divine Providence for our blessings; to recall with appreciation the work of all who went before us to give us this greatest of civic privileges; and to take stock with you on our progress, our problems, our programs and our opportunities.

"I have appeared at this rostrum many times. Never before have I been so proud of Hawaii's people and of our political, cultural and social systems. Ours is a constructive community. Our proudest accomplishment is democracy at work among all our people. We are our great Nation's light in the Pacific -- a model for ethnic harmony; for prudent use of resources; and for reaching out, as our State Constitution says, '...with an understanding and compassionate heart toward all the peoples of the earth.'

"It is with these thoughts in mind that I come before you, as a partner with you in the work of managing Hawaii's precious resources for the welfare of all our people. If Hawaii is to continue prosperous and sound, we must work in harmony, pooling our wisdom and talents.

"I will present to you this morning what I believe are some of the most important matters facing us today. I will take up our fiscal situation, our educational system, our economic development, and the concept of our Pacific Outreach. I will touch on our fresh water situation, and on important social issues. There is much to be done as we move into this Silver Jubilee year, but I am sure you join with me in working with confidence and hope.

"In looking at our current State revenue picture, we find that Hawaii is in sound financial condition. Last year, I spoke of a projected deficit as of June 1985...a deficit that was a possibility if prudent steps were not taken. But you did take prudent steps in the Legislature's last session to address this problem. And our Administration complemented that effort by instituting timely restrictions on spending. Our combined foresight and action are why we are in better shape today than we might have been.

"But our ability to remain on a sound financial path depends on our willingness to recognize that we simply cannot provide all the programs and services our people may desire, however meritorious. There are limits to the financial resources we can realistically and justifiably seek from our people in taxes. Just as individuals and families must live with income limitations, so too must our State live within its resources.

"With this as a preface, let me turn to an important financial problem that must be resolved. There are many thousands of State and County government workers in Hawaii. You and I individually know many hundreds of these fine employees. We work with them daily. We recognize their positive attitudes, and the innumerable contributions they make to the lives of all in Hawaii. These are the talented people who make the machinery of our State government work.

"We have been trying but have not yet been able to achieve contracts with their union representatives. Our differences are not centered around whether the public employees deserve or need an increase, but rather around our ability to fund any increase.

"There are honest differences over the number of dollars or other resources available to government. We must continue our efforts to

determine what is, in fact, available.

"Within the resources available to us, we will be flexible and accommodate our public employees. But let me state emphatically that I will not support any tax increase to fund any agreement. There should be no misunderstanding of my resolve on this point.

"Recently, some have advocated that arbitration be used as a means of resolving these contract negotiation disputes. It is a proposal I do not endorse. While arbitration can have a place in settling disputes that arise under a labor contract, disputes over the contracts themselves are a different matter.

"These controversies involve huge sums of public funds. They have long-term impacts on the financial condition of the government. Arbitration removes decision-making authority from the hands of those elected by the public to represent them and make such decisions. It means the placing of that authority in the hands of one or two individuals who, beyond making one decision on how government money should be spent, has no responsibility or accountability to citizens of our State.

"As the elected Governor of Hawaii, I do have that responsibility, and I cannot shirk it. The decisions to be made clearly are major public decisions, and must remain the duty of those elected to make those decisions.

"More than any other area of government activity, our public educational system has had a tremendous impact on the shaping of Hawaii. Education has been the great door to opportunity, the path to equality, to a deeper understanding of our common humanity and its dignity, and to social harmony.

"Understandably, therefore, education has been the government activity receiving most of our resources. Our 1983 bill for education was over \$600 million. The next highest cost was our bill for social services, which stands at \$350 million.

"At one time it was relatively easy to address the needs of our public school system. We simply added dollars to the budget of the Department of Education. But it's no longer possible to do that. The dollars -- coming from our citizens either directly or through Federal

funding -- are not as plentiful as they once were.

"Consider these figures:

"In 1963, Hawaii spent \$59 million to educate 157,000 students.

"In 1983 -- just 20 years later -- Hawaii spent \$420 million to educate 160,000 students.

"That's an increase of \$361 million for an increase of only 3,000 students. Even allowing for inflation, this can only be described as a remarkable increase in money spent per student.

"Yet some months ago, when I proposed a trimming of the school budget, one quick response was to do it by shortening the school year. That didn't seem an appropriate solution to me. It would seem that classroom time would be one of the last things cut, not one of the first.

"The close classroom link between a student and a good teacher is the very heart of successful education. I often recall the kindnesses -- and strictness -- of one of my intermediate school teachers, Mrs. Hamada. She took extra time with me, and helped me clear up a speech impediment. It changed my whole life.

"If we want to keep opportunities for a rich and rewarding classroom experience, let us step back and carefully take a long, hard look at what we are really doing in education. Let us ask ourselves if we are doing our job well.

"Let us systematically reassess our entire educational efforts. Let us identify every function -- everything we do, in every school, every district office, and in the central office of the Department of Education. Let us then determine whether each function is necessary. The question is simple: 'Does this function contribute to the quality education of our children?'

"For functions about which the answer is not clearly 'yes,' let us determine whether such functions are really necessary. If not, let us reallocate the resources elsewhere.

"Perhaps it is time also to provide a chance for the educators closest to the classroom -- teachers and school administrators -- to have more involvement in the decisions that relate to teaching. When they are challenged to be more imaginative and

effective, I know that they will rise to the challenge. But, if everything is prepared and frozen for them at the top, there is no room for imagination or flexibility down the line.

"Let me reiterate that Hawaii's public school system is basically sound. The structure of this Statewide centralized school system insures that equal educational opportunities will go to all our children. But we need to encourage a flexibility and a spirit that will allow teachers and children to build upon that foundation in their own way. Let us say to them:

"It is your school. Make the most of it and make it the best!"

"I am entirely confident that they will do just that.

"Abraham Lincoln once said that our children will sit where we now sit, and will decide the things we are deciding -- and it will happen faster than you think. He was right. We must properly prepare them for the future that will soon be their own.

"While the details are different, the questions I ask today about our University of Hawaii have the same intent. Our citizens quite appropriately invested nearly \$200 million in the University this past year. Is the University so structured and operated that our society is getting the greatest benefits from that expenditure? I don't mean to oversimplify what is clearly a complex problem, but I do mean to ask that question.

"Our University has done much for us over the years. It has been a powerful tool for the progress of Hawaii. The University of Hawaii has added quality to our community; it has contributed to and reflected the spirit of our community. It has also served as a center of research, responding to the needs of our Pacific region and the world. Perhaps it can even be seen as Hawaii's main contribution to making our world a better place. And those University achievements have been in many fields...in astronomy...in the liberal arts and humanities...in medical and health fields...in marine and ocean sciences...in geophysics...in engineering...in Asian/Pacific studies...in language and linguistics...and, perhaps most spectacularly, in alternate energy research. Yes, the University of Hawaii has been a unique barometer

of the progressive spirit of our islands.

"For many years, the University could look forward to continuing growth in size and resources. For many years, the University aimed to excel in all areas of scholarship. But today, those who are at the heart of the University's planning and teaching should decide in which specific areas we most need to excel. Let us use a familiar but useful rule -- the establishment of priorities -- to help in determining how our limited resources can be best used.

"Related to this idea of giving specific priorities to the University's academic programs is the effort of the University to reexamine its administrative structure, to see if more effective and efficient ways of doing things can be developed. I support that effort. On the broader administrative issue of how the University will relate to the other agencies of our State government, I pledge to work with the University to make those relationships simpler, faster, and more responsive. And we need accountability in this process as well as action.

"All this reassessment and tightening up will not be easy. But I believe that in the long run, they are the right things to do.

"Let me turn now to the business environment of Hawaii and our economic future.

"The philosophy under which this Administration operates can be stated simply -- even though the matters it deals with are complex.

"First: we know it is the private sector alone that creates the money that sustains the government of Hawaii.

"Second: we believe that governmental planning should not be a negative regulatory function, but should be a positive, constructive one by which worthy goals can actually be achieved.

"Third: we believe that our planning and economic development must continue to be linked and move ahead together. Why? Because our resources are limited and we cannot afford to waste them. Because our society is complex, and guesswork about the future cannot be tolerated. Because in this small and fragile place, we cannot risk economic or environmental disasters. And finally,

because if we plan well, we shall not have to respond endlessly to crises. We shall get things done today -- and at the same time leave open the constructive options that will take us on to tomorrow.

"If our State planning is to be credible, it must produce results. And we have had some good results to date. Let me list just a few:

"...Over the past decade, more than 80,000 new jobs have been created in Hawaii. We can look at those new jobs as having helped Hawaii maintain one of the lowest rates of unemployment in the Nation during the recent recession -- even though our population growth has been greater than the national average.

"...Our tourism industry has remained relatively strong during this difficult recessionary period.

"...To help small businesses, we have assisted in funding the Small Business Center, and have started a program to combat unfair and deceptive trade practices. We have made almost 200 loans, totalling more than \$20 million, to small, labor-intensive Hawaii businesses.

"...Almost a thousand acres in agricultural parks have been developed since 1975. And this progress will continue if this Legislature will agree to appropriate \$5.3 million this year for our continuing agricultural parks improvement program.

"...Acreage in the developing industry of aquaculture doubled in the years between 1976 and 1980, in part due to the investment of almost \$3 million by the State. Just this past Friday, I took part in a ground breaking for a high technology aquaculture project, the largest intensive culture shrimp plant in the world.

"...We have had great success in our efforts to promote our 'Made-In-Hawaii' products -- our garments, processed foods, and manufactured goods.

"...We have been at work revitalizing our commercial fishing -- not only with berthing and harbor and support facilities, but also with almost \$5 million in State loans for fishing boats, large and small.

"...To simplify the permit process, a new permit information center has been established. To assist

filmmakers and television producers, we now have a streamlined permit system.

"And perhaps no urban renewal will be more visible than the Aloha Tower Complex when this re-development work gets under way. The developer has been chosen, detailed negotiations are under way, and if they work out, ground will be broken before the end of 1984.

"There are many other activities currently in various development stages which will also contribute, as they come to fruition, to a stronger economy and a stronger Hawaii.

"Eight days from now, a conference will be held in Honolulu to bring together an international group of experts in computers, telecommunications, transportation, and energy to discuss the concept of videotex applications to transportation and energy conservation.

"I will be sending to you a proposal to allow our Hawaii Community Development Authority to issue improvement district bonds to help that agency proceed in the redevelopment of the Kakaako area. This area is vital to the development of a more beautiful and useful central Honolulu.

"There has been a great deal of interest in the work of the Tax Review Commission. It has been my impression that our tax structure, basically geared to the realities of the 1950's, must be reviewed in the realities of the 1980's. The review, when it is presented to you next year, will provide valuable guidance. I am hopeful that we will not make major changes in our tax laws before that review is completed.

"Our highly-successful Foreign-Trade Zone -- one of the finest facilities of its kind -- has finished its move to spacious new quarters at Honolulu's Pier 2. With its warehousing and manufacturing capacities expanded, it will continue to make a real contribution to our economy and Pacific Outreach.

"The total amount spent by all our State government agencies in the past two years on activities linked to economic development was \$76 million. That is proof of our strong commitment, yours and mine, to the success of business in Hawaii. And it will continue. Though our State is small and limited in resources, and at a great distance from overseas markets, we have accepted the

challenge of continuing to make Hawaii's economy substantial and successful.

"The 1983 Legislature took a significant step when it appropriated \$100,000 to establish a High Technology Development Corporation.

"This new organization will help high technology firms to find sites for industrial parks in our islands. It will help with financing, issuing bonds to raise development money. It will support the establishment and growth of high tech industries here.

"But let me make clear that while we are indeed interested in micro-electronics and silicon chips, our use of the phrase 'high tech' carries a broader meaning. Perhaps the phrase 'Pacific High Tech' will come into use, for we want to develop technology that is suited to these islands and these times and this Pacific Ocean. Thus, subject areas such as OTEC, biotechnology, ocean mining, ocean robotics and research, agriculture and aquaculture research and development, renewable energy, and telecommunications -- all these and more will fall under the banner of Pacific High Tech.

"Our Legislature in 1983 also made an appropriation that helped set up the Pacific International Center for High Technology Research, currently affiliated with our University of Hawaii. The Center will bring together Pacific nations' expertise, not only in research, but in designing the programs of the Center itself.

"To be of real assistance to this new and important organization, I have submitted a request in our Administration's supplemental budget to provide additional funding for the University's organized research program, with a significant portion to be used by the Center for its programs.

"To help our University support some of its other research activities, I will also be sending a proposal to you shortly which would allow the University of Hawaii to retain 30 percent of the overhead funds generated by its research activities and deposit them in the University of Hawaii Research and Training Revolving Fund. In dollar terms, this change will mean a doubling of the current fund level of \$1 million to \$2 million in a year.

"This increased level will result in



long-term tangible and intangible benefits to the State. It will augment the acquisition and maintenance of research and training equipment. It will improve both academic programs and technology. And it will provide seed money for an expanded flow of research funds in the future. It is an important and potentially fruitful investment, and I hope you will look upon it favorably.

"The new high technology organizations that we attract to Hawaii will be pivotal to an important movement now under way -- one which is going to continue for a long time into the future. I refer to our 'Pacific Outreach'.

"We are an American State at the midpoint of the broad, world trade area called the Pacific Basin. We are the only American State moving so quickly towards energy self-sufficiency, using renewable resources. We are the only American State in which tourism is the number one source of income. We are the only American State with so international an ethnic and cultural mix. We are unique in many ways.

"As we add our vision of the future to our history, our location, and our economic strength, we can see Hawaii continuing on the way to becoming a leader in the Pacific. We have much to offer -- in education, information, research and technical facilities, investment opportunities, and in our compassionate and respectful understanding of the varied peoples of this vast region. We are ourselves a Pacific people. We understand the Pacific way. And the Pacific is, without a doubt, the ocean of the future.

"I spoke last year in my State-of-the-State Address of our search for 'The Best Hawaii.' Today we can broaden that concept in a practical, ongoing way. Let us keep searching -- together -- business and labor and government and private citizens -- for ways to make it 'The Best Pacific.' Let our accomplishments in Hawaii further brighten the light of the dawning of this Pacific era.

"Whether we are dealing on an ocean-wide level or on a local level, our State government must plan, and program, and budget. So I ask you to consider once again the matter of our 12 State Functional Plans as among our best tools in our vital and continuing planning process.

"I strongly urge you to adopt the 12 Plans in this Silver Jubilee year. Our State Plan Policy Council has been reviewing them and has had significant input from the community -- from hundreds of individuals and organizations, in both the public and private sectors. Let me reiterate that these refined functional plans are guidelines, not mandates, to help us toward our preferred future. We can have confidence in them. They will allow us to change with the changes we cannot control, and to plan the changes that we can control.

"Turning now to something that is not in the future, but is of immediate concern today, let me review our fresh water problems. I want our people to know what we are doing about them.

"Last month, I instructed our Department of Land and Natural Resources to drill new wells about two miles above the existing Mililani wells here on Oahu. If these new sinkings are successful, they will produce about four and a half million gallons of drinking water per day for the residents of Mililani Town.

"We are working, with an equally high priority, to find ways to purge water supplies in wells already contaminated. The purging of closed wells must be a part of the overall approach to this problem. In the meantime, we will not ask anybody in our State to drink unsafe water. At the same time, we will try to determine more precisely what the level of danger really is whenever we deal with suspect water supplies.

"While we talk about some contaminated water in certain areas, let us remember that nearly all the water that comes out of Hawaii's faucets and drinking fountains is still the cleanest, the purest, and the best-tasting in the world. If there are any who question that, I urge them to ask about the water in a number of other places around the globe.

"I am asking this Legislature for funds to look into the potential value of developing a desalinization plant. With our population now at a million, it may well be that purifying salt water or brackish water for agriculture and other appropriate purposes is the best policy for the future. There may come a time when the great aquifers that have served us so well for so many years will no longer be enough.

"In this as in other matters, we continue to look ahead and to stay ahead of the needs that develop. Certainly nothing is more vital to Hawaii's future than abundant supplies of pure water.

"Let me turn now to what are sometimes called 'social issues.'

"We are maintaining our welfare support programs, but we are working these days with very limited resources, and with Federal programs which have had significant cutbacks. We have had to tighten our review procedures so that our neighbors who most need help do indeed get that help.

"Of the roughly \$350 million we spend each year for social services, \$197 million, or more than half, goes for medical help. Even so, it is not enough. But when faced with the stern reality of less money available for these services, there is simply nothing we can do but work out cost-containment programs and deal with problems of over-utilization.

"There are some situations in public service when your heart cries out to you to do one thing, but your head tells you that you can't, and it is just not possible to follow your heart when your hands have nothing to give. This is reality.

"In another area, we have proposed that our mandatory retirement laws -- in both the public and private sectors -- be abolished. This would permit those who want to continue working in their older years to do so, and thus retain a larger measure of activity and a greater number of options.

"I am pleased to report that this past year has been a good one for our HULA MAE housing program. The State sold \$141 million worth of tax-exempt, single-family-residence HULA MAE revenue bonds in 1983.

"These bond sales made possible a mortgage interest rate to eligible borrowers of as low as ten-and-one-half percent, at a fixed rate for 30 years. Up to 1,200 first-time home buyers may still benefit from these bonds, which would bring the total number of families buying homes through the HULA MAE program to over 3,800.

"I will be sending you a proposal to authorize the sale of another \$400 million of HULA MAE bonds to continue this valuable and practical

program -- provided Congress acts again this year to allow the sales of these mortgage bonds.

"No relationship in our community is more important to the general well-being than our relationship with our citizens of Hawaiian ancestry, whose forebears in ancient days discovered these Islands and developed a remarkable society long before European explorers found them here.

"This is a complex relationship. It includes dealing with the hard facts of daily life that we all must face. And it includes reverence for the symbols of tradition and continuity that are important to any society challenged by time's changes.

"We have seen progress in this area in the detailed review of the Hawaiian Homes Commission Act, and in modifications that should mean greater fairness and flexibility. I will be sending down to you for your consideration a Resolution regarding permitting multi-family dwellings on Hawaiian Home Lands residential lots. Another proposal will provide for a leasing program under which native Hawaiian homesteaders will have the option of using their leasehold interest as collateral to obtain conventional financing, in order to go ahead and build their homes and develop their farms. I hope you will be able to act on these proposals as quickly as good judgment permits. They are good for all of us.

"Consider the progress made in recent years:

"...We see that since 1975, more than 1,500 homes have been built for Hawaiian homesteaders. This is as many as in the entire history of the Hawaii Homestead program prior to 1975.

"...We see that the Native Hawaiian Development Office has been created and placed in the Department of Hawaiian Home Lands.

"...We see that important historical sites -- Iolani Palace, Kamao Point, Hulihee Palace, Lapakahi -- sites sacred in Hawaiian history -- have had significant preservation work done on them. It is fitting and proper that we all keep alive the memory and the meaning of such sites.

"But constructive and useful as these achievements may be, there is a larger issue at stake here. It is the

matter of not just how we perceive each other, but how we treat each other. Adlai Stevenson once said that how we treat each other is just as important as what we get done.

"Historically, the Hawaiian people have faced enormous misfortunes. In setting about to rectify old injustices, we can and should rely on government for some things, but we must also rely on our own people for others. For no government can reach inside a human heart to force that heart to change.

"And while we seek to rectify old injustices, we must remember also that we have today to deal with, along with the sad echoes of the past. As memories of injustice have remained for a century after the fact, we must find new ways of fairness for all.

"Let me say to you as we consider these delicate matters that I myself am no stranger to the emotions involved. When I was a student at McKinley High School, air and naval forces of the then-Empire of Japan struck a dramatic and destructive blow at Pearl Harbor. In Hawaii, Americans of Japanese ancestry were roughly and unjustly thrust aside by the power structure during those terrible events of World War II.

"Our family was ordered by the military to move out of our house in Chinatown near the waterfront, into Manoa Valley. We were not considered reliable enough to be in a waterfront area. I felt then a keen sense of injustice. And I have not forgotten those days. In retrospect, the experience was something of a gift -- it made me conscious of the need to be very careful whenever important decisions had to be made about human well-being, and in areas of ethnic and social justice.

"With this personal background, I supported the 1978 change in our State Constitution that established the Office of Hawaiian Affairs, or OHA. In recent months there has been considerable controversy about our Administration's attitude toward OHA.

"I have never questioned whether OHA should have a place in State government. Of course it should! And millions of dollars have been provided because we agree, that OHA should be so placed.

But the problem has been to work out OHA's relationship, in a legal and practical way, with various other

agencies of the State government. Because of its unique nature, the role of OHA has been more difficult to define than the roles of other, more conventional departments -- the Department of Health, for example.

"This work -- to find, define and refine OHA's role -- should take place through rational discussions, and in some instances, through legislation. These processes allow for the consideration and accommodation of the needs of both the community at large and individuals and organizations within it.

"I want OHA to be a vital support for the Hawaiian people. But even as it is helping to rectify an unhappy past, I would not want to see this vital influence turned toward diminishing the quality of the future we all should contribute to.

"The simple fact we must all remember in this relatively isolated place is that the State of Hawaii is bigger than any of us. Our total community here in the middle of the North Pacific Ocean is bigger than any of its components -- bigger than any individual, any church, any ethnic or labor group, any organization, et al. We have made our social advances because we have understood this underlying truth. We have seen it to be true, and because it is true, we have accepted it. And the final result has been a beautiful melding called, often overdramatically, the Aloha Spirit.

"My friends, the Aloha Spirit is real. And whether we are passing laws in our Legislature or simply passing each other on the street, if we lose the Aloha Spirit, we lose it at our own peril.

"Let me illustrate...

"In Honolulu recently, the noted writer James Michener spoke of the reason he chose the Honolulu Academy of Arts to house his outstanding collection of Japanese prints. He spoke of his initial intention to make the Metropolitan Museum of Art in New York the repository of his collection. But, he told a newspaper reporter, while attempting to visit the museum, an aggressive New York policeman argued with Michener about parking his car. The arguing continued. Eventually he left without finishing his task of leaving his art at the Metropolitan.

"Later, on a visit to Honolulu, Michener decided to visit the Honolulu

Academy of Arts. He asked directions of a Honolulu policeman. And Michener said:

"(The policeman) was so kind that he walked three blocks out of his way to point the Academy out to me. I thought the difference between these two attitudes was so great that I can say honestly that these prints are in Hawaii because of the difference in attitudes of two policemen.'

"How many of us here today know of similar stories. The Aloha Spirit is real.

"Let me conclude with a quotation from an autobiographical sketch by that same James Michener. Michener was in Honolulu very recently and his wife, Mari, is here with us today. Michener's family had moved from New York to Doylestown, Pennsylvania, when he was 10 years old. And in remembering those years, he later wrote this:

'When I was a little boy in that small Pennsylvania town, a remarkable road ran past my door.

'To the East, it went a quarter of a mile and stopped dead.

'But to the West, it appeared to be limitless. In my mind's eye, I could see it going all the way to the Pacific and from there on across the ocean to Asia -- and eventually to the world.

'Even as a child, I understood its two directions and its two meanings -- limited and unlimited. And I thought how sad it would be for a human being to devote his life to the exploration of the eastern portion, which could be exhausted in an afternoon -- and how commendable to turn westward, and thus enter upon

a road and a complexity of roads that would lead to the very ends of the earth. I chose the western road.'

"My friends, we in Hawaii live on that unlimited western road. For all of us, there is something blessed about being here in the Aloha State.

"In this our Statehood Silver Jubilee year -- and in all our years ahead -- let us make the most of it, with all our heart and mind and strength and talents.

"Mahalo and Aloha."

Senate President Wong then rose and stated:

"Thank you very much, Governor, for being here with us and for sharing with us some of your thoughts. We have to admit that we have some very serious issues confronting us this legislative session. We look forward to working with your Administration in addressing these issues. I am sure that you and I, along with everyone in this building, share the fervent hope that this year, the Silver Anniversary of the State, will be a year of renewed commitment and progress for the benefit of all the people of Hawaii.

"If there be no objection, I hereby declare this Joint Session of the Twelfth Legislature adjourned."

At 11:33 a.m., the President declared the Joint Session with the House of Representatives adjourned.

#### ADJOURNMENT

At 11:35 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, January 24, 1984.

## FIFTH DAY

Tuesday, January 24, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:39 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Kim On Chong, former chaplain of Mid-Pacific Institute, after which the Roll was called showing all Senators present with the exception of Senators Holt and Kawasaki who were excused.

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

## ADJOURNMENT

At 11:43 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, January 25, 1984.

## SIXTH DAY

Wednesday, January 25, 1984

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

The Divine Blessing was invoked by Colonel Donald C. Olfsdahl, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Ajifu, Carpenter, Kawasaki and Toguchi who were excused.

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

Senator Kuroda then made the following introductions to the members of the Senate:

"Mr. President, members of the Senate, ladies and gentlemen, as chairman of the Tourism Committee I'd like to first introduce to you the person who has accomplished quite a bit for women in Japan -- the first female commercial pilot of Japan -- and who has been here in Hawaii for the past eight years conducting a tour service, Ms. Mieko Otsuka, accompanied by Steve Izawa, marketing director of Circle Rainbow Air. Ms. Otsuka was written up in the local newspaper about two months ago.

"It is also my pleasure to introduce a group of 70 visitors from the Niigata Prefecture of Japan, seated in the gallery. They are the supporters of Congressman Kondo, who is sitting on the Senate floor.

"On the floor, Mr. President, is Congressman Motogi Kondo who is a member of the Lower House in the Japanese Diet, and his secretary, Motohiko Kondo. Congressman Kondo, who sits on the Committee on Foreign Affairs, will be visiting the United Nations in September, representing the Japanese Government. Having sought the assistance of the American public and American Government, he and his representation will be addressing the United Nations with regards to their goal of re-acquiring the Northern Territories, which are located north

of Hokkaido, presently in Russian hands. Congressman Kondo has an important task in September, but at this time he is visiting Hawaii with his group, following their re-election efforts in December."

Senator Young presented a lei to Congressman Kondo, and Senator Solomon, to his secretary.

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock a.m.

## STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1-84) recommending that the Senate consent to the nomination of Boyd P. Mossman as Judge to the Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 1.

By unanimous consent, action on Stand. Com. Rep. No. 1-84 and Gov. Msg. No. 1 was deferred until Thursday, January 26, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2-84) recommending that the Senate consent to the nomination of Robert G. Klein as Judge to the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 2.

By unanimous consent, action on Stand. Com. Rep. No. 2-84 and Gov. Msg. No. 2 was deferred until Thursday, January 26, 1984.

## ADJOURNMENT

At 11:43 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 26, 1984.

## SEVENTH DAY

Thursday, January 26, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 12:30 o'clock p.m., with the President in the Chair.

The Divine Blessing was invoked by Ms. Kathleen Wenke of the Christian Science Church, Publications Committee, after which the Roll was called showing all Senators present with the exception of Senators Cayetano and B. Kobayashi who were excused.

The Chair announced that he had read and approved the Journal of the Sixth Day.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 3), submitting for consideration and consent to the First Circuit Court, the nomination of Patrick K.S.L. Yim as Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Standing Committee Report No. 1-84 (Gov. Msg. No. 1):

Senator Chang moved that Stand. Com. Rep. No. 1-84 be received and placed on file, seconded by Senator Cobb and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Boyd P. Mossman as Judge of the Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cobb.

Senator Chang then rose to speak in favor of the nomination as follows:

"Mr. President, your committee has conducted extensive research on the background and competency of this candidate. We have verified his admission to the Hawaii State Bar with the Supreme Court and found that the candidate meets the requirements set forth in Article VI, Section 3, of the Hawaii State Constitution. We

reviewed the Judicial Selection Commission report; spoke at length with the candidate; and received and analyzed substantial testimony from members of the Bar and Judiciary, legislators, government employees, and business people.

"Judge Boyd Poki Mossman was admitted to the Hawaii Bar in 1971. He has since garnered over ten years of legal and legislative experience in our state courts as a prosecuting attorney.

"In addition, Judge Mossman has continually involved himself in numerous civic and community activities, including the State Bar Association and church organizations. Abundant testimony consistently revealed that Judge Mossman is an individual who is honest and fair, even tempered, and possesses excellent analytical abilities.

"As one colleague testified, 'I have always found him to be cooperative, knowledgeable and possessed with good common sense and judgment. He works well under pressure and communicates his thoughts skillfully, both orally and in writing. He is discerning and makes sound judgments which produce effective results. He is fair and always strives to deal with others impartially, regardless of race, sex, age, or political persuasion. He exerts great self-control and possesses the judicial temperament needed on the bench.'

"Mr. President, I recommend the confirmation of Judge Mossman.

"Thank you."

Senator Machida also rose to speak in support of the nominee and stated:

"Mr. President and members of the Senate, it is not very often that a judicial appointee receives such widespread community and state support such as was the case regarding Judge Mossman's appointment as contained in Governor's Message No. 1.

"During the Judiciary Committee hearing held on Tuesday, written and oral testimony in support of Judge Mossman's appointment came from fellow prosecutors throughout the state, elected officials, law enforcement officials, business and

community leaders, practicing attorneys, and others, all holding Judge Mossman in the highest esteem.

"I would like to echo the remarks made at the hearing and say that during the many years of my association with Judge Mossman I have witnessed his dedication to his family, church, and community. There is no question in my mind that he has the ability, integrity, intelligence, compassion, and judicial temperament to make an excellent circuit court judge for the County of Maui.

"Mr. President and members, I would like to urge unanimous support for the confirmation of Judge Mossman.

"Thank you."

Senator Abercrombie then stated as follows:

"Mr. President, I will not vote for Judge Mossman's confirmation.

"I would like to state for the record that I wish I'd had the opportunity, before he was elevated to this position, to see what experience he would have in his previous appointment as a judge. I think it would be hypocritical for me to vote in the affirmative when I had strong feelings with respect to his philosophy on prosecutions. Whether that same philosophy would carry over in his activities as judge with respect to the criminal justice system, I cannot say. As a result, I have my doubts as to whether or not he should be confirmed in this position, and, therefore, I must vote 'no.'"

Senator Carpenter added his remarks in support of the nomination and stated:

"Mr. President, in my nearly three years as judiciary committee chairman, I had the opportunity to meet with and discuss, on many occasions, a number of concerns from the Maui County Prosecutor's Office which he represented more than ably during those discussions.

"I believe that he is, indeed, a conscientious and dedicated person who abides by the principles of law, irrespective of the fact that he did spend a large amount of time in the prosecutorial end of the judicial spectrum.

"I believe that he does have the temperament to be, not only a satisfactory, but, a super judge.

The fact that he was appointed to office by a Republican mayor should have no bearing on the final appointment.

"Thank you very much."

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

Ayes, 22. Noes, 1 (Abercrombie).  
Excused, 2 (Cayetano and B. Kobayashi).

Standing Committee Report No. 2-84 (Gov. Msg. No. 2):

Senator Chang moved that Stand. Com. Rep. No. 2-84 be received and placed on file, seconded by Senator Cobb and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Robert G. Klein as Judge of the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cobb.

Senator Chang then rose to speak in favor of the nomination as follows:

"Mr. President, here again, your committee conducted extensive analysis of the candidate.

"Judge Robert Gordon Klein was admitted to the Hawaii Bar in 1972. He has extensive judicial experience as a district court judge for the past four years, and legal experience for over six years as a government attorney.

"His supporters have all found him to possess a very high degree of fairness, objectivity, and common sense.

"A colleague who has known Judge Klein for over twenty years stated that, 'many lawyers and judges have the requisite character and intelligence to do a competent job; few lawyers and judges, however, have the special kind of common sense and pragmatism which, when blended with character and intelligence, make a superior lawyer and judge.'

"Robert Klein has demonstrated that sort of pragmatism which has earned him the respect of virtually every trial lawyer who has come in contact with him.

"Here again, Mr. President, I



recommend the confirmation of this judicial appointment.

"Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Cayetano and B. Kobayashi).

At this time, Senator Carpenter

introduced to the members of the Senate his aunt, Sarah Meyer of Kailua, Oahu, who was sitting in the gallery.

#### ADJOURNMENT

At 12:48 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 27, 1984.

## EIGHTH DAY

Friday, January 27, 1984

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

The Divine Blessing was invoked by Sister Marcella Maglinte, B.V.M., Sisters of Charity of the Blessed Virgin Mary, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Seventh Day.

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

Senator Young introduced family members of Sister Marcella Maglinte, who were seated in the gallery, Pat Mendonca and her son Roland; and family friend, Jean Kikuchi.

Senator Machida then introduced the following dignitaries and stated as follows:

"Mr. President and members of the Senate, we have with us this morning some very distinguished guests on the floor of the Senate. I would like to first of all introduce His Excellency Marut Bunnag, Minister of Public Health, Government of Thailand, who just attended a meeting to establish a collaborative Consortium of Schools of Public Health on Kauai; Mrs. Marut Bunnag; Dr. Among Nondasuta, Under-Secretary of State for Public Health, Government of Thailand; accompanied by the Honorary Consul General of Thailand and Dean of the Consular Corps of Hawaii, Sunao Miyabara."

Leis were presented on the behalf of the Senate by Senators Fernandes Salling, Solomon, Young and Machida.

At 11:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 2 and 3) were read by the Clerk and were disposed of as follows:

A communication from the House

(Hse. Com. No. 2), returning Senate Bill No. 1192, S.D. 2, which passed Third Reading in the House of Representatives on January 27, 1984, in an amended form, was placed on file.

Senator Yamasaki then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1192, S.D. 2, seconded by Senator B. Kobayashi.

Senator Yamasaki explained that "the House merely returned the bill in the original form of S.B. 1192 as we sent it to them last year. The date of the Crime Commission was changed back to June 30, 1984, as in the Senate draft, and the term of office, four years."

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

"Mr. President, I have no objection to this bill so essentially I'd like to speak in favor. However, I have some concerns that I'd like to share with this body.

"I believe the 'guts' of the Crime Commission, when it was first created, was the charge that it had and that was to investigate crime in the State of Hawaii. Since that initial formation and formulation of the Commission, language was changed in the charge, essentially relegating this body to a research, evaluating and recommending or advisory body to the Legislature and to the State of Hawaii. And I believe that in so doing, the Legislature emasculated the worth of this Commission, notwithstanding the good work of the present chairman and existing members of the Commission and the new executive director, Mr. Keith Kaneshiro, whom I know to be very competent people.

"I believe the extension of life to June 30th is okay because there is no additional commitment on behalf of the taxpayers of the State of Hawaii, but I think if there is another bill to follow that will extend the life to another point in time in the future, this body must address the real value that this Commission can give the people of the State of Hawaii, and that is to reinstate its charge to investigate crime, rather than being another body that recommends with advisory opinions -- that again is duplicated throughout our judicial

system. Thank you very much."

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

"Mr. President, I, too, rise in favor of the Senate agreeing to the House's position, I think, to the portion that we continue the Crime Commission.

"I, to use the vernacular, had some jaundiced views about some of the appointments to the Crime Commission. I thought that was a defect in the program, but hopefully, good appointments could be made in the future and as Senator Carpenter has stated, perhaps we could give the Crime Commission the right to investigate, instead of letting it become another 'research' arm.

"As you well know, Mr. President, you were the principal sponsor of the Crime Commission idea, and we supported it very strongly. I think it could work; I think it could add materially to the community's unending quest for reducing crime -- the more serious category of crimes. I do hope that this body will unanimously agree with the House."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1192, S.D. 2, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on the Final Reading of S.B. No. 1192, S.D.2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION."

A communication from the House (Hse. Com. No. 3), transmitting House Bill No. 1638-84, H.D. 1, which passed Third Reading in the House of Representatives on January 27, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1638-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

Senator Cayetano then rose to inquire on H.B. No. 1638-84 as follows:

"Mr. President, it is my understanding that this bill will be heard on Monday, or somewhere around Monday.

"Not being a member of the Ways and Means Committee, I would like to ask if the President or his Ways and Means Committee would provide those of us who are not on the committee with the detailed information as to the expenses of the Legislature.

"As a former Ways and Means chairman, Mr. President, I think you are familiar with the process which applies to all other state agencies. Usually, testimony is submitted and that testimony breaks down for us the expenses in terms of equipment, supplies, positions, etc.

"What I'm asking is, will that information be made available to us who are not on the committee. I'd like to see this bill or this matter dispatched with as soon as possible because I think that our staff has to be paid and the expenses of the Senate and the House have to be met.

"But during these times when money is scarce, I think the budget of the Legislature should be subject to the same kind of scrutiny that we will be subjecting the other agencies through this session. Therefore, I think this information is very important. I'm asking whether it will be made available to us and maybe to the press, and anybody else who wants to see it, prior to the vote on Monday or whenever the bill is voted on next week."

The Chair replied: "In answer to your question, Senator Cayetano, I think with reference to the legislative support agencies, I don't think that's too much of a problem because that's all a matter of public record and it has already been heard by the Ways and Means Committee about two weeks ago.

"If you're talking specifically about the Senate records, I think there was a memo that was mailed out some time in November asking each Senator that if he or she had any specific concerns he was interested in, he or she was to contact the President's office. In answer to your question, perhaps you and I could talk about it and the kinds of information you want."

Senator Cayetano then said: "Mr. President, I'm certainly willing to talk

to you about this matter, but the question that I have is that if any member of the public who is attending the hearing on the bill wants information, will that information be available."

The Chair then replied: "My answer will be 'yes' depending on the information requested. If the general public wants to know specifically about the State Senate and its expenditures, they can come and talk to me and I'll determine whether or not that information should be given to them."

Senator Abercrombie rose and asked: "Mr. President, for purposes of understanding what you just said, are you telling us that you will give out information on the expenses of the Senate on a selective basis?"

The Chair answered: "Whoever wants it. It's always been available."

Senator Abercrombie further inquired: "I mean the information. Will the information be selective?"

The Chair replied: "No, why should it be selective?"

Senator Abercrombie then asked: "It will be the expenses of the Senate that will be made available to members on their request?"

The Chair answered: "On request to my office, the President will make the determination."

Senator Abercrombie inquired: "As to whether the request will be granted?"

The Chair replied: "That's right."

Senator Abercrombie continued: "So, in other words, we may not have the information if you decide otherwise?"

The Chair answered: "Well, nobody has ever asked me for it specifically over the last five years. This will be the first request and I think I'll have to weigh the decision very heavily."

Senator Abercrombie then remarked: "Mr. President, there may be a lot of firsts coming up."

At this time, Senator Abercrombie rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege. Mr. President, I attended a meeting last evening of the

Kaka'ako Businessmen's Association at McKinley High School.

"Mr. President, as you know there's been some concern -- more than some concern -- as to whether or not the Senate was moving in terms of having a package of proposals, a program to address the problem that exists, right now, not next year, right now.

"One of the things that we attempted to deal with previously was the Kaka'ako development. This Legislature (no thanks to me) created something called the Hawaii Community Development Authority (HCDA). It has complete powers with respect to zoning and other activities ordinarily associated with the powers and responsibilities and authority of the City Council and the Mayor of the City and County of Honolulu.

"This group of people now say it has no power at all. It has the power to announce in one of its many newsletters and many of its expensive brochures that they can put forward a \$300 million development in Kaka'ako, which includes a penthouse to be sold for \$3 million, 'Marketing a new level of luxury.' It's almost the kind of luxury that exists by having a newspaper preservation act.

"What it fails to mention, of course, is that a hundred-plus businesses are going to be kicked out. Questions were raised last night as to whether the approval of the HCDA was a financing scheme for the developer. The developer was not there. Those questions were not answered. The HCDA could not answer.

"Yet in their newsletter of December 1982 they called the proposed Ironworks development an 'exemplary' project. The Hawaii Community Development Authority at its December meeting approved the planned development permit for the developer to proceed with his plans, right down here on South Street. Now, we can sit here in this Senate and go through all these arguments, but boy, we'd better have some answers. And whoever's in charge better have some answers. We passed this macabre plan. I've got it right here.

"I'm not like Councilman Narvaes who walks in and says, 'Gee, I've been away for a few days, can somebody fill me in?' I don't know if we've got enough centuries to fill him in.

"Here's the relocation plan: 'Displacement is any direct or indirect action, public or private, which forces households or businesses to move as a result of the acquisition or imminence of acquisition of real property. It may be either temporary or permanent.'

"Senator Young, I'm sure, is familiar with all the hard work that was undertaken to acquire what is called the makai area in Kaka'ako and added to the HCDA authority. We worked very hard to get this put in. That is there and it is stated by the Hawaii Community Development Authority by its acting executive director in a letter to Donald Keeter, who is president of the Businessmen's Association, and I quote: 'We have tried to more clearly indicate that relocation facilities will be provided as Kaka'ako redevelops with respect to the 133 acre makai facility.

"I said to the executive director last night, 'You sit here and tell me and these people that there's nothing you can do. What do we need you for?'

"As one of the business people said yesterday, 'I'm not sure if my next paycheck is going to come. I'm not sure if I can give my next paycheck to the employees I have, but we know your paycheck's coming. We know you're going to collect.'

"Now, we have 133 acres there, and in the Hawaii Community Development Authority's Sixth Year Annual Report, July 1, 1982 - June 30, 1983, page 11, they have a picture of John Orsini, who is president of the Businessmen's Association, looking at the 133 acres and a statement, 'Since 90 percent of the makai area land is owned by the state, the HCDA also held small workshops with members of various government agencies and the area's landowners.' etc., etc. You've seen this guy's picture to promote themselves as being able to take care of all these problems we say we're going to deal with in Kaka'ako as that's where development is going to be concerned.

"Members of the Governor's cabinet were there -- silent; other legislators were there -- silent, while these people poured out their hearts that they're not sure they're going to be able to make a living, not next year -- right now. Our problems can't be put off till next year. Mr. Brodie stood up and read a letter from Wayne Yamasaki, the proposed director for the Department

of Transportation. When the HCDA made a request as to the utilization of part of this 133 acres for relocation purposes, as stated in the law, they simply said: 'No, that maybe sometime in the future they might want to use that land to give more services to people that are utilizing land that the Department of Transportation already controls on the waterfront.'

"Any of those businesses, including parking cars, can be put anywhere on this island. It can be put out at the airport. It can be put on all kinds of places -- Mapunapuna -- all kinds of places. No offer of help, mind you, nothing; zero; just no; get stuck; who cares what you think; who cares what's going to happen to these people.

"Now, what's needed is for the Legislature to make it very clear, right now; and people who have the responsibility in the Senate, make it clear right now to the Governor and his administration... 'You make that land available to these people when they need it.' That's what this law was passed for.

"The Attorney General didn't come down here and say when he took that bill up to the Governor for his signature and when the Governor signed the plan ... 'I've got the plan right here'... that these people were going to have to wish and hope and pray that maybe they will be able to make a living. What's needed right now is for the state administration and for the Legislature to make it absolutely clear that they meant it when they approved that law; that the Legislature meant it when it sent the law forward to acquire the 133 acres for relocation purposes.

"The statement made last night by a deputy in the Attorney General's office that under Chapter 111, it has to be public action. The HCDA in itself is public action. Those people would not be facing this situation if they were not under czarist capacities of the HCDA created by the Legislature of the state and approved by the Governor.

"The Council people there, like Mrs. Bornhorst last night, absolutely powerless to do anything because all jurisdiction and authority and responsibility have been removed from them by us.

"Ninety percent of the 133 acres is under the control of the state; that's why we put it there. I'm sure Senator Young will confirm that,

because that is the responsible way for the state to respond to what we've done by creating the HCDA and the vast powers that it has. They're trying to claim that unless it is direct public action, direct governmental action . . . I don't know what could be more direct than having the zoning capacity and the ability to say to somebody you can take so many acres down at the end of South Street to develop a \$300 million development and sell penthouses for \$3 million on top of it...what's more direct than that?

"The law says clearly 'Increased supply of housing for residents of lower/moderate income shall be required as a condition of redevelopment and residential use.' There is no low or moderate income housing in this project. They feel perfectly capable of granting Mr. Stark that kind of capacity. But when people come in there, people who are working for a living, who are going from month to month trying to exist...they come in and ask, not for money; they're only asking for the possibility of relocating their businesses at their own expense in the 133 acres we provided...the state administration says 'no.'

"What's more, the HCDA director said, 'It's up to the Legislature.' That's what they said last night. They said, 'Ask Abercrombie.' I didn't know I was the czar. Pay me the \$45,000 and I'll run it. I'll run it without all those clowns that are making all that money in the HCDA. I can tell you that. Now, if that is the case, then we have to address it.

"Mr. President, I'm urging this body right now, which includes, obviously, your Housing Committee, once again we've got to meet with the AG; we've got to get the Governor's people down here and find out once and for all, do they intend to carry out the purposes and intent of this law as it was passed and as it was signed. And if not, then we have to put in some kind of language that will alter and make even more clear what it is that they're supposed to do. And will the Governor, will the administration, and will this Legislature require the administration to carry through on what is fundamentally necessary for people in our City of Honolulu to exist economically today. This is not something that can be put off.

"So, Mr President, the burden of my remarks is when the HCDA says to me and says in public last night

that it's up to us to do something about it right now, then I think we're going to have to respond. We have to get rid of the HCDA. As far as I am concerned, we ought to get rid of it. Maybe we ought to abolish it and give it right back to the City because at least people can get back at politicians. If for no other reason, they can vote them out of office. They can't vote the HCDA out of office. They've got their pictures in the front. They're all appointed. They're there forever. Nothing can be done to them. So we have to do it. That's what they said last night. And I think that we have to deal with it immediately, and our Labor Committee has got to deal with it; our Human Resources Committee has got to deal with it. These people are paying taxes right now. They're employing people right now and they have to have an answer right now. Thank you."

At this point, Senator Young responded:

"Mr. President, on a point of personal privilege. The Committee on Housing met with Mr. Stark right after the last session. He had assured the committee that a percentage of housing in his development will be set aside for low and moderate income families. I talked to the director of HCDA and they're concerned about the tenants and he has stated that many of the tenants at the Honolulu Ironworks knew that when they were leasing office from the Ironworks, they were on a month-to-month basis. And I've talked to him about finding a way to relocate these people and he said that he would look into the matter. He'll use staff time to really help these people to relocate."

Senator Abercrombie rose and stated:

"Mr. President, I didn't intend by my remarks to have the Housing chairman have to give an answer right now, but if those remarks have been made to her, I have to take exception to what's being said.

"Mr. Rex Johnson of the HCDA made it very clear last night that he doesn't have a clue as to what he is going to do, and that the 133 acres, for all intents and purposes, doesn't exist, because the state administration has not indicated that it would cut free any of this land that it controls for relocation purposes. Everybody knows that . . . this isn't news to people. You know, we don't just

exist here in a vacuum. The reason these people are on these revocable 30-day permits and leases is because everybody is wondering what the HCDA is going to do, vis-a-vis redevelopment. That's why they're there the way they are. And the reason for the 133 acres is to take care of these people.

"Now what they, the government, did last night is everybody stood around saying, 'It's not my job; I don't know what to do; I don't have the power.' Nobody at that meeting last night had the power to do anything. Mr. Johnson stands and says, 'I can't create land.'

"I said, 'You don't have to create land. We gave 133 acres, 90 percent of which is owned by the state; much

of which is vacant, just sitting there under the control of Transportation, DLNR, etc., etc.; that's why we did it.'

"That's the business we are trying to deal with right now. The people are going to be displaced. It's no answer for him to say he's going to try and do his best. His best isn't good enough; can him and get somebody who can do it. They need action and they need it right now."

#### ADJOURNMENT

At 12:08 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, January 30, 1984.

## NINTH DAY

Monday, January 30, 1984

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

The Divine Blessing was invoked by Lt. Comdr. Michael Peters, Chaplain, United States Navy, after which the Roll was called showing all Senators present with the exception of Senator Machida who was excused.

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

Senators Chang and Aki then made the following introduction to the members of the Senate.

Senator Chang stated as follows:

"Mr. President, Senator Aki and I are privileged this morning to introduce an internationally renowned artist, born and raised in Hawaii. Before introducing her, I would like to introduce members of her family and several friends. First, her sisters: Estelle Yagi, Millie Nakaganeku, Doris Nakamatsu and Eloise Fukuji; her nephew Richard Nakaganeku who is sitting in the gallery with his wife Frances; and a friend of the family, Mr. Henry Iwasa."

Senator Aki then continued the introduction and stated:

"Mr. President, it is a privilege and great honor for me to present to this honorable body, today, Toshiko Takaezu, who is the 1982-1983 recipient of the Dickinson College Arts Award. This award places Ms. Takaezu in the company of such respected artists as poets, Robert L. Frost and W.H. Auden, and the Philadelphia Orchestra. She has the distinction of being the first artist to be so honored in the field of three dimensional visual arts.

"Born in Pepeekeo, Ms. Takaezu is a proud product of Hawaii. She has gained international repute as a master potter and a recognized leader of a revival in this century of ceramic art.

"In 1980, a House Resolution honored her for her work as an internationally renowned artist and for her outstanding contributions in visual arts. Ms. Takaezu exemplifies

the type of artist for whom the challenge of aesthetic expression is not work but a way of life. Her works comprise a portion of the permanent collection of many of the nation's major museums.

"Future generations will also benefit from her talents through her devotion as an instructor at various national universities, art institutes and craft schools. In Hawaii her contribution as a dedicated ceramics instructor inspired the establishment of the Toshiko Takaezu Ceramics Studio at the Richards Street YWCA.

"The most recent beneficiaries of her artistic talents are the students at Princeton University where Ms. Takaezu has been teaching since 1966.

"At this time, it is my pleasure, Mr. President and members of the Senate, to introduce to you Toshiko Takaezu."

Senators Aki and Chang then presented Ms. Takaezu with a Senate Certificate and lei.

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

The Senate reconvened at 11:49 o'clock a.m.

## STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3-84) recommending that House Bill No. 1638-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and H.B. No. 1638-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, January 31, 1984.

## ORDER OF THE DAY

## FINAL READING



Senate Bill No. 1192, S.D. 2, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1192, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At this time, Senator Carpenter rose on a point of personal privilege and stated:

"Mr. President, on opening day I rose to speak for Senators Abercrombie, Cayetano, Fernandes Salling, Kawasaki, Toguchi and myself. I said these words and I repeat them today: 'Mr. President, our house remains divided in organization, in structure, in program direction, and philosophical base. Six independent members of this body want to and will participate to the fullest in addressing the issues facing us this session, irrespective of the final outcome of our recent meetings with you and a number of our colleagues.'

"Mr. President, we have indeed met to reconcile our differences during the past dozen days, both with you and, subsequently, with the entire 20-member Democratic caucus. The meeting with the entire Democratic caucus was at our request to present once again our proposal towards needed reform and reorganization of the Hawaii State Senate.

"To your credit, the discussions have continued this long. Several members of the 14-member caucus were magnanimous in acquiescence toward that resolve, which we fully acknowledge and appreciate. And I certainly felt that at one point in our discussions we were indeed very close to a resolve.

"However, Mr. President, on opening day I also said, 'Time lost is empty of accomplishment, filled only with doubt and anxiety. We are called upon in the next 60 days not to give vent to our personal desires, our whims, our arguments, our theories of demands, but to give an account of our experience to demonstrate what we have learned in common.'

"Unfortunately, Mr. President, the demonstration of what we have learned in common over the past nine months has not, by the 14-member caucus as a whole, progressed beyond the personality traits and characteristics stage. Although we have in common reviewed the need for consolidation and structure of committees, expanded role of leadership, definition of authority and responsibility of committee chairmen, Ways and Means, the Senate, Senate President, and improved communications through caucuses, and have all agreed in principle they are desirable from a process and management point of view, the 14-member Democratic caucus has not agreed in fact!

"You responded, Mr. President, with a political offer to 'slot in' each of us in a scheme which, if carried out, would result in the same situation which brought on this division and, that is, Senate policy overridden and subsequently dictated by Ways and Means, thereby disrespecting the subject matter committees and the Chair's own personal philosophy of prior concurrence.

"Therefore, we can only conclude, Mr. President, our differences are irreconcilable at this time.

"Ironically, the six-member Democratic caucus can best serve the people of this state and the Senate by refusing your compromise offer.

"Consolidation and structure of committees, expanded role of leadership, definition of authority and responsibility of committee chairmen and leadership, improved communication through caucus and rule changes can only be accomplished, it would appear, by default rather than by design.

"We have agreed to a reasonable time limit to discuss our proposals with each other and we have reached an impasse.

"The ball is still in your court.

"In exercising the prerogative of the Chair under the present rules of the Senate, we hope assertive leadership on the part of the Chair will assure a reasonable number of assignments on the Ways and Means Committee, at least comparable to that shared with the Republican caucus whose group numbers one less than ours.

"We hope, also, assertive leadership on the part of the Chair will assure assignments for the six members of the Democratic caucus that will take best advantage of our individual as well as collective talents, expertise, and experience towards a goal, yet to be articulated, for a Senate that is a body-deliberate, with full-on discussion of every important issue from health care to education and from consumer protection to taxation.

"We've been ready since opening day to do the work of the people and concurrent with our discussions, we have. There are 52 legislative working days left, let's get on with it, Mr. President!

"Thank you very much."

The Chair, in response, stated:

"Senator Carpenter, in addressing some of your remarks, I'm glad you hit the ball back to me. I will certainly return it back to you sometime today."

Senator Carpenter answered: "The ball has always been in your court, Mr. President."

The Chair thanked Senator Carpenter.

Senator Toguchi also rose on a point of personal privilege and stated:

"Mr. President, as we begin the ninth legislative day of the 1984 session, I would like to take this opportunity to share a few remarks with all of you regarding our philosophical and political differences in the Senate and our efforts to reconcile these differences during the past few months.

"Mr. President, I would just like to get off my text for a few minutes and want to let you know that some of it may be redundant but, surprisingly, Senator Carpenter and I never got together when we wrote our speeches ... I thought that was something I just wanted to say before I went on.

"Mr. President, on Friday, January 13, 1984, we sent you a package of proposals that basically summarized the various meetings, memorandums and telephone conversations that we have had with you during the past year.

"Mr. President, we sincerely believed that our package of proposals would have accomplished the

following:

1. Improved the work product of the Senate;

2. Improved communications among Senators and between the Senate and the general public;

3. Promoted openness and accountability in the Senate;

4. Clarified roles and responsibilities of the Senate leadership, committee chairmen and other members;

5. Provided equity in the Senate for all members through the recognition and utilization of each member's experience, talent and interest; and, finally,

6. Reconciled our differences so that we could all expend our effort and energies toward addressing and resolving the multitude of issues that we will be faced with this session.

"Mr. President, on Thursday, January 16, 1984, you met with us and indicated that your group had rejected our package of proposals. Mr. President, our discussion to resolve our differences would have continued, except for the reason that you initially and basically cited, 'that some members in your group still had hurt feelings.'

"Mr. President, we have indicated to you that our members were ready and willing to set aside their personal differences. Apparently, some of your members were not ready. Mr. President, if some of your members are still willing to set aside their personal differences, we feel a resolution is possible even this session.

"Mr. President, we feel that our group is heading in the right direction. Let's look at the facts:

1. Our package of proposals was rejected because of 'hurt feelings,' not reasons;

2. You shared with us your commitment to implement, next session, the major stumbling block in our negotiations -- the concept of not sitting on Ways and Means if you chair a major committee because of workload and work product considerations; and, finally,

3. We are still trying to implement the major committee --

Ways and Means concept -- a concept that we all agreed to and implemented last November when all 20 Democrats were together.

"Mr. President, whether we reconcile our differences this year and whatever the rules and structure of the Senate this session, you have our commitment that we will make our contributions and strive to obtain a quality work product from the Senate.

"Mr. President, we plan to be very issue-oriented this year. We will support good legislation and strongly oppose bad legislation. Those of you that have major responsibilities, we wish you the best. We hope that you will call on us, if we can be of assistance to you and the Senate.

"In closing, Mr. President, we would like to express our appreciation to you for your efforts during the past two months, beginning with the meeting with us on Sunday, December 11th, and for your efforts in trying to reconcile our differences. It is too bad that certain members of your group still harbor some 'hurt feelings.'

"Thank you."

Senator Cayetano then rose on a point of personal privilege and stated:

"Mr. President, the two previous speakers, I think, pretty well set forth our beliefs, our philosophy, and Senator Toguchi ended his talk by offering assistance, if called. I'm not waiting to be called, I want to offer assistance!

"There is no question that this is a difficult time for our state. We face some very serious economic problems -- problems, I think, which some of us foresaw in earlier years. But in dealing with these problems we find that the Governor, supported by the House, has taken a very strong position in opposition to a tax increase.

"For all intents and purposes, Mr. President, this means that the Senate's annual 'push' for the tourist tax, the lottery, is dead. We feel, however, that there are other ways we can deal with some of these problems but this will require some hard decisions -- decisions which may not be politically popular with special interest groups but which, in the long run, will benefit the people as a whole.

"For example, let's take the question of revenue. As I stated earlier, the Governor is opposed to a tax increase. The House, Speaker in particular, and the Finance Chairman have said they will support the Governor. We propose, Mr. President, to raise revenues without raising taxes. We believe that this can be done by repealing or eliminating some of the tax credits and tax exemptions which we passed in past sessions and which we believe have outlived their usefulness.

"For example, we propose, and we hope the chairman of the Ways and Means Committee and the members of the Ways and Means Committee will take into consideration, that the liquor tax exemption for local-based companies be repealed. As you know, Mr. President, approximately \$90 million is currently being held in escrow by out-of-state liquor companies who are challenging this law. And, yet, the benefit to the local liquor companies, this would be the companies that make okolehao, fruit wine, and rum, is comparatively small. Out of the \$28 million in liquor taxes, they comprise less than one percent.

"We cannot continue to jeopardize future collection of these taxes by continuing to have this law on the books. We should not wait until the Supreme Court makes a decision as to whether this law violates the equal protection clause of the Constitution.

"Given the very, very small amount of money that the tax exemption benefits these companies, it appears to me that if we were to repeal this law we will safeguard future collections from the out-of-state companies of their liquor tax and, also, we may be able to find other ways, if we use our imagination, to help the local companies. I refer particularly to promotion efforts by the Department of Planning and Economic Development in this regard.

"We should also consider eliminating such tax credits, not all of them, but some which have outlived their usefulness. For example, I see no reason for us to continue with the solar tax credit. The Federal Government continues to give 40 percent tax credit; the state gives a 10 percent tax credit; and if the consumer has not gotten the message now that he should move off the contemporary or conventional energy source such as electricity and go into solar energy or heat pumps then, I

think, that this person is not thinking. I think that most people now understand the need to go into solar energy, the need to seek other energy resources such as heat pumps, etc.

"If, for example, we eliminated the solar tax credit, according to the latest figures that we have, for 1981 we would have saved \$2.1 million. That money can be used for programs in education and in other areas.

"These are things that we should give serious consideration to. Certainly, it will not make the people who are engaged in the business happy but, as I said earlier, special interest groups may be unhappy by this tactic but I think it will benefit the population in general.

"I suggest also that we take a hard look at the exemptions that we have given, for example, on the 4 percent excise tax to insurance agents. There is no reason, Mr. President, from my view, that insurance agents should be treated differently from any other kinds of agent or service personnel.

"Right now the latest figures that I have indicate that about a half-a-million dollars could be collected if the exemption given to insurance agents, that permits them to be taxed at 1.5 percent, I believe, is repealed and they are taxed at 4 percent.

"You see, some of these exemptions that we gave have opened the floodgates. For example, last year, I recall the real estate agents were here and, also, the travel agents were here asking for the same exemptions that we gave in past years to insurance agents.

"We should also consider reclassifying certain types of businesses. We have in the past, in our desire to help businesses, reclassified them as wholesale businesses when really they should be taxed as retail businesses. This means a difference in percentage of approximately 3.5 percent, I believe. The wholesalers are taxed at half-a-percent, whereas, retailers are taxed at 4 percent. That, of course, will bring additional revenue into the state treasury.

"Another sore point, Mr. President, is the highway fund. Now, some of us have tried to bring this to the attention of this body -- I've tried to do it, and I also tried to do it in the House -- that one day the highway

fund would be in trouble and that day has come. We tried to deal with the highway fund deficit by diverting approximately \$16 to \$18 million from the general fund excise tax to the highway fund. We passed a law a few years ago and that law will 'drop dead' in 1984.

"The problem, Mr. President, is that the Council of Revenues, as I understand it, in their revenue projections for fiscal year 1985, have included that \$16 to \$18 million as being part of the general fund. So, we are going to have to face either raising the fuel tax, which I'm sure not many of us want to do, or finding other ways to trim spending at the Department of Transportation.

"Let me make three suggestions which I tried to do as chairman of the Transportation Committee when I was in the House and also which we have pushed here in the Senate.

"The first would be to make sure that the Department of Transportation eliminates cash CIP. Now, they have engaged in this practice for the last few years because of the problem with the highway fund. However, every time you build a project, whether it's by cash or by bond, inherent to the completion of the project is the expense for repair and maintenance and this, of course, will take away money that could be used for other projects.

"I suggest also that the chairman of the Committee on Transportation look very, very closely at the problem of project-funded personnel. Now, by project-funded personnel, what I mean is that in the past we have had major highway projects and these projects have been funded on a federal-state match basis. For example, the freeway system we have here was funded on a 90-10 basis -- the Federal Government pays 90 the state pays 10. Primary highways are funded on a 70-30 basis, if I recall correctly, -- 70 percent by the Federal Government and 30 percent by the state government.

"The problem with project-funded personnel is that after the project is completed, the State Department of Transportation has continued to keep these personnel on and, of course, the only way they can do that, without the federal funds which are no longer available, is to pay their expenses out of state funds.

"It's about time I think that we take a look at this problem and it's about time that we decide or consider

whether we can continue to maintain this practice. As I stated earlier, this is a very, very tough situation because it may mean the elimination of positions.

"The third approach or recommendation that we would make is that we stay away from funding highways or roads, especially on the neighbor islands, on a 100 percent state-funded basis. And this has happened, Mr. President, more for political reasons than for technical reasons. The Department of Transportation every year tries to prioritize its projects on a basis where it can use federal match money. What has happened in the past is that because of political considerations, because of community pressures within districts, whether they be senatorial or representative districts, some of our colleagues, especially from the neighbor islands, have pushed the department for the building of these roads and highways and these projects have been funded on a 100 percent state-funded basis. I think that it's time that we get away from that practice.

"Finally, I'm very glad, I'm delighted to hear that our Governor has finally seen the light with respect to the administrative expenses of the DOE and the University of Hawaii.

"Mr. President, you may recall in 1979 or 1980 the Ways and Means Committee took a very, very hard look at the administration of the University and of the Department of Education. I suppose we can say, better late than never. But we all know that there is a lot of 'fat' in both departments.

"We have, left over from the '79 study, a lot of information, a lot of material that we will be happy to make available to the chairman of the Committee on Higher Education and the chairman of the Committee on Education, if they are willing to tackle this task.

"Thank you."

Senator Kawasaki also rose on a point of personal privilege and stated:

"Mr. President, I believe on the basis of some of the statements that have been made today and previous days, perhaps before every member of this body takes, say, a rather dim view of the possibility of a reconciliation between the Democrat minority and Democrat majority, I'd

like to state for every member of this body that, based on the conversation that you and I have had, that I would not be overly optimistic in saying that both the President of the Senate and myself feel that there is every chance of a good reconciliation -- a reconciliation based on fair play. I only state this because we think there are some people who are getting discouraged in this body. So, hang loose and be optimistic."

Senator Cobb added his remarks on a point of personal privilege and stated:

"Mr. President, to echo somewhat the comments of Senator Kawasaki in that when I sat in a group of 20 and saw the proposals, and they were basically in four different categories that were put on the blackboard, and indicated either agreement or accommodation with three out of the four, that there was definite sign of progress. I hate to impose at any time a specific deadline when I see progress being made.

"I also echo the comments of the previous speaker in that detailed discussions are best left to those who have to hammer out the details. I have no hesitation at any time in going public with all of the proposals, agreements and disagreements, knowing that in three out of the four areas agreement or accommodation in principle has already been reached and it's just taking a 'for instance.' If there is a disagreement on the wording of prior concurrence, there is an appeal mechanism that I think would readily work and would have prevented a recurrence of what happened last year.

"So, like the previous speaker, I'm willing to continue talking or seeing the leaders of each group continue the discussion until such time that I'm told it's totally hopeless. Thank you."

Senator Soares also rose on a point of personal privilege and stated:

"Mr. President, as you recall, the words that I mentioned on the floor of this Senate at the end of last session, and I think that we've taken an obvious position of research and work, the Republicans have put together a program that's very meaningful and very important for discussion and for passage in the Senate this coming session.

"The majority of 20 have had since April of last year in which to settle

their differences no matter how wide they may have been then or how wide they are now, the responsibility still exists. The Senate Republicans have taken the position that we would be productive in our role. On opening day our leader made it very clear about our responsibilities and the aims we have for our people.

"It's very unfortunate that we hear the words this morning of some dismal views being taken towards reconciliation, but I urge you all, for the good of the people of the State of Hawaii, that you reconcile these differences and not leave the table, not separate yourselves from further discussions because only through that medium will you get together.

"We will not change our position. We are not involved in your family feud. We are equally available to the task of assisting and working with all of the chairmen, as good colleagues should. We've done our homework and we're ready to start working. Time is running and time is losing the opportunity for us to have this session end in a very productive note.

"So, I urge all of you to get back where you belong and get the job done."

Senator Uwaine, on a point of inquiry, stated:

"Mr. President, I wonder if you would ask my colleague from Hawaii Kai, for the purpose of working towards reconciliation, if he would be willing to provide us, as one more item to negotiate, if he would be willing to surrender his office?"

Senator Soares answered: "Mr. President, I will say this. I would surrender my office to anyone that wants it in exchange for this place to operate as it should. I think it's secondary where you sit in this building as much as what you do."

The Chair, at this time, made the following observation:

"Members of the Senate, the Chair would like to state its position. We've discussed some of the more serious issues here in this body and as we've talked about the divisiveness within the body, and it is part of the

record, I want to make it very clear that it is the Chair's intent to continue the dialog. Only time will tell whether this proves fruitful in the next day or two but, I will continue to pursue it. I'm prepared this afternoon to meet with the group of 14 Democrats to apprise them of what has taken place thus far.

"I am hopeful that, in our discussions, a solution can be arrived at. But I want to make it very clear for the record that it is the desire of the 14 members of the divided Democratic caucus to join hands with the other six and also with the five Republicans to accomplish the work for the people.

"So, in all seriousness, I'd like to pursue the solution or reconciliation of our problems. I will continue to talk and I'm free to talk to anyone of the Senate, all 25 members, who may have a suggestion as to what to do. But I will tell you now in all seriousness that serious negotiations will be done, probably this afternoon.

"If there is no resolution of the problem I think certain other kinds of decisions must be made because we have to proceed with our work.

"I do not want to leave the impression to the general public that there is nothing happening here in the Senate, contrary to the media which seems to fester on our divisiveness. I want to make it very clear for the record that the Senate is organized, it is operating and we will continue to do so on a day-to-day basis. Hopefully, there will be a solution to our dispute within our family.

"I wanted to say this for several days. Today's occasion is such that there is a great deal of lightheartedness and I don't see in the air a feeling of hostility at this particular moment so I thought it would be apropos to tell you people how the Chair feels."

#### ADJOURNMENT

At 12:23 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, January 31, 1984.

## TENTH DAY

Tuesday, January 31, 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 the Reverend Dan Nebres, Minister, Cosmopolitan United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senators Kuroda and Machida who were excused.

The Chair announced that he had read and approved the Journal of the Ninth Day.

At this time, Senator Hagino made the following introduction to the members of the Senate:

"Mr. President and fellow Senators, today we have 12 of Wahiawa's finest young citizens. They are enrolled in the Wahiawa Recreation Center's Tiny Tot Program. They are accompanied by their parents: Mrs. Sharon Catekista, Mrs. Kwi Hui Neyer, Mrs. Patricia Baron, Mrs. Martha Cerda, and the program director, Mrs. Cynthia Hagino.

## ORDER OF THE DAY

## THIRD READING

House Bill No. 1638-84, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, H.B. No. 1638-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

The President then made the following announcement:

"Members of the Senate, before proceeding with discussion on this bill, the Chair would like to make an announcement. There have been several inquiries made of the Chair with reference to getting more detailed information. Arrangements have been made where detailed information will be shared with those Senators who are interested."

At this time, Senator Kawasaki rose on a point of personal privilege and stated as follows:

"Mr. President, probably my favorite newspaper, the morning paper, had a little item this morning saying how confused they were as to some very ambivalent statements made by the dissident group on the floor, where one Senator said 'reconciliation is impossible,' and where I apparently had said that I'm an optimist like you are and that there's every chance of a reconciliation; it might take a few days, 'hang loose.'"

"I just wanted to announce to both papers and this body that this tactic is known as 'confusing the enemy.'"

"And added to all this confusion, of course, was the also very ambivalent statement made by the Republicans who said: 'Hey, we have nothing to do with this; I wish you guys would settle it.' This really adds to confusion. All I can say is sometimes Republicans are so flaky, I don't know where they stand."

Senator Soares replied: "Mr. President, yes, I eat cornflakes for breakfast."

Senator Carpenter rose and stated: "I'd just like to say, Mr. President, that is also known as 'confusing the defense' as well."

## ADJOURNMENT

At 11:52 o'clock a.m., on motion made by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 1, 1984.

## ELEVENTH DAY

Wednesday, February 1, 1984

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

The Divine Blessing was invoked by Lt. Colonel Patrick F. Feely, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Chang, Holt, Machida and Toguchi who were excused.

The Chair announced that he had read and approved the Journal of the Tenth Day.

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

Senator Young introduced Donna Standly and Alicia McCumbers of Ilima Intermediate School, participants of a new program in their social studies department called, "Legislative Awareness Program," designed to familiarize selected eighth grade students with the legislative process.

Senator Carpenter introduced Ms. Brenda Hicks of C. Brewer and Co. Ltd., Corporate Communications Office.

Senator Kuroda then introduced Mr. Ben Rodrigues, the newly-elected president of the UPW, a resident of Makakilo.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 4 to 110) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 4), transmitting the draft "Alcohol, Drug Abuse and Mental Health Service Block Grant Proposed Report of Intended Use by the State of Hawaii for the Federal Budget Period October 1, 1983 to September 30, 1984," and the "Preventive Health and Health Services Block Grant Report of Intended Use, FY 1983 - 1984," dated July 1983, prepared by the Department of Health, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 5), transmitting the 1981-1982 Annual Report, prepared by the Department of Hawaiian Home

Lands, pursuant to Section 222 of the Hawaiian Homes Commission Act, 1920, as amended, was referred to the Committee on Hawaiian Programs.

A message from the Governor (Gov. Msg. No. 6), transmitting a publication, entitled, "(H-PASS) Hawaii Planning Activities Support System," dated March 1983, prepared by the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 7), transmitting the Annual Report of the Department of Transportation, Fiscal Year 1982, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 8), transmitting the "Final Report to the State of Hawaii, for the Period July 1, 1982 through June 30, 1983 in Fulfillment of Contract 14978," dated June 30, 1983, submitted by the Hawaiian Sugar Planters' Association (HSPA), was referred to the Committee on Agriculture

A message from the Governor (Gov. Msg. No. 9), transmitting the Annual Report of the Hawaii State Advisory Council on Vocational Education, 1982, prepared by the State Commission on Manpower and Full Employment, pursuant to Title II of the Education Amendments of 1976, P.L. 94-482, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 10), transmitting a report entitled, "Statistics of Hawaiian Agriculture, 1982," July 1983, prepared by the Hawaii Agricultural Reporting Service, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 11), transmitting the Annual Report of the Department of Agriculture, Fiscal Year 1982, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 12), transmitting the 1982 Annual Report of the Department of Labor and Industrial Relations, in response to Section 371-7, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov.



Msg. No. 13), transmitting the FY '82 - '83 Annual Report of the Commission on the Handicapped, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 14), transmitting the 1982-1983 Annual Report of the Hawaii Public Employment Relations Board, pursuant to Section 89-5(a), HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 15), transmitting the Annual Report of Deposits and Investments, State of Hawaii, fiscal year ended June 30, 1983, prepared by the Finance Division, Department of Budget and Finance, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 16), transmitting the 1983 Annual Report of the Real Estate Commission, Department of Commerce and Consumer Affairs, pursuant to Section 467-4(5), HRS, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 17), transmitting a report prepared by the Department of Health and the State Advisory Committee on Radiological Safety, in response to Senate Resolution No. 281 (1980) and House Resolution No. 472 (1980), requesting the director of health to convene an advisory committee to study radiological safety, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 18), transmitting a report prepared by the Department of Planning and Economic Development, entitled, "Energy Emergency Preparedness for Hawaii - A Preliminary Report, October 1983," in response to House Resolution No. 47 (1983), requesting a plan for the provision of essential public services during an oil shortage, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 19), transmitting copies of the Report of the Commission to Promote Uniform Legislation (1983 Annual Report), was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 20), transmitting the 1982 Annual Report of the State Energy Resources Coordinator, Department of Planning and Economic Development, pursuant to Chapter 196-4(11), HRS, was referred to the Committee on

Economic Development.

A message from the Governor (Gov. Msg. No. 21), transmitting the 1982-1983 Annual Report, prepared by the Department of Taxation, pursuant to Section 231-3(8), HRS, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 22), transmitting the Status Report on the Administration of Act 189, SLH 1980, (Sales to Prospective Owner-Occupants of Condominium Units), October 1983, prepared by the Real Estate Commission, Department of Commerce and Consumer Affairs, in response to House Resolution Nos. 390 (1983) and 144 (1981), was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 23), transmitting a report on the Molokai Farm Project, an Agricultural Training Program of the Maui Community College, University of Hawaii, FY 1982-1983, October 1983, submitted by the Department of Agriculture, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 24), transmitting a report prepared by the Department of Agriculture, dated November 4, 1983, in response to House Resolution No. 193 (1983), requesting a report on the progress of programs on alternative means of controlling pests with the minimum use of chemical pesticides, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 25), transmitting the Report of Use of School Priority Funds, 1982-1983, prepared by the Department of Education, in response to Section 296 D-5, HRS, as amended by Act 256, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 26), transmitting the First Annual Report on the Nursing Home Without Walls Demonstration Project, prepared by the Department of Social Services and Housing, in response to Section 7, Act 192, SLH 1983, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 27), transmitting various reports prepared by the Department of Education, in response to the following:

House Bill No. 1 (1983), Act 1, Section 23, requesting a report of 1982-1983 expenditures in a school-by-school format;

House Bill No. 1 (1983), Act 1, Section 23, requesting a report of FY 1983-1984 expected expenditures in a school-by-school format;

House Resolution No. 151 (1983), requesting a comprehensive study by the Department of Education on the effectiveness of certain specialized programs in public schools (gifted and talented);

House Resolution No. 153 (1983), requesting a feasibility study for an intermediate school for Makakilo-West Beach; and

House Resolution No. 445 (1983), requesting the Department of Education to conduct a study and to form a committee to determine the areas in which training is needed for educational assistants;

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 28), transmitting various reports prepared by the Department of Health, in response to the following:

Act 201 (1982), relating to the "Agent Orange Program";

Act 252 (1982), relating to the Hawaii Cancer Commission (interferon - 1983 report); and

Act 216 (1983), relating to the determination of death;

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 29), transmitting a report prepared by the Department of Health, in response to Senate Resolution No. 134 (1983) and Senate Concurrent Resolution No. 107 (1983), requesting the Department of Health to consider the adoption of a rule to require stamping the processed date and the pull date on each carton of milk, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 30), transmitting the 1982-1983 Annual Report of the Teacher Education Coordinating Committee, pursuant to HRS 304-20, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 31), transmitting various reports, dated November 1983, prepared by the University of Hawaii, in response to the following:

Senate Bill No. 1062 (1983), relating to high technology development annual report;

Section 304-8.1, HRS, requiring an annual report of the Research and Training Revolving Fund;

House Bill No. 1 (1983), Act 301, Section 43, requesting a report on the Nursing Training Program;

Senate Resolution No. 31 (1983), requesting the University of Hawaii (UH) to conduct a study on the administrative, physical, and educational integration experience of the UH at Hilo since its inception in July 1970;

Senate Resolution No. 93 (1983), requesting the UH and Board of Regents to submit a comprehensive report on its current student registration, class registration, and course scheduling system, including an assessment of any deficiencies and recommendations for improvement; and

House Resolution No. 193 (1983), requesting a study on alternative means of controlling pests without the use of dangerous substances;

was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 32), transmitting the Makai Area Plan, October 1983, an Addendum to the Kaka'ako Community Development District Plan, prepared by the Hawaii Community Development Authority, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 33), transmitting the Annual Report of the Hawaii Paroling Authority, Department of Social Services and Housing, year ending June 30, 1983, pursuant to HRS 93-12, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 34), transmitting various reports prepared by the Department of Education, in response to the following:

Section 32, Act 301, SLH 1983, Evaluation of the Essentialness of

District Resource Teachers;

Section 30, Act 301, SLH 1983, (and House Resolution No. 151, 1983), Evaluation of Early Provisions for School Success Program;

Act 301, SLH 1983, Evaluation of Comprehensive School Alienation Program and Alternative Education Program;

Section 29, Act 301, SLH 1983, Evaluation of the Hawaiian Studies Program;

Act 301, SLH 1983, Requesting a Review System of Ongoing Programs and Operations;

Section 34, Act 301, SLH 1983, Report on Alternative Housing for State Administrative Offices (EDN 303);

Section 25, Act 301, SLH 1983, Evaluation of the Grant-In-Aid Programs: Drop-Out Prevention; Holomua; Immigrant Youth; Language Arts Multicultural; Maui Hui Malama; and Pacific and Asian Affairs Council;

House Resolution No. 31 (1983), requesting the development of criteria for consolidation of schools;

House Resolution No. 151 (1983), requesting a comprehensive study by the Department of Education on the effectiveness of certain specialized programs in public schools (intensive basic skills);

House Resolution No. 322 (1983), relating to education opportunities in the Hawaii Youth Correctional Facility;

House Resolution No. 339 (1983), requesting equality of course offerings; and

Act 298, relating to duties of superintendent - "First Annual Report on Low Achievers," November 1983;

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 35), transmitting the 1983 Annual Report, prepared by the Department of Personnel Services, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 36), transmitting a report

entitled, "Agri-Energy Research and Development in Hawaii," November 1983, prepared by the Department of Planning and Economic Development, Department of Agriculture, and the Hawaii Natural Energy Institute, in response to House Resolution No. 140 (1983), requesting a review of all current agri-energy research and development efforts in the state for the purpose of determining how development proposals can be made cost-effective, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 37), transmitting a report entitled, "Feasibility Study on Improving Air Carrier Service for Exporting Hawaii's Diversified Agricultural Products," December 1983, prepared by Coopers and Lybrand for the Department of Transportation, in response to Senate Concurrent Resolution No. 41 (1983), was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 38), transmitting a report prepared by the Department of Budget and Finance, in response to Section 63, Act 301, SLH 1983, The General Appropriations Act, requesting the Hawaii Institute for Management and Analysis in Government, Department of Budget and Finance, to submit a comprehensive report of its activities to the Legislature, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 39), transmitting copies of the 12 State Functional Plans, dated October 1982, prepared in accordance with Chapter 226, HRS, together with the Findings and Recommendations of the State Plan Policy Council, dated November 21, 1983, of each State Functional Plan and a report of each State Functional Plan Advisory Committee, as follows:

State Agriculture Plan with attachments, referred to the Committee on Agriculture;

State Conservation Lands Plan with attachments, referred to the Committee on Ecology, Environment and Recreation;

State Education Plan with attachments, referred to the Committee on Education;

State Energy Plan with attachments, referred to the Committee on Economic Development;

State Health Plan with attachments, referred to the Committee on Health;

State Higher Education Plan with attachments, referred to the Committee on Higher Education;

State Historic Preservation Plan with attachments, referred to the Committee on Ecology, Environment and Recreation;

State Housing Plan with attachments, referred to the Committee on Housing and Urban Development;

State Recreation Plan with attachments, referred to the Committee on Ecology, Environment and Recreation;

State Tourism Plan with attachments, referred to the Committee on Tourism;

State Transportation Plan with attachments, referred to the Committee on Transportation; and

State Water Resources Development Plan with attachments, referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 40), transmitting a report prepared by the Department of Commerce and Consumer Affairs, dated December 1983, in response to Senate Resolution No. 66 (1983), requesting an interim study on defaults on agreements of sale, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 41), transmitting reports prepared by the Department of Transportation, in response to the following respective resolutions:

House Resolution No. 274 (1971), requesting annual evaluation reports on driver education and training program; and

House Concurrent Resolution No. 87 (1983), requesting an updated study of the feasibility of constructing a second breakwater at Port Allen, Kauai;

was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 42), transmitting a report prepared by the University of Hawaii, in response to House Resolution 312

(1983), requesting a feasibility study of the need for a tropical crop production center at the University of Hawaii-Manoa, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 43), transmitting reports prepared by the University of Hawaii, in response to the following:

House Bill No. 1, Act 301, Section 40, SLH 1983, relating to electricity usage; and

House Bill No. 1, Act 301, Section 52, SLH 1983, requesting a feasibility study transferring the administration and function of the social rehabilitation of confined adults program to the Department of Social Services and Housing and purchasing instructional services on a fee-for-service basis;

was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 44), transmitting a report prepared by the Board of Medical Examiners, in response to Senate Bill No. 236 (1983), relating to informed consent (treatment of breast cancer), was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 45), transmitting the "Hawaii State Income Tax Benefits for Taxpayers Over 65," for taxable period January 1, 1983 to December 31, 1983, prepared by the Executive Office of Aging, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 46), transmitting a report entitled, "Personal Care Services, FY 1984 Status Report, Hawaii County Office of Aging," in response to Part III, Section 22, Act 301, SLH 1983, prepared by the Executive Office on Aging, was referred to the Committee on Youth and Elderly Affairs.

A message from the Governor (Gov. Msg. No. 47), transmitting a report prepared by the Department of Accounting and General Services, in response to Senate Resolution No. 94 (1983), requesting the Hawaii Housing Authority and the Department of Accounting and General Services to prepare status reports on the Crown property site, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 48), transmitting a progress

report prepared by the Department of Land and Natural Resources, in response to House Bill No. 1399, relating to economic development, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 49), transmitting a report entitled, "Preliminary Feasibility of an Undersea Cable Linking Molokai and Maui," December 1983, prepared by CH2M Hill of Maui for the Department of Planning and Economic Development, in response to Senate Resolution No. 132 (1983), requesting a design study of an underwater cable system for the electrical interconnection of the islands of Maui and Molokai, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 50), transmitting the Sixth Year Annual Report, July 1, 1982 - June 30, 1983, of the Hawaii Community Development Authority, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 51), transmitting the Annual Report, July 1, 1982 - June 30, 1983, of the Hawaii Public Broadcasting Authority, pursuant to Section 314-12, HRS, was referred to the Committee on Culture and Arts .

A message from the Governor (Gov. Msg. No. 52), transmitting a report, dated October 19, 1983, prepared by the Hawaii Housing Authority, in response to Senate Resolution No. 94 (1983), requesting the Hawaii Housing Authority and the Department of Accounting and General Services to prepare status reports on the Crown property site, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 53), transmitting a report, dated October 19, 1983, prepared by the Hawaii Housing Authority, in response to Senate Resolution No. 100 (1983), requesting the Hawaii Housing Authority to prepare a status report on the Waiahole Valley Project, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 54), transmitting a report prepared by the the Department of Accounting and General Services, in response to Senate Resolution No. 104 (1983), requesting the Department of Accounting and General Services to establish a comprehensive financial accounting system for the Department

of Hawaiian Home Lands, was referred to the Committee on Hawaiian Programs.

A message from the Governor (Gov. Msg. No. 55), transmitting an interim report, dated December 30, 1983, prepared by the Real Estate Commission, in response to Senate Resolution No. 51 (1983), requesting a study of a residential property transfer code, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 56), transmitting the Progressive Neighborhoods Program Annual Report, December 1983, prepared by the Progressive Neighborhoods Task Force, pursuant to Chapter 362-2, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 57), transmitting the University of Hawaii Tuition Waiver Program, prepared by the Adjutant General, Department of Defense, pursuant to Act 192 (1980), was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 58), transmitting the Variance Report for Fiscal Years 1983 and 1984, Volumes I and II, dated December 1983, and the Executive Budget, Supplemental, (Budget Period 1983-1985), dated December 1983, pursuant to Section 37-75, Budget-Variance Report, and Section 37-72, Budget-Supplemental Budget, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 59), transmitting the Annual Report of the Research Corporation of the University of Hawaii for Fiscal Year 1983, pursuant to Section 307-6, HRS, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 60), transmitting a report, dated October 1983, prepared by the Department of Social Services and Housing, in response to House Resolution No. 13 (1983), requesting a study on the feasibility of expanding the agricultural programs in facilities within the correctional system, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 61), transmitting the Annual Report of the Hawaii Housing Authority, July 1, 1982/June 30,

1983, pursuant to Chapter 356, HRS, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 62), transmitting the 1983 Annual Report of the Office of Collective Bargaining, dated January 3, 1984, pursuant to Chapter 89, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 63), transmitting a report prepared by the Department of Transportation, dated December 16, 1983, in response to House Resolution No. 63, (1983), requesting an updated study of interisland water transportation, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 64), transmitting a report prepared by the Department of Health, in response to House Resolution No. 268 (1983), requesting the Department of Health to examine its proposed rules regarding long term care facilities, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 65), transmitting the Annual Report of the Foreign-Trade Zone No. 9, October 1, 1982 - September 30, 1983, of the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 66), transmitting a report prepared by the University of Hawaii, November 1983, in response to House Bill 1, Section 41, relating to transfers of instructional positions, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 67), transmitting the 1984 Annual Report of the Hawaii Job Training Coordinating Council and the Commission on Manpower and Full Employment, pursuant to Chapter 202, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 68), transmitting a report prepared by the Department of Commerce and Consumer Affairs entitled, "The Department of Commerce and Consumer Affairs: The Whole and the Sum of its Parts, Revisited," dated December 8, 1983, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov.

Msg. No. 69), transmitting a report prepared by the State Health Planning and Development Agency, Department of Health, dated December 1983, in response to House Resolution No. 434 (1983), requesting a study on methods of controlling hospital costs; and House Bill No. 1, Part III, Section 14 (1983), to develop a hospital prospective payment plan applicable to all third party payers based on Hawaii's health care utilization experience, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 70), transmitting the "Report of Findings on Adjustments to the Compensation Plan," dated January 4, 1984, prepared by the Public Employees Compensation Appeals Board, pursuant to Act 121, SLH 1963, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 71), transmitting the Final Compensation Plan for blue and white collar classes, pursuant to Sections 77-4 and 77-5, HRS, as amended, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 72), transmitting a report prepared by the Insurance Division, Department of Commerce and Consumer Affairs, dated January 1984, in response to House Concurrent Resolution No. 91 (1983), requesting a study of the necessity and feasibility of a comprehensive review of the Hawaii Insurance Laws, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 73), transmitting the Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 1983, prepared by the Comptroller, pursuant to Section 40-5, HRS, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 74), transmitting the Hawaii Tax Review Commission Interim Report to the 1984 Legislature, dated January 18, 1984, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 75), transmitting a report prepared by the Department of Health, dated December 1983, in response to Act 190, SLH 1975, Section 2, relating to the alcohol and drug abuse branch annual report, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 76), transmitting the Criminal Injuries Compensation Commission Sixteenth Annual Report, 1983, in response to Chapter 351, HRS, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 77), transmitting a report prepared by the Department of Health, in response to Act 301, Sections 15, 16 and 73, SLH 1983, requesting a report regarding the Hawaii State Plan for alcohol, drug abuse and mental health (1983-1985), and the funding of public and private programs, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 78), transmitting a report prepared by the Department of Health, in response to House Resolution No. 311 (1983), requesting the Department of Health to define laboratory services of public significance to justify its performance of lab services without payment, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 79), transmitting a report prepared by the Department of Social Services and Housing (DSSH), Public Welfare Division, in response to House Resolution No. 18 (1983), requesting DSSH, with the assistance of other appropriate agencies, to study the feasibility of limiting freedom of choice to recipients under the medical program, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 80), transmitting a report (with attachments) prepared by the Department of Health, in response to Senate Resolution No. 41 (1983), requesting the Department of Agriculture and the Department of Health, with the assistance of the University of Hawaii College of Tropical Agriculture and Human Resources, to conduct an assessment regarding adverse side effects of using pesticides, herbicides and toxic sprays in the environment, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 81), transmitting a report prepared by the University of Hawaii, in response to House Bill No. 1 (1983), Section 38, requesting supplemental displays relating to the Executive Supplemental Budget for BI 1983-1985 and the Executive Variance Report for Fiscal Years 1982-1984, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 82), transmitting a report prepared by the Executive Office of Aging entitled, "Report of Achievements of Programs for the Aging - Fiscal Year 1982-1983," dated January 1984, was referred to the Committee on Youth and Elderly Affairs.

A message from the Governor (Gov. Msg. No. 83), transmitting the "Report on State Positions Assigned to Ranges SC-1, SC-2 and SC-3," prepared by the Department of Personnel Services, dated January 18, 1984, in response to Section 77-13, Sub-section (d), as amended, HRS, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 84), transmitting a report, "Immigrants in Hawaii," dated December 1982, prepared by the State Immigrant Services Center, Office of the Governor, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 85), transmitting the Annual Report, Fiscal Year 1983, of the Department of Defense, in response to Chapter 93-12, HRS, as amended, was referred to the Committee on Federal Relations.

A message from the Governor (Gov. Msg. No. 86), transmitting a report prepared by the Department of Health, in response to Act 247, SLH 1983, relating to hospital administration in the county/state hospital system, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 87), transmitting a report prepared by the Department of Health, in response to House Resolution No. 235 (1983), requesting the formation of a medical advisory panel to conduct a long-term study of the effects of hydrogen sulfide and certain other air pollutants on human health, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 88), transmitting a report entitled, "Executive Summary of Early Provisions for School Success Program: Assessment of Beginning Grade 1, 'Basic Skills' Achievement," dated December 2, 1983, prepared by the Department of Education, Planning and Evaluation Services Branch, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 89), transmitting a report

prepared by the University of Hawaii, in response to Senate Resolution No. 32 (1983), requesting an improvement of the Hawaiian Education Program, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 90), transmitting the report of the Governor's Committee on Doing Business in Hawaii, "Report to the Governor on Hawaii's Strengths and Weaknesses as a Business Location," dated January 25, 1984, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 91), transmitting the 1983 Annual Report of the State Intake Service Centers, pursuant to Section 353-1.4, HRS, as amended, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 92), transmitting a report which contains the Process/Outcome Evaluation of the Pretrial Misdemeanant Program, and the Process/Outcome Evaluation of the Community Service Restitution Program, Calendar Year 1982, prepared by the Research Information Services for the State Intake Service Centers, in response to Act 301, Section 50, SLH 1983, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 93), submitting for consideration and confirmation to the Governor's Agriculture Coordinating Committee, the nomination of Ronald M. Terry, term to expire December 31, 1987, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 94), submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nominations of the following:

John Lopes, term to expire December 31, 1985;

Lawrence S. Sakamoto, term to expire December 31, 1986; and

Roy Yasukochi, term to expire December 31, 1984,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 95), submitting for consideration and confirmation to the State Board of Nursing, the nomination of Josephine C. Duvauchelle, term to expire December 31, 1985, was

referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 96), submitting for consideration and confirmation to the 1984 Hawaii Statehood Silver Jubilee Committee, the nomination of Edwin T. Hara, term to expire June 30, 1986, was referred to the Committee on Culture and Arts.

A message from the Governor (Gov. Msg. No. 97), submitting for consideration and confirmation as Director of Environmental Quality Control, the nomination of Letitia N. Uyehara, term to expire December 1, 1986, was referred to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 98), submitting for consideration and confirmation to the Board of Directors, High Technology Development Corporation, the nominations of the following:

Thomas T. Enomoto, term to expire December 31, 1986;

Thomas B. Hayward, term to expire December 31, 1986;

David A. Heenan, term to expire December 31, 1984;

Raymond D.S. Lum, term to expire December 31, 1986;

Thomas R. Moore, term to expire December 31, 1985;

Kwock Tim Yee, term to expire December 31, 1985; and

Paul C. Yuen, term to expire December 31, 1984,

was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 99), submitting for consideration and confirmation to the East Honolulu Subarea Health Planning Council, the nomination of Nora L. Tejero, term to expire December 31, 1986, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 100), submitting for consideration and confirmation to the Hawaii Community Development Authority, the nominations of the following:

Eric S. Fukunaga, term to expire December 31, 1986; and

Helen M. Wiegert, term to expire December 31, 1985,



was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 101), submitting for consideration and confirmation to the Commission on Manpower and Full Employment, the nomination of John R. Pingree, term to expire June 30, 1984, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 102), submitting for consideration and confirmation to the Advisory Council for Children and Youth, the nominations of the following:

Fred L. Blair, term to expire December 31, 1987; and

Gene J. Dumarán, term to expire December 31, 1984,

was referred to the Committee on Youth and Elderly Affairs.

A message from the Governor (Gov. Msg. No. 103), submitting for consideration and confirmation to the Hawaii Paroling Authority, the nomination of Marc V. Oley, term to expire December 31, 1987, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 104), submitting for consideration and confirmation as Director of Transportation, the nomination of Wayne J. Yamasaki, term to expire December 1, 1986, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 105), submitting for consideration and confirmation as Director of Taxation, the nomination of Herbert M. Dias, term to expire December 1, 1986, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 106), submitting for consideration and confirmation to the Tax Review Commission, the nominations of Thomas M. Foley, Carole Ann Gibbs, Hideto Kono, Albert S. Nishimura, Russell Okata, Christopher G. Pablo, and Richard L. Pollock, Ph.D., all terms to expire upon completion of duties, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 107), submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District, the nomination of Kazuo Senda, term to expire December 31, 1986, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 108), transmitting for consideration, Administration Proposal A-4(84), fund authorization for the operational expenses of the 1984 Hawaii Statehood Silver Jubilee Committee, was placed on file.

A message from the Governor (Gov. Msg. No. 109), transmitting for consideration, 12 proposed Senate Concurrent Resolutions relating to the 12 State Functional Plans, was placed on file.

A message from the Acting Governor (Gov. Msg. No. 110), informing the Senate that on January 31, 1984, he signed into law House Bill No. 1638-84 as Act 2, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," was placed on file.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 16) were read by the Clerk and were disposed of as follows:

A communication from the Department of Planning and Economic Development (Dept. Com. No. 1), transmitting the State Plan Policy Council Administrative Rules Relating to the Hawaii State Plan, adopted on September 29, 1982, was referred to the Committee on Economic Development.

A communication from the Department of the Attorney General, Hawaii Criminal Justice Information Data Center (Dept. Com. No. 2), transmitting a copy of the report entitled, "Crime Trends in Hawaii, First Quarter 1983," was referred to the Committee on Judiciary.

A communication from the Department of Planning and Economic Development, Research and Economic Analysis Division (Dept. Com. No. 3), transmitting a copy of the report entitled, "Hawaii Statistical Reports," County Trends in Hawaii, 1970-1982, Statistical Report 160, dated July 6, 1983, was referred to the Committee on Economic Development.

A communication from the Department of Budget and Finance (Dept. Com. No. 4), transmitting certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii as of July 1, 1983, in

accordance with Section 39-92(e) and Section 39-93(d), Part IV of Chapter 39, HRS, was referred to the Committee on Ways and Means.

A communication from the Office of the Auditor (Dept. Com. No. 5), transmitting an interim report entitled, "Study of the Workers' Compensation Program of the State of Hawaii," Report No. 83-14, December 1983, prepared by Haldi Associates, Inc., was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources.

A communication from the Office of the Auditor (Dept. Com. No. 6), transmitting reports entitled, "Sunset Evaluation Report, Dental Hygienists, Chapter 447, Hawaii Revised Statutes," Report No. 84-1, dated January 1984, and "Sunset Evaluation Report, Dentistry, Chapter 448, Hawaii Revised Statutes," Report No. 84-2, dated January 1984, was referred to the Committee on Consumer Protection and Commerce.

A communication from the Supreme Court of Hawaii (Dept. Com. No. 7), transmitting the Judiciary's Supplemental Budget (1983-85) and Variance Report (1982-84), in accordance with Sections 601-2 and 37-92, HRS, dated December 1983, was referred to the Committee on Ways and Means.

A communication from the Office of the Auditor (Dept. Com. No. 8), transmitting a report entitled, "Sunset Evaluation Report, Chiropractic, Chapter 442, Hawaii Revised Statutes," Report No. 84-3, dated January 1984, was referred to the Committee on Consumer Protection and Commerce.

A communication from the Office of the Auditor (Dept. Com. No. 9), transmitting a report entitled, "Sunset Evaluation Report, Nurses, Chapter 457, Hawaii Revised Statutes," Report No. 84-4, dated January 1984, was referred to the Committee on Consumer Protection and Commerce.

A communication from the Office of the Auditor (Dept. Com. No. 10), transmitting reports entitled, "Sunset Evaluation Report, Medicine and Surgery, Chapter 453, Hawaii Revised Statutes," Report No. 84-5, dated January 1984, and "Sunset Evaluation Report, Acupuncture, Chapter 436D, Hawaii Revised Statutes," Report No. 84-6, dated January 1984, was referred to the Committee on

Consumer Protection and Commerce.

A communication from the Office of the Administrative Director of the Courts (Dept. Com. No. 11), transmitting The Judiciary's Annual Report and Statistical Supplement, dated December 31, 1983, for the Fiscal Year July 1, 1982 to June 30, 1983, was referred to the Committee on Judiciary.

A communication from the Office of the Auditor (Dept. Com. No. 12), transmitting a report entitled, "Budget Review and Analysis of the Mental Retardation and Mental Health Programs," Report No. 84-9, dated January 1984, was referred to the Committee on Health.

A communication from the Office of the Auditor (Dept. Com. No. 13), transmitting a report entitled, "Budget Review and Analysis of the Public Welfare Financial Assistance Programs," Report No. 84-10, dated January 1984, was referred to the Committee on Human Resources.

A communication from the Office of the Ombudsman (Dept. Com. No. 14), transmitting the Report of the Ombudsman for the period July 1, 1982 - June 30, 1983 (Report No. 14), January 1984, pursuant to Section 96-16, HRS, was referred to the Committee on Legislative Management.

A communication from the Office of the Auditor (Dept. Com. No. 15), transmitting a report entitled, "Financial Audit of the Department of Budget and Finance," Report No. 84-8, dated January 1984, prepared by the Office of the Legislature Auditor and Peat, Marwick, Mitchell & Company, was referred to the Committee on Ways and Means.

A communication from the Office of the Auditor (Dept. Com. No. 16), transmitting copies of the report entitled, "Financial Audit of the Department of Planning and Economic Development," Report No. 84-7, January 1984, prepared by the Office of the Auditor and the CPA firm of Coopers and Lybrand, was referred to the Committee on Ways and Means.

At this time, the Chair addressed the members of the Senate as follows:

"Members of the Senate, before proceeding, the Chair would like to say a few words.

"As you can see, the Chair has made the referrals of the governor's

messages and departmental communications today.

"The Chair would like to make two announcements at this time. First, the introduction of bills will commence this afternoon. An informational memo about this is being distributed to your offices at the present time.

"Secondly, all bills returned to the Clerk's office at the end of the 1983 session are herewith returned back to the committees which had them last.

"For the record, all referrals are being made in accordance with the existing committee structure. However, I'm still hopeful that some kind of reconciliation among the Senate Democrats can be achieved. Also, the consolidation of some of the Senate committees is being worked on. Thus, I want to notify everyone that should there be any changes made to the committee structure in the next few days, appropriate re-referrals will be made."

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, February 2, 1984:

#### Senate Bills

No. 1492-84 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1983 TO JUNE 30, 1985."

Introduced by: Senator Wong, by request.

No. 1493-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Wong, by request.

No. 1494-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Wong, by request.

No. 1495-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE."

Introduced by: Senator Wong, by request.

No. 1496-84 "A BILL FOR AN ACT RELATING TO NAMES."

Introduced by: Senator Wong, by request.

No. 1497-84 "A BILL FOR AN ACT RELATING TO NAMES."

Introduced by: Senator Wong, by request.

No. 1498-84 "A BILL FOR AN ACT RELATING TO BILLS ACCOMPANYING VOUCHERS."

Introduced by: Senator Wong, by request.

No. 1499-84 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES."

Introduced by: Senator Wong, by request.

No. 1500-84 "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND."

Introduced by: Senator Wong, by request.

No. 1501-84 "A BILL FOR AN ACT RELATING TO DEPOSITS TO ACCOMPANY BIDS."

Introduced by: Senator Wong, by request.

No. 1502-84 "A BILL FOR AN ACT RELATING TO FEED."

Introduced by: Senator Wong, by request.

No. 1503-84 "A BILL FOR AN ACT RELATING TO GASOHOL."

Introduced by: Senator Wong, by request.

No. 1504-84 "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW."

Introduced by: Senator Wong, by request.

No. 1505-84 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

Introduced by: Senator Wong, by request.

No. 1506-84 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

- Introduced by: Senator Wong, by request.
- No. 1507-84 "A BILL FOR AN ACT RELATING TO STATE BONDS."
- Introduced by: Senator Wong, by request.
- No. 1508-84 "A BILL FOR AN ACT RELATING TO PUBLIC FUNDING FOR GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE."
- Introduced by: Senator Wong, by request.
- No. 1509-84 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR."
- Introduced by: Senator Wong, by request.
- No. 1510-84 "A BILL FOR AN ACT RELATING TO THE STATE DEPARTMENT OF DEFENSE."
- Introduced by: Senator Wong, by request.
- No. 1511-84 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE GUARD."
- Introduced by: Senator Wong, by request.
- No. 1512-84 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senator Wong, by request.
- No. 1513-84 "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA."
- Introduced by: Senator Wong, by request.
- No. 1514-84 "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS."
- Introduced by: Senator Wong, by request.
- No. 1515-84 "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH."
- Introduced by: Senator Wong, by request.
- No. 1516-84 "A BILL FOR AN ACT RELATING TO VITAL STATISTICS."
- Introduced by: Senator Wong, by request.
- No. 1517-84 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senator Wong, by request.
- No. 1518-84 "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS."
- Introduced by: Senator Wong, by request.
- No. 1519-84 "A BILL FOR AN ACT RELATING TO THE STATE CLEARINGHOUSE."
- Introduced by: Senator Wong, by request.
- No. 1520-84 "A BILL FOR AN ACT RELATING TO A STATEWIDE TRANSITION TO WORK SYSTEM."
- Introduced by: Senator Wong, by request.
- No. 1521-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
- Introduced by: Senator Wong, by request.
- No. 1522-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
- Introduced by: Senator Wong, by request.
- No. 1523-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."
- Introduced by: Senator Wong, by request.
- No. 1524-84 "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT."
- Introduced by: Senator Wong, by request.
- No. 1525-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
- Introduced by: Senator Wong, by request.
- No. 1526-84 "A BILL FOR AN

ACT RELATING TO SHARING  
OCCUPATIONAL AND CAREER  
INFORMATION."

Introduced by: Senator Wong, by  
request.

No. 1527-84 "A BILL FOR AN  
ACT RELATING TO THE HAWAII  
OCCUPATIONAL SAFETY AND  
HEALTH LAW."

Introduced by: Senator Wong, by  
request.

No. 1528-84 "A BILL FOR AN  
ACT RELATING TO THE MEMBER-  
SHIP OF THE HAWAII FISHERIES  
COORDINATING COUNCIL."

Introduced by: Senator Wong, by  
request.

No. 1529-84 "A BILL FOR AN  
ACT RELATING TO PUBLIC  
LANDS."

Introduced by: Senator Wong, by  
request.

No. 1530-84 "A BILL FOR AN  
ACT RELATING TO PUBLIC  
LANDS."

Introduced by: Senator Wong, by  
request.

No. 1531-84 "A BILL FOR AN  
ACT RELATING TO PUBLIC  
OFFICERS AND EMPLOYEES NOT  
COVERED BY CHAPTER 89, HAWAII  
REVISED STATUTES."

Introduced by: Senator Wong, by  
request.

No. 1532-84 "A BILL FOR AN  
ACT RELATING TO HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY."

Introduced by: Senator Wong, by  
request.

No. 1533-84 "A BILL FOR AN  
ACT AUTHORIZING THE ISSUANCE  
OF IMPROVEMENT DISTRICT  
BONDS FOR HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY."

Introduced by: Senator Wong, by  
request.

No. 1534-84 "A BILL FOR AN  
ACT RELATING TO HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY."

Introduced by: Senator Wong, by  
request.

No. 1535-84 "A BILL FOR AN  
ACT RELATING TO HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY."

Introduced by: Senator Wong, by  
request.

No. 1536-84 "A BILL FOR AN  
ACT RELATING TO HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY."

Introduced by: Senator Wong, by  
request.

No. 1537-84 "A BILL FOR AN  
ACT RELATING TO THE UNIFORM  
SECURITIES ACT (MODIFIED)."

Introduced by: Senator Wong, by  
request.

No. 1538-84 "A BILL FOR AN  
ACT RELATING TO THE DEPART-  
MENT OF COMMERCE AND  
CONSUMER AFFAIRS."

Introduced by: Senator Wong, by  
request.

No. 1539-84 "A BILL FOR AN  
ACT RELATING TO  
CONTRACTORS."

Introduced by: Senator Wong, by  
request.

No. 1540-84 "A BILL FOR AN  
ACT RELATING TO TIME  
SHARING."

Introduced by: Senator Wong, by  
request.

No. 1541-84 "A BILL FOR AN  
ACT RELATING TO TIME  
SHARING."

Introduced by: Senator Wong, by  
request.

No. 1542-84 "A BILL FOR AN  
ACT RELATING TO TIME  
SHARING."

Introduced by: Senator Wong, by  
request.

No. 1543-84 "A BILL FOR AN  
ACT RELATING TO TIME  
SHARING."

Introduced by: Senator Wong, by  
request.

No. 1544-84 "A BILL FOR AN  
ACT RELATING TO TIME  
SHARING."

- Introduced by: Senator Wong, by request.
- No. 1545-84 "A BILL FOR AN ACT RELATING TO TIME SHARING."
- Introduced by: Senator Wong, by request.
- No. 1546-84 "A BILL FOR AN ACT RELATING TO SERVICE FEES."
- Introduced by: Senator Wong, by request.
- No. 1547-84 "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT."
- Introduced by: Senator Wong, by request.
- No. 1548-84 "A BILL FOR AN ACT RELATING TO VARIABLE ANNUITY CONTRACTS."
- Introduced by: Senator Wong, by request.
- No. 1549-84 "A BILL FOR AN ACT RELATING TO HEALTH CLUBS."
- Introduced by: Senator Wong, by request.
- No. 1550-84 "A BILL FOR AN ACT RELATING TO CHAPTER 26H, HAWAII REGULATORY LICENSING REFORM ACT."
- Introduced by: Senator Wong, by request.
- No. 1551-84 "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS."
- Introduced by: Senator Wong, by request.
- No. 1552-84 "A BILL FOR AN ACT RELATING TO REAL ESTATE."
- Introduced by: Senator Wong, by request.
- No. 1553-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."
- Introduced by: Senator Wong, by request.
- No. 1554-84 "A BILL FOR AN ACT RELATING TO THE PRACTICE OF ACUPUNCTURE."
- Introduced by: Senator Wong, by request.
- No. 1555-84 "A BILL FOR AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE."
- Introduced by: Senator Wong, by request.
- No. 1556-84 "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS."
- Introduced by: Senator Wong, by request.
- No. 1557-84 "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY."
- Introduced by: Senator Wong, by request.
- No. 1558-84 "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS."
- Introduced by: Senator Wong, by request.
- No. 1559-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS."
- Introduced by: Senator Wong, by request.
- No. 1560-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS."
- Introduced by: Senator Wong, by request.
- No. 1561-84 "A BILL FOR AN ACT RELATING TO ITINERANT VENDORS."
- Introduced by: Senator Wong, by request.
- No. 1562-84 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS."
- Introduced by: Senator Wong, by request.
- No. 1563-84 "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS."
- Introduced by: Senator Wong, by request.
- No. 1564-84 "A BILL FOR AN ACT RELATING TO FACTORY BUILT HOUSING."

- Introduced by: Senator Wong, by request.
- No. 1565-84 "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES."
- Introduced by: Senator Wong, by request.
- No. 1566-84 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF OFFENDERS UNDER TREATY."
- Introduced by: Senator Wong, by request.
- No. 1567-84 "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES."
- Introduced by: Senator Wong, by request.
- No. 1568-84 "A BILL FOR AN ACT RELATING TO FEES FOR CHILD SUPPORT ENFORCEMENT."
- Introduced by: Senator Wong, by request.
- No. 1569-84 "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY."
- Introduced by: Senator Wong, by request.
- No. 1570-84 "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS."
- Introduced by: Senator Wong, by request.
- No. 1571-84 "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES."
- Introduced by: Senator Wong, by request.
- No. 1572-84 "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS."
- Introduced by: Senator Wong, by request.
- No. 1573-84 "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM."
- Introduced by: Senator Wong, by request.
- No. 1574-84 "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES."
- Introduced by: Senator Wong, by request.
- No. 1575-84 "A BILL FOR AN ACT RELATING TO CHILD CARE."
- Introduced by: Senator Wong, by request.
- No. 1576-84 "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT (ACT 171, SLH 1983)."
- Introduced by: Senator Wong, by request.
- No. 1578-84 "A BILL FOR AN ACT RELATING TO WITHHOLDING AND COLLECTION OF TAX AT SOURCE."
- Introduced by: Senator Wong, by request.
- No. 1579-84 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senator Wong, by request.
- No. 1580-84 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senator Wong, by request.
- No. 1581-84 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION."
- Introduced by: Senator Wong, by request.
- No. 1582-84 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."
- Introduced by: Senator Wong, by request.
- No. 1583-84 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Wong, by request.
- No. 1584-84 "A BILL FOR AN ACT RELATING TO THE WAIVER OF NONRESIDENT TUITION DIFFERENTIAL AS IT APPLIES TO PACIFIC ISLAND AND FOREIGN STUDENTS AT THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Wong, by request.
- No. 1585-84 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED."

- Introduced by: Senator Wong, by request.
- No. 1586-84 "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID."
- Introduced by: Senator Wong, by request.
- No. 1587-84 "A BILL FOR AN ACT RELATING TO LAND SALES."
- Introduced by: Senators Young, Kuroda and Yamasaki.
- No. 1588-84 "A BILL FOR AN ACT RELATING TO COUNTIES."
- Introduced by: Senator Young.
- No. 1589-84 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Cobb, Kuroda, Holt, Uwayne, A. Kobayashi, Henderson, Hagino, Chang and Ajifu.
- No. 1590-84 "A BILL FOR AN ACT RELATING TO CREDIT CARDS."
- Introduced by: Senators Cobb, Kuroda, Uwayne, Hagino, Chang, Ajifu, Soares and George.
- No. 1591-84 "A BILL FOR AN ACT RELATING TO STATE AGENCIES."
- Introduced by: Senators Cobb, Kuroda, Uwayne, Henderson, Ajifu, Soares George and Young.
- No. 1592-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
- Introduced by: Senators Cobb, B. Kobayashi, Holt, Uwayne, George, Henderson, Young, Kuroda, Hagino and Toguchi.
- No. 1593-84 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT."
- Introduced by: Senator Cobb, by request.
- No. 1594-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
- Introduced by: Senator Cobb, by request.
- No. 1595-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
- Introduced by: Senator Cobb, by request.
- No. 1596-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
- Introduced by: Senators Cobb, B. Kobayashi, Uwayne, George, Henderson, Young, Yamasaki and Hagino.
- No. 1597-84 "A BILL FOR AN ACT RELATING TO EX-PRISONER OF WAR LICENSE PLATES."
- Introduced by: Senators Cobb, Kuroda, Uwayne, Ajifu, Soares, Holt, Young and Toguchi.
- No. 1598-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- Introduced by: Senators Cobb, Yamasaki, Kuroda, Holt, Uwayne, A. Kobayashi, B. Kobayashi, Chang and Ajifu.
- No. 1599-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- Introduced by: Senators Cobb, Yamasaki, Kuroda, Holt, Uwayne, A. Kobayashi, Henderson and Hagino.
- No. 1600-84 "A BILL FOR AN ACT RELATING TO LIFE-SAVING SERVICES FOR STATE PARKS."
- Introduced by: Senators A. Kobayashi, Chang, Holt, Machida, Yamasaki, George and Ajifu.
- No. 1601-84 "A BILL FOR AN ACT RELATING TO FORFEITURE."
- Introduced by: Senators A. Kobayashi, Chang, Holt, Machida, Yamasaki, George, Cobb and Ajifu.
- No. 1602-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY MORTGAGES."
- Introduced by: Senators A. Kobayashi and Chang.
- No. 1603-84 "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE."
- Introduced by: Senators A. Kobayashi, Chang, Machida, Yamasaki, George, Ajifu and Cobb.
- No. 1604-84 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY."
- Introduced by: Senators A. Kobayashi, Chang, Holt, Machida, Yamasaki, George, Ajifu and Cobb.



No. 1605-84 "A BILL FOR AN  
ACT RELATING TO HOLIDAYS."

Introduced by: Senator Uwaine.

No. 1606-84 "A BILL FOR AN  
ACT RELATING TO PROMOTING  
CHILD ABUSE."

Introduced by: Senator Uwaine.

No. 1607-84 "A BILL FOR AN  
ACT RELATING TO RENT  
CONTROL."

Introduced by: Senator Uwaine.

No. 1608-84 "A BILL FOR AN  
ACT RELATING TO  
STEP-PARENTS."

Introduced by: Senator Uwaine.

No. 1609-84 "A BILL FOR AN  
ACT RELATING TO DEVELOP-  
MENTALLY DELAYED CHILDREN."

Introduced by: Senator Uwaine.

No. 1610-84 "A BILL FOR AN  
ACT RELATING TO SALES OF  
REAL PROPERTY."

Introduced by: Senator Uwaine.

No. 1611-84 "A BILL FOR AN  
ACT RELATING TO TIME  
SHARING."

Introduced by: Senator Uwaine.

No. 1612-84 "A BILL FOR AN  
ACT RELATING TO AGRICULTURAL  
LOANS."

Introduced by: Senator Uwaine.

No. 1613-84 "A BILL FOR AN  
ACT RELATING TO WAGES ON  
PUBLIC WORKS."

Introduced by: Senator Uwaine.

No. 1614-84 "A BILL FOR AN  
ACT RELATING TO WAGES ON  
PUBLIC WORKS."

Introduced by: Senator Uwaine.

No. 1615-84 "A BILL FOR AN  
ACT RELATING TO PUBLIC  
WORKS."

Introduced by: Senator Uwaine.

No. 1616-84 "A BILL FOR AN  
ACT RELATING TO THE  
HEARING-IMPAIRED."

Introduced by: Senator Uwaine.

No. 1617-84 "A BILL FOR AN  
ACT RELATING TO TRAFFIC  
SAFETY."

Introduced by: Senator Uwaine.

No. 1618-84 "A BILL FOR AN  
ACT RELATING TO TRAFFIC  
SAFETY."

Introduced by: Senator Uwaine.

No. 1619-84 "A BILL FOR AN  
ACT RELATING TO THE USE OF  
REFLECTIVE OR MIRROR  
SURFACED MATERIAL IN  
CONSTRUCTIONS."

Introduced by: Senator Uwaine.

No. 1620-84 "A BILL FOR AN  
ACT PROPOSING AN AMENDMENT  
TO ARTICLES II AND III OF THE  
CONSTITUTION OF THE STATE OF  
HAWAII TO PROVIDE FOR THE  
REFERENDUM."

Introduced by: Senator Uwaine.

No. 1621-84 "A BILL FOR AN  
ACT PROPOSING AN AMENDMENT  
TO ARTICLE VII, SECTION 9, OF  
THE HAWAII CONSTITUTION TO  
CHANGE THE GENERAL FUND  
EXPENDITURE CEILING."

Introduced by: Senators Hender-  
son, Soares, George, Ajifu and A.  
Kobayashi.

No. 1622-84 "A BILL FOR AN  
ACT RELATING TO THE TOBACCO  
TAX LAW."

Introduced by: Senators Hender-  
son, Soares, George, Ajifu and A.  
Kobayashi.

No. 1623-84 "A BILL FOR AN  
ACT RELATING TO LIQUOR TAX  
LAW."

Introduced by: Senators Hender-  
son, Soares, George, Ajifu and A.  
Kobayashi.

No. 1624-84 "A BILL FOR AN  
ACT RELATING TO THE GENERAL  
EXCISE TAX."

Introduced by: Senators Hender-  
son, Soares, George, Ajifu and A.  
Kobayashi.

No. 1625-84 "A BILL FOR AN  
ACT RELATING TO THE GENERAL  
EXCISE TAX."

Introduced by: Senators Hender-  
son, Soares, George, Ajifu and A.

Kobayashi.

No. 1626-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII, SECTION 3, AND ARTICLE XVIII, SECTION 6 OF THE HAWAII CONSTITUTION, TO REPEAL THE TRANSFER OF REAL PROPERTY TAXING POWER TO THE COUNTIES."

Introduced by: Senators Henderson, Soares, George and Ajifu.

No. 1627-84 "A BILL FOR AN ACT RELATING TO EXCLUDED SERVICES."

Introduced by: Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

No. 1628-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Henderson, Soares, George, A. Kobayashi and Ajifu.

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bill was referred to print and was placed on the calendar for further consideration on Thursday, February 2, 1984:

No. 1577-84 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Wong, by request.

#### MISCELLANEOUS COMMUNICATION

The following communications (Misc. Com. Nos. 1 and 2) were read by the Clerk and were placed on file:

A communication from the Department of Water, County of Kauai (Misc. Com. No. 1), dated December 20, 1983, transmitting the "Proposed C.I.P. Projects Request for State Aid," together with a copy of Resolution No. 2, adopted by the Board of Water Supply on November 22, 1983, relating to the Department of Water budget for fiscal year 1984-1985, was referred to the Committee on Ways and Means.

A communication from the Governor's Small Business Advisory Committee (Misc. Com. No. 2), transmitting a "Report to the Governor on Hawaii's Small Business Areas of Concern," dated January 5, 1984, was referred to the Committee on Consumer Protection and Commerce.

Senator Carpenter rose on a point of personal privilege and stated:

"Mr. President, it's my pleasure to announce this morning that, in fact, reconciliation has indeed taken place. After much consternation, a good deal of discussion, and the setting aside of personal differences, we've decided to accede to the highest calling of this august body. We want to warmly embrace and welcome back Senator Duke Kawasaki to the dissident six."

Then, Senator Soares announced as follows:

"Mr. President, I'd like to announce to this body that we, the Republican Senators of this State Senate, have introduced a resolution. It's on the Clerk's desk, hopefully for further signatures, and the contents of which is, urging the State Office of Collective Bargaining and the five public employee unions to return to the bargaining table.

"Mr. President, it's our strong belief that the state is headed for a serious crisis if the present impasse is not resolved. The negotiations between the state and public employee unions have progressed to the point where if a settlement is not reached, a strike, a general strike is likely. And we believe very strongly that the present budget has room within it to sit down and negotiate a proper settlement for both sides.

"And, so, with that spirit and certainly to avoid a crisis, the Senate Republicans and the House Republicans, together, have on the Clerk's desk in each house a resolution calling for this action; and we ask our colleagues who have been looking at the resolution to sign it, as well, so that we can begin to display, I think, a unified effort, to avoid what could be a disaster in this state."

Senator Kawasaki, also on a point of personal privilege, stated:

"Mr. President, I am compelled to enter into the records of the Senate Journal a response I have to the Minority Floor Leader's comment and my reaction to a TV program that I saw last night, in one of the rare times I've watched TV, where probably there's a new twist to the Republican image.

"They're now saying that there's money around, to pass around. This is quite a change of events, as I see it, and I trust that the Republicans are not really misinformed on this

subject. This is indeed a new twist, and I suppose this is a new look for the Republican Party. I hope this is not an election year phenomenon, by the way."

Senator Soares responded:

"Mr. President, I would be remiss not to respond to that comment made by my colleagues across the way, but I think it's important whether it's a new twist or old twist, we Republicans feel strongly enough that this is a responsibility that has got to be addressed at this time.

"We've gone through, for those of us who have been here for many, many years, the throes of what can happen at the Capitol when the pressure builds on a strike being met. I think it's important that we take a good look at the opportunity now to return to the bargaining table."

Senator Cayetano then asked if the Minority Leader would yield to a question and, Senator Henderson having replied in the affirmative, Senator Cayetano asked:

"Mr. President, this resolution that the Minority has introduced, as I understand it, is based on new figures which have been derived by the research staff of the Minority Party. Is that correct?"

Senator Henderson answered: "Partly, yes. We basically used the Governor's financial plan that was submitted with the supplemental budget."

Senator Cayetano responded: "It is my understanding that the Executive is limited, by our law, to using the projections derived by the Council on Revenues."

Senator Henderson answered: "That's correct; we used the latest Council on Revenues figures."

Senator Cayetano continued: "These are the latest Council on Revenues figures? Are you saying that your proposal is based on the

latest Council on Revenues figures, and not other projections?"

Senator Henderson replied: "That's correct."

Senator Cayetano thanked the Minority Leader and the Minority Leader then said: "I'd like to respond to the good Senator across the way. Our worksheets are available for you to look at."

Senator Solomon also rose on a point of personal privilege and stated:

"Mr. President, I would like to thank Senator Neil Abercrombie for his assistance last night. I was called away on a family emergency in the middle of my Education Committee hearing, and Senator Abercrombie accommodated me in assuming the chairmanship of that committee."

Senator Kawasaki then remarked:

"Mr. President, in response to the comment of the Minority Leader of the Minority Party, if all that data that he alludes to, the worksheets that he's talking about, that he generously offered for me to look at is as reliable as the commitment in the last closing days of the session by that party, I don't think it's worth the paper it's printed on."

Senator Abercrombie then rose to state as follows:

"Mr. President, I appreciate the comments of the chairman of the Education Committee and I'm very, very sorry that it was on those circumstances that allowed us to take over briefly yesterday afternoon, but we certainly did enjoy it and we did take a picture of it which we will autograph and give to the chairman."

#### ADJOURNMENT

At 11:48 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 2, 1984.

## TWELFTH DAY

Thursday, February 2, 1984

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

The Divine Blessing was invoked by the Reverend Malcolm Harris, Dean of Students, Hawaii Baptist Academy, after which the Roll was called showing all Senators present with the exception of Senators Chang, Cobb, Mizuguchi and Soares who were excused.

The Chair announced that he had read and approved the Journal of the Eleventh Day.

At this time, Senator Carpenter made the following introduction to the members of the Senate:

"Mr. President, on behalf of Senators Solomon, Henderson and myself, I have the pleasure to introduce from the Big Island Chamber of Commerce: Richard West, president; Ms. Sharon Scheele and Mr. Roy Blackshear."

## MESSAGE FROM THE GOVERNOR

A message from the Acting Governor (Gov. Msg. No. 111), informing the Senate that on January 30, 1984, he signed into law Senate Bill No. 1192 as Act 1, entitled: "RELATING TO THE HAWAII CRIME COMMISSION," was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 1 to 5) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 1), entitled: "SENATE CONCURRENT RESOLUTION URGING ACTION TO PROHIBIT DISCRIMINATION AGAINST DISTANT STATES THROUGH USE OF MAIL-IN DEADLINES," was offered by Senators Cobb, Yamasaki, Kuroda, Holt, Uwaine, A. Kobayashi, Henderson and Hagino.

By unanimous consent, action on S.C.R. No. 1 was deferred until Friday, February 3, 1984.

A concurrent resolution (S.C.R. No. 2), entitled: "SENATE CONCURRENT RESOLUTION URGING

ACTION TO ENSURE THAT TOLL-FREE TELEPHONE NUMBERS ARE AVAILABLE TO ALL CITIZENS OF THE UNITED STATES," was offered by Senators Cobb, Yamasaki, Kuroda, Holt, Uwaine, A. Kobayashi, Henderson and Hagino.

By unanimous consent, action on S.C.R. No. 2 was deferred until Friday, February 3, 1984.

A concurrent resolution (S.C.R. No. 3), entitled: "SENATE CONCURRENT RESOLUTION URGING ALL ADMINISTRATIVE, LEGISLATIVE, AND JUDICIAL AGENCIES OF THIS STATE TO ESTABLISH CHILD CARE FACILITIES FOR THE CHILDREN OF ITS EMPLOYEES," was offered by Senators Young, George, A. Kobayashi and Solomon.

By unanimous consent, action on S.C.R. No. 3 was deferred until Friday, February 3, 1984.

A concurrent resolution (S.C.R. No. 4), entitled: "SENATE CONCURRENT RESOLUTION CONCURRING WITH THE AMENDMENT OF EXECUTIVE ORDER NO. 1446 COVERING THE WAIKIKI WAR MEMORIAL PARK AND NATATORIUM," was offered by Senators B. Kobayashi, Cobb, Hagino, Solomon, Chang, Machida and A. Kobayashi.

By unanimous consent, action on S.C.R. No. 4 was deferred until Friday, February 3, 1984.

A concurrent resolution (S.C.R. No. 5), entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OFFICE OF COLLECTIVE BARGAINING AND THE FIVE PUBLIC EMPLOYEE UNIONS TO RETURN TO THE BARGAINING TABLE," was offered by Senators Henderson, A. Kobayashi, Soares, George, Ajifu and Cobb.

By unanimous consent, action on S.C.R. No. 5 was deferred until Friday, February 3, 1984.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1 to 7) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 1), entitled: "SENATE RESOLUTION URGING

ACTION TO PROHIBIT DISCRIMINATION AGAINST DISTANT STATES THROUGH USE OF MAIL-IN DEADLINES," was offered by Senators Cobb, Yamasaki, Kuroda, Holt, Uwayne, A. Kobayashi, Henderson and Hagino.

By unanimous consent, action on S.R. No. 1 was deferred until Friday, February 3, 1984.

A resolution (S.R. No. 2), entitled: "SENATE RESOLUTION URGING ACTION TO ENSURE THAT TOLL-FREE TELEPHONE NUMBERS ARE AVAILABLE TO ALL CITIZENS OF THE UNITED STATES," was offered by Senators Cobb, Yamasaki, Kuroda, Holt, Uwayne, A. Kobayashi, Henderson and Hagino.

By unanimous consent, action on S.R. No. 2 was deferred until Friday, February 3, 1984.

A resolution (S.R. No. 3), entitled: "SENATE RESOLUTION URGING ALL ADMINISTRATIVE, LEGISLATIVE, AND JUDICIAL AGENCIES OF THIS STATE TO ESTABLISH CHILD CARE FACILITIES FOR THE CHILDREN OF ITS EMPLOYEES," was offered by Senators Young, George, A. Kobayashi and Solomon.

By unanimous consent, action on S.R. No. 3 was deferred until Friday, February 3, 1984.

A resolution (S.R. No. 4), entitled: "SENATE RESOLUTION REQUESTING A STUDY ASSESSING THE EFFECTIVENESS OF THE CONSUMER ADVOCATE IN REPRESENTING THE PUBLIC AT RATE HEARINGS BEFORE THE PUBLIC UTILITIES COMMISSION," was offered by Senators Cobb, Yamasaki, Kuroda, Holt, Uwayne, A. Kobayashi, Hagino, B. Kobayashi and Chang.

By unanimous consent, action on S.R. No. 4 was deferred until Friday, February 3, 1984.

A resolution (S.R. No. 5), entitled: "SENATE RESOLUTION URGING THE STATE OFFICE OF COLLECTIVE BARGAINING AND THE FIVE PUBLIC EMPLOYEE UNIONS TO RETURN TO THE BARGAINING TABLE," was offered by Senators Henderson, A. Kobayashi, Soares, George, Ajifu and Cobb.

By unanimous consent, action on S.R. No. 5 was deferred until Friday, February 3, 1984.

A resolution (S.R. No. 6), entitled: "SENATE RESOLUTION URGING THE STATE TO SELL EXCESS REAL PROPERTY, PERSONAL PROPERTY, AND EQUIPMENT TO GENERATE ADDITIONAL REVENUES," was offered by Senator A. Kobayashi.

By unanimous consent, action on S.R. No. 6 was deferred until Friday, February 3, 1984.

A resolution (S.R. No. 7), entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO EXPEDITE THE STATE TAKEOVER OF THE SADDLE ROAD ON THE ISLAND OF HAWAII," was offered by Senators Henderson, Solomon and Carpenter.

By unanimous consent, action on S.R. No. 7 was deferred until Friday, February 3, 1984.

#### INTRODUCTION OF SENATE BILL

On motion by Senator Kuroda, seconded by Senator Henderson and carried, the following bill passed First Reading by title, was referred to print and was placed on the calendar for further consideration on Friday, February 3, 1984:

#### Senate Bill

No. 1629-84 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Senators A. Kobayashi, Young, Kuroda, Carpenter, Yamasaki, Cobb, Toguchi, Ajifu, Uwayne, Henderson, Abercrombie and Cayetano.

#### STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 4-84) informing the Senate that Senate Bill Nos. 1492-84 to 1628-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

#### ORDER OF THE DAY

#### REFERRAL OF SENATE BILLS

By unanimous consent, consideration of Senate Bill Nos.

1492-84 to 1628-84 was deferred until Friday, February 3, 1984.

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:39 o'clock a.m.

## ADJOURNMENT

At 11:40 o'clock a.m., on motion by Senator Kuroda, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 3, 1984.

## THIRTEENTH DAY

Friday, February 3, 1984

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

The Divine Blessing was invoked by the Reverend Charles Oyabu, S.M., St. Elizabeth Church of Aiea, after which the Roll was called showing all Senators present with exception of Senators Toguchi and Young who were excused.

The Chair announced that he had read and approved the Journal of the Twelfth Day.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Kuroda, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Monday, February 6, 1984:

## Senate Bills

No. 1630-84 "A BILL FOR AN ACT RELATING TO DENTAL SERVICES."

Introduced by: Senator Cobb, by request.

No. 1631-84 "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT."

Introduced by: Senator Cobb, by request.

No. 1632-84 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Cobb, by request.

No. 1633-84 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Senators Carpenter, Solomon, Henderson, Abercrombie, Fernandes Salling, Cayetano, Toguchi, George and Kawasaki.

No. 1634-84 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Soares, Ajifu, George, Henderson and A.

Kobayashi.

No. 1635-84 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Soares, Henderson, George, Ajifu and A. Kobayashi.

No. 1636-84 "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL COMPANIES TAX CREDIT PROGRAM."

Introduced by: Senators Soares, Henderson, Ajifu, George and A. Kobayashi.

No. 1637-84 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senators Carpenter, Solomon, Henderson, Fernandes Salling, Cayetano, Toguchi, George, Aki, Kawasaki and Abercrombie.

No. 1638-84 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senators Carpenter, Henderson, Fernandes Salling, Cayetano, Toguchi, Abercrombie, George and Kawasaki.

No. 1639-84 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senators Carpenter, Solomon, Henderson, Fernandes Salling, Cayetano, Toguchi, Abercrombie and Kawasaki.

No. 1640-84 "A BILL FOR AN ACT RELATING TO FINANCIAL RESPONSIBILITY."

Introduced by: Senators Carpenter, Henderson, Fernandes Salling, George, Kawasaki, Cayetano, Solomon, Toguchi and Abercrombie.

No. 1641-84 "A BILL FOR AN ACT RELATING TO CONVICTED PERSONS."

Introduced by: Senators Carpenter, Chang, Cayetano, Kuroda, Hagino, Henderson, Fernandes Salling, Soares, Toguchi, George, Solomon and Abercrombie.

No. 1642-84 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."

Introduced by: Senators Cobb, Ajifu, A. Kobayashi, Fernandes Salling, Kawasaki, Kuroda, Carpenter and Yamasaki.

No. 1643-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Cobb, Ajifu, Fernandes Salling, B. Kobayashi, Kawasaki, Kuroda, Carpenter and Soares.

No. 1644-84 "A BILL FOR AN ACT RELATING TO COUNTY ZONING."

Introduced by: Senator Kawasaki.

No. 1645-84 "A BILL FOR AN ACT RELATING TO TRAFFIC CONTROL."

Introduced by: Senator Kawasaki.

No. 1646-84 "A BILL FOR AN ACT RELATING TO EXPORT TRADE."

Introduced by: Senators Henderson, Soares, Ajifu, George and A. Kobayashi.

No. 1647-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT."

Introduced by: Senators Ajifu, Henderson, Soares, George and A. Kobayashi.

No. 1648-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH."

Introduced by: Senators Ajifu, Henderson, Soares, George and A. Kobayashi.

No. 1649-84 "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES AND COSTS AND EXPENSES OF LITIGATION."

Introduced by: Senators Henderson, Ajifu, Soares, George and A. Kobayashi.

No. 1650-84 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senators Henderson, Soares, Ajifu, George and A. Kobayashi.

No. 1651-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Henderson, Soares, Ajifu, George and A. Kobayashi.

No. 1652-84 "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVESDROPPING."

Introduced by: Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

#### STANDING COMMITTEE REPORT

Senator George, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 5-84) informing the Senate that Senate Bill No. 1629-84 has been printed and has been distributed to the members of the Senate.

On motion by Senator Kuroda, seconded by Senator George and carried, the report of the Committee was adopted.

#### ORDER OF THE DAY

##### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Wednesday, February 1, 1984:

Senate Bills	Referred to:
No. 1492-84	Committee on Ways and Means
No. 1493-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1494-84	Committee on Human Resources
No. 1495-84	Committee on Culture and Arts, then to the Committee on Ways and Means
No. 1496-84	Committee on Judiciary
No. 1497-84	Committee on Judiciary
No. 1498-84	Committee on Government Operations and County Relations
No. 1499-84	Committee on Government Operations and County Relations
No. 1500-84	Committee on



- Government Operations and County Relations, then to the Committee on Ways and Means
- No. 1501-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means
- No. 1502-84 Committee on Agriculture, then to the Committee on Ways and Means
- No. 1503-84 Committee on Economic Development, then to the Committee on Ways and Means
- No. 1504-84 Committee on Health, then to the Committee on Judiciary
- No. 1505-84 Committee on Judiciary
- No. 1506-84 Committee on Judiciary
- No. 1507-84 Committee on Ways and Means
- No. 1508-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means
- No. 1509-84 Committee on Judiciary, then to the Committee on Ways and Means
- No. 1510-84 Committee on Federal Programs
- No. 1511-84 Committee on Federal Programs, then to the Committee on Ways and Means
- No. 1512-84 Committee on Health
- No. 1513-84 Committee on Health
- No. 1514-84 Committee on Health, then to the Committee on Ways and Means
- No. 1515-84 Committee on Health
- No. 1516-84 Committee on Health
- No. 1517-84 Committee on Health
- No. 1518-84 Committee on Economic Development
- No. 1519-84 Committee on Transportation
- No. 1520-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1521-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1522-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1523-84 Committee on Human Resources
- No. 1524-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1525-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1526-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1527-84 Committee on Human Resources, then to the Committee on Judiciary
- No. 1528-84 Committee on Economic Development
- No. 1529-84 Committee on Economic Development
- No. 1530-84 Committee on Economic Development
- No. 1531-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1532-84 Committee on Housing and Urban Development
- No. 1533-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1534-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1535-84 Committee on Housing and Urban Development
- No. 1536-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1537-84 Committee on Consumer Protection and Commerce
- No. 1538-84 Committee on Consumer Protection and Commerce
- No. 1539-84 Committee on Consumer Protection and Commerce
- No. 1540-84 Committee on Consumer Protection and Commerce
- No. 1541-84 Committee on Consumer Protection and Commerce,

then to the Committee on Ways and Means	No. 1563-84	Committee on Consumer Protection and Commerce
No. 1542-84	Committee on Consumer Protection and Commerce	No. 1564-84
No. 1543-84	Committee on Consumer Protection and Commerce	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 1544-84	Committee on Consumer Protection and Commerce	No. 1565-84
No. 1545-84	Committee on Consumer Protection and Commerce	Committee on Consumer Protection and Commerce
No. 1546-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	No. 1566-84
No. 1547-84	Committee on Consumer Protection and Commerce	Committee on Judiciary
No. 1548-84	Committee on Consumer Protection and Commerce	No. 1567-84
No. 1549-84	Committee on Consumer Protection and Commerce	Committee on Judiciary
No. 1550-84	Committee on Consumer Protection and Commerce	No. 1568-84
No. 1551-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	Committee on Judiciary
No. 1552-84	Committee on Consumer Protection and Commerce	No. 1569-84
No. 1553-84	Committee on Consumer Protection and Commerce	Committee on Housing and Urban Development
No. 1554-84	Committee on Consumer Protection and Commerce	No. 1570-84
No. 1555-84	Committee on Consumer Protection and Commerce	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 1556-84	Committee on Consumer Protection and Commerce	No. 1571-84
No. 1557-84	Committee on Consumer Protection and Commerce	Committee on Judiciary
No. 1558-84	Committee on Consumer Protection and Commerce	No. 1572-84
No. 1559-84	Committee on Consumer Protection and Commerce	Committee on Housing and Urban Development
No. 1560-84	Committee on Consumer Protection and Commerce	No. 1573-84
No. 1561-84	Committee on Consumer Protection and Commerce	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 1562-84	Committee on Consumer Protection and Commerce	No. 1574-84
		Committee on Judiciary
		No. 1575-84
		Committee on Youth and Elderly Affairs
		No. 1576-84
		Committee on Youth and Elderly Affairs
		No. 1577-84
		Committee on Ways and Means
		No. 1578-84
		Committee on Ways and Means
		No. 1579-84
		Committee on Ways and Means
		No. 1580-84
		Committee on Ways and Means
		No. 1581-84
		Committee on Ways and Means
		No. 1582-84
		Committee on Transportation, then to the Committee on Judiciary
		No. 1583-84
		Committee on Transportation, then to the Committee on

Judiciary	No. 1606-84	Committee on Judiciary
No. 1584-84	Committee on Higher Education, then to the Committee on Ways and Means	No. 1607-84
No. 1585-84	Committee on Health	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 1586-84	Committee on Health	No. 1608-84
No. 1587-84	Committee on Consumer Protection and Commerce	Committee on Judiciary
No. 1588-84	Committee on Housing and Urban Development	No. 1609-84
No. 1589-84	Committee on Ways and Means	Committee on Youth and Elderly Affairs, then to the Committee on Ways and Means
No. 1590-84	Committee on Consumer Protection and Commerce	No. 1610-84
No. 1591-84	Committee on Legislative Management	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 1592-84	Committee on Human Resources	No. 1611-84
No. 1593-84	Committee on Human Resources, then to the Committee on Ways and Means	Committee on Consumer Protection and Commerce
No. 1594-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1612-84
No. 1595-84	Committee on Human Resources	Committee on Agriculture, then to the Committee on Ways and Means
No. 1596-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1613-84
No. 1597-84	Committee on Transportation	Committee on Human Resources, then to the Committee on Judiciary
No. 1598-84	Committee on Consumer Protection and Commerce	No. 1614-84
No. 1599-84	Committee on Transportation	Committee on Human Resources, then to the Committee on Judiciary
No. 1600-84	Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means	No. 1615-84
No. 1601-84	Committee on Judiciary	Committee on Human Resources, then to the Committee on Judiciary
No. 1602-84	Committee on Consumer Protection and Commerce	No. 1616-84
No. 1603-84	Committee on Judiciary	Committee on Judiciary, then to the Committee on Ways and Means
No. 1604-84	Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means	No. 1617-84
No. 1605-84	Committee on Culture and Arts	Committee on Transportation, then to the Committee on Judiciary
		No. 1618-84
		Committee on Transportation, then to the Committee on Judiciary
		No. 1619-84
		Committee on Ecology, Environment and Recreation
		No. 1620-84
		Committee on Judiciary
		No. 1621-84
		Committee on Ways and Means
		No. 1622-84
		Committee on Ways and Means
		No. 1623-84
		Committee on Ways and Means
		No. 1624-84
		Committee on Ways and Means
		No. 1625-84
		Committee on Ways and Means
		No. 1626-84
		Committee on Government Operations and County

Relations, then to the Committee on Ways and Means

No. 1627-84 Committee on Human Resources

No. 1628-84 Committee on Human Resources

The President then made the following committee assignment of a bill that was introduced on Thursday, February 2, 1984:

Senate Bill Referred to:

No. 1629-84 Committee on Transportation

#### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, February 2, 1984:

Senate Concurrent Resolutions Referred to:

No. 1 Committee on Consumer Protection and Commerce

No. 2 Committee on Consumer Protection and Commerce

No. 3 Committee on Human Resources

No. 4 Committee on Ecology, Environment and Recreation

No. 5 Committee on Human Resources, then to the Committee on Ways and Means

#### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, February 2, 1984:

Senate Resolutions Referred to:

No. 1 Committee on Consumer Protection and Commerce

No. 2 Committee on Consumer Protection and Commerce

No. 3 Committee on Human Resources

No. 4 Committee on Consumer Protection and Commerce

No. 5 Committee on Human Resources, then to the Committee on Ways and Means

No. 6 Committee on Government Operations and County Relations, then to the Committee on Ways and Means

No. 7 Committee on Transportation

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:43 o'clock a.m.

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

"Mr. President, I rise on a point of inquiry addressed specifically to the chairman of the Ways and Means Committee."

The Chair then asked the chairman of the Ways and Means Committee if he would yield to a question and Senator Yamasaki having answered in the affirmative, Senator Kawasaki continued:

"Mr. President, when you called for a discussion on the legislative expenses bill, you went through it so fast that you didn't see my readiness to stand up. May I inquire of the chairman of the Ways and Means Committee ... the legislative expenses bill provided for wage increases for the agencies involved, the Ombudsman's office, the Legislative Auditor's office, the Legislative Reference Bureau and the Ethics Commission employees ... the bill provides a formula of increasing the wages by 2.8 percent for this year, is that correct?"

Senator Yamasaki answered: "That is correct, Mr. President. The request of the agencies was for a 5 percent adjustment this year; however, we have scaled it down to 2.88 percent, which is the offer on the table for public employees at this time."

Senator Kawasaki continued: "That's the administration's proposal?"

Senator Yamasaki answered: "That's correct, Mr. President."

Senator Kawasaki continued: "Mr. President, I don't think we can be inconsistent with this formula that we

have already passed, could we? I ask the Republicans to consider this."

Senator Soares then responded: "Mr. President, as is the usual case, I think Senator Kawasaki is three days late."

At this time, Senator Ajifu introduced to the members of the Senate Mr. Alfred Lee, chairman of the Federal Agriculture Stabilization and Conservation Service, and Mr.

Paul Lau, chairman of the Narcissus Festival of the Chinese Chamber of Commerce, who were sitting in the Senate gallery.

#### ADJOURNMENT

At 11:47 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 6, 1984.

## FOURTEENTH DAY

Monday, February 6, 1984

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

The Divine Blessing was invoked by Mr. Robert Herlinger of First Church of Christ Scientist, after which the Roll was called showing all Senators present with the exception of Senators Carpenter, Solomon and Toguchi who were excused.

The Chair announced that he had read and approved the Journal of the Thirteenth Day.

At this time, the following Senators introduced their respective "shadows" participating in the University of Hawaii, Hawaii Cooperative Extension Service, Family Community Leadership Career Shadowing Program:

Senator Ajifu - Mrs. Katsuko Enoki and Mrs. Ellen Ching;

Senator Young - Namio Oyama from Lanai and Jo Sayer from Maui;

Senator Soares - Judy Mortemore and Nardi Hunt;

Senator Chang - Clara Sabas from Molokai;

Senator Kobayashi - Verna Keyes and Alex Celebrado from Palama Settlement;

Senator Abercrombie - Frances Au and Alice McGovern;

Senator Machida - Tensie Lee from Kaneohe;

Senator George - Katherine Wong; and

Senator Cobb - Crawford Sullivan and Patricia Mieko Smith.

Senator Kuroda then rose and stated:

"I have no shadow, I have light. The person I am going to introduce is someone who brings enlightenment of the virtues of Little League throughout the world.

"Mr. President, ladies and gentlemen, we are privileged this morning to have sitting with us and visiting, the president and chief executive of Little League Baseball

from Williamsport, Pennsylvania. He is in Hawaii meeting with the the Hawaii State Little League officials and will be departing for the Orient tonight.

"Dr. Hale will be meeting with heads of state including Governor Bordallo of Guam, Prime Minister Nakasone of Japan and the President of the Philippines, in addition to meeting with Little League officials in Taiwan and Korea.

"Dr. Hale is a native of Hardy, Nebraska, and started teaching at the college level in 1949 and earned his Ph.D. degree from New York University. He specialized in physiology of muscular activity and has conducted numerous research studies in areas of sports medicine.

"Associated with Little League baseball since 1955, he became president in 1973 and assumed the position of president and chief executive officer in 1983. He is the father of three grown children and has five grandchildren. Like our own Senator Mary George, he has found the fountain of youth somewhere.

"Ladies and gentlemen, it is my pleasure to introduce Dr. Creighton J. Hale. Sitting with him is Mr. Bob Kawamoto, director of Little League baseball in Hawaii, who recently retired from government service as an engineer in waste water management with the City and County of Honolulu.

"Sitting in the audience is the treasurer of the Hawaii State Little League, Mr. Yoshi Shiroma."

Dr. Hale and Mr. Kawamoto were presented with leis by Senators George and Kobayashi.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 112 and 113) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov.

Msg. No. 112), transmitting various reports prepared by the Department of Social Services and Housing, Long Term Care Planning Group, in response to Senate Resolution 126 (1983), relating to a policy on long term care for the elderly, as follows:

1. Designation of a Lead Agency for Long Term Care for the Elderly in Hawaii, dated December 1983;
2. Designation of a Lead Agency for Long Term Care for the Elderly in Hawaii, Executive Summary, dated December 1983;
3. Hawaii Long Term Care Channeling Demonstration Project, Progress Report, dated December 1983;
4. Framework for Planning: Long Term Care Programs for the Elderly in Hawaii, dated December 1983; and
5. Long Term Care for the Elderly, Executive Summary, dated December 1981;

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 113), transmitting a report prepared by the Department of Labor and Industrial Relations entitled, "Report to 1984 Legislature, January 1984, on the Quick Kokua Program, Farrington High School, Waianae High School," was referred to the Committee on Human Resources.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 6) was read by the Clerk and was disposed of as follows:

A concurrent resolution (S.C.R. No. 6), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO EXPEDITE THE STATE TAKEOVER OF THE SADDLE ROAD ON THE ISLAND OF HAWAII," was offered by Senators Henderson, Carpenter and Solomon.

By unanimous consent, S.C.R. No. 6 was referred to the Committee on Transportation.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred

to print and were placed on the calendar for further consideration on Tuesday, February 7, 1984:

#### Senate Bills:

No. 1653-84 "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF SALES AND GROSS PROCEEDS OF SALES TO THE STATE AND ITS POLITICAL SUBDIVISIONS."

Introduced by: Senators Soares, Ajifu, George, Henderson and A. Kobayashi.

No. 1654-84 "A BILL FOR AN ACT RELATING TO RENT CONTROL."

Introduced by: Senator Abercrombie.

No. 1655-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Abercrombie.

No. 1656-84 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senator Abercrombie.

No. 1657-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senators Kawasaki, Abercrombie, Fernandes Salling, Cayetano, Carpenter, Chang and A. Kobayashi.

No. 1658-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senators Kawasaki, Abercrombie, Fernandes Salling, Cayetano and Carpenter.

No. 1659-84 "A BILL FOR AN ACT RELATING TO NEW EMPLOYER TAX CREDITS."

Introduced by: Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

No. 1660-84 "A BILL FOR AN ACT RELATING TO PRIVATE ENTERPRISE."

Introduced by: Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

No. 1661-84 "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW."

Introduced by: Senators Henderson, Soares, George, A. Kobayashi and Ajifu.

No. 1662-84 A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINERS AND CUPS."

Introduced by: Senators Henderson, A. Kobayashi and Soares.

No. 1663-84 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT."

Introduced by: Senators Carpenter, Cayetano, Toguchi, Abercrombie, George, Fernandes Salling, Kawasaki, A. Kobayashi, Kuroda and Young.

No. 1664-84 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senators Carpenter, Henderson, Fernandes Salling, Cayetano, Toguchi, Kawasaki, A. Kobayashi, Cobb, Kuroda, Young, Solomon, Abercrombie and George.

No. 1665-84 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senators Carpenter, Fernandes Salling, Cayetano, Toguchi, Abercrombie, Kawasaki, Machida, A. Kobayashi, Kuroda and Young.

No. 1666-84 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senators Carpenter, Henderson, Fernandes Salling, Cayetano, Toguchi, Abercrombie, George, Machida, A. Kobayashi, Cobb, Kuroda and Solomon.

No. 1667-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII OF THE HAWAII CONSTITUTION TO PROVIDE FOR NONPARTISAN ELECTIONS FOR COUNTY PROSECUTING ATTORNEYS."

Introduced by: Senators Carpenter, Henderson, Fernandes Salling, Toguchi, Abercrombie, Kawasaki, A. Kobayashi, Cobb, Kuroda and Young.

## STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 6-84) informing the Senate that Senate Bill Nos. 1630-84 to 1652-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

## ORDER OF THE DAY

### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Friday, February 3, 1984:

Senate Bills Referred to:

No. 1630-84 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 1631-84 Committee on Consumer Protection and Commerce

No. 1632-84 Committee on Consumer Protection and Commerce

No. 1633-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means

No. 1634-84 Committee on Ways and Means

No. 1635-84 Committee on Ways and Means

No. 1636-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1637-84 Committee on Transportation, then to the Committee on Judiciary

No. 1638-84 Committee on Transportation, then to the Committee on Ways and Means

No. 1639-84 Committee on Consumer Protection and Commerce

No. 1640-84 Committee on Consumer Protection and Commerce

No. 1641-84 Committee on Judiciary, then to the Committee on Ways and Means



- No. 1642-84 Committee on Consumer Protection and Commerce
- No. 1643-84 Committee on Human Resources
- No. 1644-84 Committee on Housing and Urban Development
- No. 1645-84 Committee on Transportation
- No. 1646-84 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
- No. 1647-84 Committee on Agriculture, then to the Committee on Ways and Means
- No. 1648-84 Committee on Agriculture, then to the Committee on Ways and Means
- No. 1649-84 Committee on Judiciary
- No. 1650-84 Committee on Ways and Means
- No. 1651-84 Committee on Human Resources
- No. 1652-84 Committee on Judiciary

At this time, Senator Fernandes Salling rose and stated:

"I rise to a point of personal privilege. This statement is made in reference to the outcome of the recent Nukoli election. No matter which way Kauaians voted on the issue, I think we are all happy that the

election is over. I know I was getting very tired of the some of the rhetoric being used, for instance that all of those that were for the hotel had been paid off or all of those who were against were rich newcomers who didn't care about the needs of the local people.

"The most important issue in this campaign was the integrity of the electoral process itself. Kauai has the distinction of being a political laboratory for the state, and perhaps the nation as well. Because Kauai's initiative procedure is still in the experimental stage, it is significant that a group such as this realized its potential as a tool for change and used it so effectively.

"We have all learned some very important lessons, and the people's vote of Hawaii, as well as the democratic process, will benefit as a result. Unfortunately, the immediate fate of the hotel will remain uncertain unless both sides can now sit down and work out a compromise to prevent more lengthy and expensive court proceedings. It is my sincere belief that it is in everyone's best interest to do this and I urge them to make a good faith effort to this end. Thank you."

#### ADJOURNMENT

At 11:54 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 7, 1984.

## FIFTEENTH DAY

Tuesday, February 7, 1984

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

The Divine Blessing was invoked by the Reverend Elden Buck of the Korean Christian Church, after which the Roll was called showing all Senators present with the exception of Senators Holt, Machida and Mizuguchi who were excused.

The Chair announced that he had read and approved the Journal of the Fourteenth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 114 and 115) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 114), submitting for consideration and consent to the First Circuit Court, the nomination of Marie N. Milks, as Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 115), transmitting the First Annual Report of the High Technology Development Corporation, Department of Planning and Economic Development, for the Year Ending December 31, 1983, in response to the requirements of Chapter 206M, HRS, was referred to the Committee on Economic Development.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 17 and 18) were read by the Clerk and were disposed of as follows:

A communication from the Office of the Auditor (Dept. Com. No. 17), transmitting a report entitled, "Study of the Hawaii Program of the Western Interstate Commission for Higher Education," Report No. 84-11, February 1984, in response to Senate Concurrent Resolution No. 92 (1983), was referred to the Committee on Higher Education.

A communication from the Office of

the Auditor (Dept. Com. No. 18), transmitting a report entitled, "Second Status Report, Grants, Subsidies, and Purchases of Service, Chapter 42, Hawaii Revised Statutes," Report No. 84-12, February 1984, was referred to the Committee on Government Operations and County Relations.

## SENATE CONCURRENT RESOLUTION

A concurrent resolution (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 offered by Senators George, Henderson, A. Kobayashi, Ajifu, Soares, Carpenter, Holt, Aki, Fernandes Salling, Cobb, Kawasaki, Cayetano, Young, Abercrombie and Uwaine, and was read by the Clerk.

By unanimous consent, S.C.R. No. 7 was referred to the Committee on Federal Programs, then to the Committee on Ways and Means.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Wednesday, February 8, 1984:

## Senate Bills

No. 1668-84 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."

Introduced by: Senator Uwaine.

No. 1669-84 "A BILL FOR AN ACT RELATING TO ACTIONS."

Introduced by: Senator Uwaine.

No. 1670-84 "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF INTERPRETERS FOR HEARING-IMPAIRED INDIVIDUALS."

Introduced by: Senator Uwaine.

No. 1671-84 "A BILL FOR AN

## ACT RELATING TO ARREST."

Introduced by: Senators Cobb, Kuroda, Kawasaki, Carpenter, Yamasaki, Soares, Chang, Uwayne and Fernandes Salling.

## No. 1672-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senators Cobb, B. Kobayashi, Uwayne, George, Yamasaki and Young.

## No. 1673-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE."

Introduced by: Senators Cobb, Yamasaki, B. Kobayashi, Carpenter, Soares, Fernandes Salling and Aki.

## No. 1674-84 "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES."

Introduced by: Senator Cobb, by request.

## No. 1675-84 "A BILL FOR AN ACT RELATING TO PSYCHOLOGY."

Introduced by: Senator Cobb, by request.

## No. 1676-84 "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES."

Introduced by: Senator Fernandes Salling, by request.

## No. 1677-84 "A BILL FOR AN ACT RELATING TO RETIREMENT."

Introduced by: Senators Kawasaki, Carpenter, Abercrombie, Toguchi, Fernandes Salling, Aki, George, Cayetano, A. Kobayashi, Uwayne and Ajifu.

## No. 1678-84 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."

Introduced by: Senators Kawasaki, Abercrombie, Fernandes Salling, Carpenter, Toguchi, George, Cayetano, Cobb, B. Kobayashi, A. Kobayashi, Uwayne, Chang, Kuroda and Ajifu.

## No. 1679-84 "A BILL FOR AN ACT RELATING TO BOARDS."

Introduced by: Senators Machida, Mizuguchi, Holt, Kuroda, Cayetano, A. Kobayashi, Yamasaki, B.

Kobayashi, Chang, Fernandes Salling, Uwayne, Soares, Henderson, Young, Ajifu, Toguchi, Aki, Solomon, Carpenter, Abercrombie and Wong.

## No. 1680-84 "A BILL FOR AN ACT RELATING TO COSTS AND FEES."

Introduced by: Senators B. Kobayashi, Uwayne, Cobb and Young.

## No. 1681-84 "A BILL FOR AN ACT RELATING TO POSITION TRANSFERS."

Introduced by: Senators B. Kobayashi, Yamasaki, Uwayne, Cobb and Young.

## No. 1682-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Young.

## No. 1683-84 "A BILL FOR AN ACT RELATING TO LAND."

Introduced by: Senators Henderson, Soares, George and A. Kobayashi.

## No. 1684-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Introduced by: Senator B. Kobayashi.

## No. 1685-84 "A BILL FOR AN ACT RELATING TO THE TAXATION OF LIQUOR."

Introduced by: Senators Cayetano, Ajifu, A. Kobayashi, Abercrombie, Toguchi, Cobb, Fernandes Salling, Kawasaki and Kuroda.

## No. 1686-84 "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD."

Introduced by: Senators Cayetano, Fernandes Salling, Ajifu, A. Kobayashi, Abercrombie, Toguchi and Young.

## No. 1687-84 "A BILL FOR AN ACT RELATING TO THE BUDGET."

Introduced by: Senators Cayetano, Ajifu, A. Kobayashi, Abercrombie, Toguchi, Fernandes Salling, Kawasaki and Kuroda.

## No. 1688-84 "A BILL FOR AN ACT RELATING TO LIQUOR"

## LICENSES."

Introduced by: Senator B. Kobayashi.

No. 1689-84 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Senator B. Kobayashi.

## STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 7-84) informing the Senate that Senate Bill Nos. 1653-84 to 1667-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

## ORDER OF THE DAY

REFERRAL OF  
SENATE BILLS

The President made the following committee assignments of bills that were introduced on Monday, February 6, 1984:

Senate Bills Referred to:

No. 1653-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means

No. 1654-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means

No. 1655-84 Committee on Human Resources, then to the Committee on Judiciary

No. 1656-84 Committee on Ways and Means

No. 1657-84 Committee on Human Resources, then to the Committee on Ways and Means

No. 1658-84 Committee on Human Resources, then to the Committee on Ways and Means

No. 1659-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1660-84 Committee on Government Operations and County

Relations, then to the Committee on Ways and Means

No. 1661-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1662-84 Committee on Ecology, Environment and Recreation, then to the Committee on Ways and Means

No. 1663-84 Committee on Judiciary

No. 1664-84 Committee on Transportation, then to the Committee on Judiciary

No. 1665-84 Committee on Consumer Protection and Commerce

No. 1666-84 Committee on Consumer Protection and Commerce

No. 1667-84 Committee on Judiciary

RE-REFERRAL OF  
SENATE RESOLUTION

The President made the following re-referral of a resolution that was offered on Thursday, February 2, 1984:

Senate Resolution Referred to:

No. 4 Committee on Economic Development

## MISCELLANEOUS COMMUNICATION

A study (Misc. Com. No. 3), entitled, "Hawaii's Electronics Industry: An Analysis with Recommendations," Technological Impact Study Series, dated December 1983, prepared by Robert Allen for the Commission on Manpower and Full Employment, Department of Labor and Industrial Relations, was read by the Clerk and was referred to the Committee on Human Resources.

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

The Senate reconvened at 11:48 o'clock a.m.

## ADJOURNMENT

At 11:49 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 8, 1984.

## SIXTEENTH DAY

Wednesday, February 8, 1984

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

The Divine Blessing was invoked by Lt. Col. A. L. Hockaday, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senator Henderson who was excused.

The Chair announced that he had read and approved the Journal of the Fifteenth Day.

Senator Solomon then made the following introduction to the members of the Senate:

"Mr. President, it gives me great honor, at this time, to acknowledge an old-time kamaaina family who has been in the entertainment business for a long time, and it gives me a personal privilege because my mother's family, the Beamer family, and the Reiplinger family go way back.

"The Senate has signed this resolution and even if it is in time of sorrow for their ohana, it still gives me great pride in presenting this to them."

Senator Solomon then read the resolution to the members of the Senate and continued:

"At this time I would like to acknowledge the ohana here with us today; first, his wife, Leesa Clark Reiplinger; his mom and dad, Frank and Lila Reiplinger; his sister Deedee (Mary Leslie Ahlan); sister, Holly Ann Lau; aunt, Mrs. Marion Kanekapolei Diamond and cousin, Van Horn Diamond.

"Also, sitting in the gallery are Mr. and Mrs. Clark, parents of Leesa, nephew Keolu Lau, and my cousin, 'Squeeze' Kamana."

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 116), submitting for consideration and consent to the First Circuit Court, the nomination of Edwin H. Honda, as Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

## DEPARTMENTAL COMMUNICATION

A communication from the Office of the Auditor (Dept. Com. No. 19), transmitting copies of a report entitled, "Follow-up Budget Review and Analysis of the Lower Education Program (Department of Education)," February 1984 (Report No. 84-13), was read by the Clerk and was referred to the Committee on Education.

## SENATE RESOLUTION

The following resolutions (S.R. Nos. 8 and 9) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 8), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF ALL STATUTORILY CREATED BOARDS, COMMISSIONS, AND INDEPENDENT AGENCIES," was offered by Senators Soares, A. Kobayashi, Henderson, George and Ajifu.

By unanimous consent, S.R. No. 8 was referred to the Committee on Government Operations and County Relations, then to the Committee on Legislative Management.

A resolution (S.R. No. 9), entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWELFTH LEGISLATURE OF THE STATE OF HAWAII," was offered by Senator Chang.

By unanimous consent, action on S.R. No. 9 was deferred until Thursday, February 9, 1984.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Thursday, February 9, 1984:

## Senate Bills

No. 1690-84 "A BILL FOR AN ACT RELATING TO COUNTY ADVISORY BODIES."

Introduced by: Senator B. Kobayashi.

No. 1691-84 "A BILL FOR AN ACT RELATING TO THE CHILDREN'S TRUST FUND."

Introduced by: Senators B. Kobayashi, Holt, Machida, Soares, Ajifu and Hagino.

No. 1692-84 "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE."

Introduced by: Senator Fernandes Salling, by request.

## STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 8-84) informing the Senate that Senate Bill Nos. 1668-84 to 1689-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 9-84) recommending that the Senate consent to the nomination of Patrick K.S.L. Yim as Judge of the Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 3.

By unanimous consent, action on Stand. Com. Rep. No. 9-84 and Gov. Msg. No. 3 was deferred until Thursday, February 9, 1984.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

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

Senator Carpenter rose and stated:

"Mr. President, may I make a late

introduction...Mrs. Margaret Yang and my mother, Louise Carpenter."

Senator Chang then rose and stated:

"Mr. President, I'd like to introduce today the Queen and Court of the 1984 35th Annual Narcissus Festival.

"Accompanying them are the officers of the Chinese Chamber of Commerce. I'd like to introduce them very quickly, before the Queen and her court. First, Mr. Wallace W. Y. Wong, president of the Chinese Chamber of Commerce; Paul C. P. Lau, president-elect and Narcissus Festival general chairman; and Vernon W.C. Ching, chairman of the Narcissus Queen Pageant.

"The members of the court here with us today include (and I will ask the appropriate Senator who represents the district to present them with a lei and certificate); first, the Fourth Princess Jennifer Mew Lin Lu, who will be presented with a lei and certificate by Senator Yamasaki; Third Princess Lynette Yuk Choy Ho and Second Princess Karen Mei Lik Tom were unable to be with us today; from the lovely land of Kaneohe, we have the First Princess Pamela Ann Mew Lin Chong, who will be greeted by Senator Toguchi. And, of course, with us is the Queen of the 35th Annual Narcissus Pageant. Senator Cobb will do the honors."

Senator Cobb rose and stated:

"Thank you, Mr. President. First of all, I'm glad the judges had the good sense to pick a lovely lady from my district to give me this honor. I'd like to introduce the 1984 Narcissus Queen, who was born in Taipei, the daughter of Mr. and Mrs. Kenneth Liu. She is a graduate of University High School and is a senior at the University of Hawaii where she is majoring in Japanese and economics. She is employed part-time by Tina's Ltd., enjoys playing the piano, Chinese calligraphy, reading, poetry, tennis, swimming, bowling, aerobics, ballet, jazz dancing, and has earned a black belt in karate. She is fluent in Chinese and hopes to obtain a masters degree in business administration and to pursue a career in international business.

"Ladies and gentlemen, members of the Senate, it's a distinct pleasure to introduce the 1984 Narcissus Queen, Carol Lu-Yung Liu.

"At this time, Mr. President, I'd like to request a brief recess so that Senators and anyone interested in a karate black belt can greet the Queen and her court and I can present her with a lei and certificate. Thank you."

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

At this time, the Chair stated:

"As a tradition here in the Senate, we've always invited the Narcissus Queen and the Cherry Blossom Queen to say a few words to you. This morning it gives me a great deal of pleasure to introduce to you the lovely Queen."

Queen Carol Lu-Yung Liu then addressed the members of the Senate as follows:

"It is an honor to be here on behalf of the Chinese Chamber of Commerce and my court this morning, meeting all of you. I'm sure you are doing your best for us and we really appreciate it. And I would like to wish all of you a very Happy New Year. Thank you."

The Chair thanked Queen Carol.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

#### ORDER OF THE DAY

##### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, February 7, 1984:

Senate Bills Referred to:

No. 1668-84 Committee on Government Operations and County Relations, then to the Committee on Transportation

No. 1669-84 Committee on Judiciary

No. 1670-84 Committee on Judiciary, then to the Committee on Ways and Means

No. 1671-84 Committee on Judiciary

No. 1672-84 Committee on Human Resources

No. 1673-84 Jointly to the Committee on Human Resources and the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means

No. 1674-84 Committee on Judiciary

No. 1675-84 Committee on Consumer Protection and Commerce

No. 1676-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means

No. 1677-84 Committee on Human Resources, then to the Committee on Ways and Means

No. 1678-84 Committee on Government Operations and County Relations, then to the Committee on Transportation

No. 1679-84 Committee on Government Operations and County Relations

No. 1680-84 Committee on Judiciary

No. 1681-84 Committee on Human Resources, then to the Committee on Ways and Means

No. 1682-84 Committee on Hawaiian Programs

No. 1683-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1684-84 Committee on Judiciary, then to the Committee on Ways and Means

No. 1685-84 Committee on Ways and Means

No. 1686-84 Committee on Federal Relations

No. 1687-84 Committee on Ways and Means

No. 1688-84 Committee on Government Operations and County Relations

No. 1689-84 Committee on Government Operations and County Relations

The Chair then made the following announcement:

"The Chair would like to announce

the realignment and consolidation of the committee structure of the Senate. Standing committee chairmen of the Senate are as follows:

Committee on Agriculture - Senator Hagino, Chairman. The scope of this committee will also include aquaculture;

Committee on Consumer Protection and Commerce - Senator Cobb, Chairman;

Committee on Economic Development - Senator Aki, Chairman. The scope of this committee will include matters relating to the physical environment;

Committee on Education - Senator Solomon, Chairman. This committee will incorporate the Committee on Culture and Arts;

Committee on Government Operations and County Relations - Senator Kawasaki, Chairman. This committee will incorporate the Committee on Federal Relations;

Committee on Health - Senator Machida, Chairman. The scope of this committee will include environmental health;

Committee on Higher Education - Senator Holt, Chairman;

Committee on Housing and Urban Development - Senator Young, Chairman. This committee will also incorporate the Committee on Hawaiian Programs;

Committee on Human Resources - Senator Mizuguchi, Chairman. This committee will also incorporate the Committee on Youth and Elderly Affairs;

Committee on Judiciary - Senator Chang, Chairman;

Committee on Legislative Management - Senator Young, Chairman;

Committee on Tourism - Senator Kuroda, Chairman. The scope of this committee will include outdoor recreation, state parks, historic sites development and protection;

Committee on Transportation - Senator Bert Kobayashi, Chairman; and

Committee on Ways and Means - Senator Yamasaki, Chairman;

"The Special Committee on Red Tape is herewith dissolved.

"The appropriate re-referral of bills and other matters will be made to conform to the new committee structure. The Chair is working on the complete membership roster for all committees and this will be announced tomorrow."

Senator Abercrombie inquired:

"Mr. President, do you contemplate any changes in the leadership?"

The Chair replied: "No. Any other inquiries of the Chair?"

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

Senator Abercrombie rose and inquired:

"Mr. President, I have a point of inquiry. I want to make sure I understand what your announcement was. Are you saying that the committees have been changed prior to the rules being passed, or is this an indication of what you would like to do?"

The Chair replied: "This is an indication of what I would like to do."

Senator Abercrombie then stated:

"Very good. Mr. President, perhaps you can edify me so that I can make a proper evaluation of what you propose. If I read this correctly, under the Committee on Tourism you have outdoor recreation, state parks and historic sites development, as opposed to having it, for example, in the Committee on Economic Development, which also does incorporate physical environment. Is it your intention, then, that the people of this state will have their recreation and state parks and historic sites development under the control of tourists?"

The Chair replied: "No."

Senator Abercrombie again asked:

"Do you think it's appropriate or would you consider, at this time, reconsidering whether our recreation and state parks activities ought to be tied into tourism, which I think has an entirely different set of responsibilities. The Committee on Tourism says, its scope shall be those



programs related to tourism. And you have included as an added extra, recreation for our people, state parks, and historic sites development, which might more properly be placed in another committee. Is that in error, or is that your intention?"

The Chair replied: "That is my intention. Any further inquiries of

the Chair?"

#### ADJOURNMENT

At 12:07 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 9, 1984.

## SEVENTEENTH DAY

Thursday, February 9, 1984

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

The Divine Blessing was invoked by Pastor Joseph Sanders of Nuuanu Baptist Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Sixteenth Day.

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

Senator A. Kobayashi introduced a kindergarten class from St. Clement's School and their teachers: Mrs. Diane Giacometti and Mrs. Nancy Tanabe, accompanied by parents: Mrs. Elaine Tanaka, Mrs. Sally Lyles and Mrs. Donna Hoshide.

Senator Mizuguchi then introduced Mr. Matt Blair, a celebrated, professional football player, who wears No. 59 and is a linebacker on the Minnesota Vikings football team of the National Football League. Mr. Blair was presented with a lei by Senator Young.

Senator Solomon introduced the following gentleman and stated:

"Mr. President, it gives me great honor, on behalf of Senator Young and myself, to introduce Mr. Hideo Adachi from Japan. He is the general manager of Meiho Tourist International, Inc., and his family founded the Japan Associates of Travel Agents. Mr. Meiho is also the auditor for the Japan-Australia-New Zealand Society of Nagoya and, at the present time, he is the journalist-newscaster of Nagoya Television Station."

Senator Kuroda resumed further introduction of Mr. Adachi as follows:

"Mr. President, as chairman of the Tourism Committee I had the pleasure of meeting this gentleman who is associated with the Meiho Tourist International, Inc. I would like to further introduce him as someone in the area of academia.

"Mr. Adachi is the author of a book, written four years ago, on the

Solomon Islands. It is a cultural, anthropological study which is now in its second printing. He has brought two copies of his book with him, one of which he will present to Senator Holt as chairman of the Higher Education Committee to be donated to the University of Hawaii Library; the other to Senator Solomon as chairman of the Education Committee for the Hawaii State Library."

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Ajifu then introduced Councilman Tony Narvaes who was sitting in the Senate gallery.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 117 to 121) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 117), transmitting a report entitled, "Status Report of the Comprehensive Master Plan for the Elderly," January 1984, prepared by the Executive Office on Aging, in response to Act 225, SLH 1974, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 118), transmitting copies of additional tables (Supplement 9/83) to "The Elderly in Hawaii: A Data Digest of Persons 60 and Over," a publication from the Executive Office on Aging, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 119), transmitting the Annual Report of the Department of Agriculture for Fiscal Year 1983, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 120), transmitting a report prepared by the State Law Enforcement Planning Agency, Office of the Attorney General, for the Juvenile Justice Interagency Board, dated January 1984, in response to House Concurrent Resolution No. 110 (1983), requesting the Juvenile Justice Interagency Board to report on its progress in implementing the

Juvenile Justice System Master Plan, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 121), transmitting the Annual Report (1982-1983) of the School Health Services Branch, prepared by the Department of Health, Family Health Services Division, was referred to the Committee on Health.

#### INTRODUCTION OF BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Friday, February 10, 1984:

#### Senate Bills

No. 1693-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Cobb, Uwayne, Ajifu, A. Kobayashi, George, Toguchi, Kuroda and Kawasaki.

No. 1694-84 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

Introduced by: Senators Cobb, Yamasaki, Uwayne, Ajifu, A. Kobayashi, George, Toguchi, Kuroda and Kawasaki.

No. 1695-84 "A BILL FOR AN ACT RELATING TO THE REGULATION OF MOTOR VEHICLE REPAIRS."

Introduced by: Senators Cobb, Yamasaki, Uwayne, Ajifu, A. Kobayashi, George, Toguchi, Kuroda and Kawasaki.

No. 1696-84 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR INDUSTRIAL ENTERPRISES."

Introduced by: Senators Soares, George, A. Kobayashi and Henderson.

No. 1697-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senators Soares, George, Ajifu, A. Kobayashi and Henderson.

No. 1698-84 "A BILL FOR AN

ACT RELATING TO LANDOWNER'S LIABILITY."

Introduced by: Senators A. Kobayashi, Fernandes Salling, Kawasaki, Aki, George, Ajifu, Uwayne, Carpenter, Yamasaki, Abercrombie, Henderson, Kuroda, Machida, Toguchi, Solomon, Holt and Soares.

No. 1699-84 "A BILL FOR AN ACT RELATING TO HAZARDOUS SUBSTANCES."

Introduced by: Senators A. Kobayashi, Yamasaki, Young, Fernandes Salling, Chang, Soares, Solomon, Uwayne, Kawasaki, Holt, Abercrombie, Carpenter, Toguchi, George and Henderson.

No. 1700-84 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senator Uwayne.

No. 1701-84 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."

Introduced by: Senators Carpenter, Cayetano, A. Kobayashi, Fernandes Salling, Young, Aki, George, Uwayne, Kawasaki, Holt, Soares, Solomon and Chang.

No. 1702-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senators Carpenter, A. Kobayashi, Fernandes Salling, Cobb, Kuroda, Aki, George, Uwayne, Kawasaki, Solomon, Hagino, Holt, Soares and Chang.

No. 1703-84 "A BILL FOR AN ACT RELATING TO LEGISLATIVE INFORMATION."

Introduced by: Senators Carpenter, Cayetano, A. Kobayashi, Fernandes Salling, Aki, George, Uwayne, Kawasaki, Solomon, Holt, Soares and Chang.

No. 1704-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."

Introduced by: Senator Young.

No. 1705-84 "A BILL FOR AN ACT RELATING TO SALES OF REAL PROPERTY."

Introduced by: Senator Young, by request.

No. 1706-84 "A BILL FOR AN

- ACT RELATING TO HARBORS."  
Introduced by: Senator Young.
- No. 1707-84 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."  
Introduced by: Senator Young.
- No. 1708-84 "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS."  
Introduced by: Senator Wong, by request.
- No. 1709-84 "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."  
Introduced by: Senator Wong, by request.
- No. 1710-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Wong, by request.
- No. 1711-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Wong, by request.
- No. 1712-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Wong, by request.
- No. 1713-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Wong, by request.
- No. 1714-84 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."  
Introduced by: Senator Wong, by request.
- No. 1715-84 "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS."  
Introduced by: Senator Wong, by request.
- No. 1716-84 "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS."  
Introduced by: Senator Wong, by request.
- No. 1717-84 "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING FACILITIES."  
Introduced by: Senator Wong, by request.
- No. 1718-84 "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY."  
Introduced by: Senator Wong, by request.
- No. 1719-84 "A BILL FOR AN ACT RELATING TO TAXATION."  
Introduced by: Senator Wong, by request.
- No. 1720-84 "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND."  
Introduced by: Senator Wong, by request.
- No. 1721-84 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION."  
Introduced by: Senator Wong, by request.
- No. 1722-84 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES NOT COVERED BY CHAPTER 89."  
Introduced by: Senator Wong, by request.
- No. 1723-84 "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE LAW ON SUSPENSIONS, DISMISSALS, DEMOTIONS, AND EMPLOYEE STATUS PENDING AN INVESTIGATION OF CHARGES."  
Introduced by: Senator Wong, by request.
- No. 1724-84 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND

DELETING OBSOLETE OR  
UNNECESSARY PROVISIONS."

Introduced by: Senator Wong.

No. 1725-84 "A BILL FOR AN  
ACT RELATING TO BOARDS AND  
COMMISSIONS."

Introduced by: Senator Wong, by  
request.

No. 1726-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1727-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1728-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1729-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1730-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1731-84 "A BILL FOR AN  
ACT RELATING TO DRIVERS  
EDUCATION FUND UNDERWRITERS'  
FEES."

Introduced by: Senator Wong, by  
request.

No. 1732-84 "A BILL FOR AN  
ACT RELATING TO THE FAMILY  
COURT."

Introduced by: Senator Wong, by  
request.

No. 1733-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1734-84 "A BILL FOR AN  
ACT RELATING TO COSTS AND

FEES FOR SERVICE OF PROCESS."

Introduced by: Senator Wong, by  
request.

No. 1735-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1736-84 "A BILL FOR AN  
ACT RELATING TO THE JUDICIAL  
SALARY COMMISSION."

Introduced by: Senator Wong, by  
request.

No. 1737-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1738-84 "A BILL FOR AN  
ACT RELATING TO TORTS."

Introduced by: Senator Wong.

No. 1739-84 "A BILL FOR AN  
ACT RELATING TO THE JUDI-  
CIARY."

Introduced by: Senator Wong, by  
request.

No. 1740-84 "A BILL FOR AN  
ACT RELATING TO NURSING."

Introduced by: Senators Cobb,  
Chang, Henderson and Carpenter.

No. 1741-84 "A BILL FOR AN  
ACT RELATING TO CHIRO-  
PRACTORS."

Introduced by: Senators Cobb,  
Chang, Henderson and Carpenter.

No. 1742-84 "A BILL FOR AN  
ACT RELATING TO THE PRACTICE  
OF DENTAL HYGIENE."

Introduced by: Senators Cobb,  
Chang, Henderson and Carpenter.

No. 1743-84 "A BILL FOR AN  
ACT RELATING TO DENTISTRY."

Introduced by: Senators Cobb,  
Chang, Henderson and Carpenter.

No. 1744-84 "A BILL FOR AN  
ACT RELATING TO MEDICINE."

Introduced by: Senators Cobb,  
Chang, Henderson and Carpenter.

No. 1745-84 "A BILL FOR AN

**ACT RELATING TO ACUPUNCTURE."**

Introduced by: Senators Cobb, Chang, Henderson and Carpenter.

**No. 1746-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES."**

Introduced by: Senators Fernandes Salling, Young, Cayetano, Chang, Solomon, Soares, Abercrombie, Holt, Kawasaki, Toguchi, Carpenter and Hagino.

**No. 1747-84 "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES."**

Introduced by: Senators Cobb, Chang, Yamasaki, Solomon, Machida, Aki and Uwayne.

**No. 1748-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY IN DESIGNATED AREAS."**

Introduced by: Senators Cobb, George, Yamasaki, Soares, Hagino, Solomon, Machida, Aki and Uwayne.

**No. 1749-84 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."**

Introduced by: Senator Wong, by request.

**No. 1750-84 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."**

Introduced by: Senator Wong, by request.

**No. 1751-84 "A BILL FOR AN ACT RELATING TO VOLUNTEERS."**

Introduced by: Senator Wong, by request.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 10-84) informing the Senate that Senate Bill Nos. 1690-84 to 1692-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

**ORDER OF THE DAY****MATTER DEFERRED  
FROM FEBRUARY 8, 1984**

Senate Resolution No. 9:

By unanimous consent, action on S.R. No. 9 was deferred to the end of the calendar.

**ADVISE AND CONSENT**

Standing Committee Report No. 9-84 (Gov. Msg. No. 3):

Senator Chang moved that Stand. Com. Rep. No. 9-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Patrick K.S.L. Yim, as Judge, to the First Circuit Court, for a term of ten years, seconded by Senator Cayetano.

Senator Chang rose to speak in support of the nomination as follows:

"Mr. President, your Committee on Judiciary respectfully recommends that the members of the Senate confirm the appointment of Judge Patrick K.S.L. Yim to the Circuit Court of the First Circuit.

"Judge Yim was admitted to the Hawaii Bar in 1967. During his legal career, he has acquired a wealth of experience as both a practicing attorney and as a District Court judge.

"Patrick Yim began his legal career in Hawaii as a prosecuting attorney, then served as a referee in our family court system. In 1974 he was elevated to the position of District Family Judge for the First Circuit Court. Beyond his accomplishments as attorney and judge, Patrick Yim remains active in community service and currently serves on the board of directors of Palama Settlement.

"The impressive testimonies which your committee received in support of Judge Yim's appointment consistently highlighted his ability to balance fairness in decision-making with the efficient operation of his court.

"As his colleague so eloquently

stated, 'Judge Yim possesses, quite clearly, all the attributes of an outstanding judge -- integrity, sensitivity, a willingness to educate and be educated, and a willingness to see that justice and equity are not absolute terms defined by a cold statute that are not subject to interpretation. Judge Yim is a rare individual who can communicate unpretentiously but effectively, combining a wealth of tradition and sound education in the law with a touch of true 'keiki o ka 'aina' and native son.'

"Thank you."

Senator Young also spoke in support of the nomination and stated:

"Mr. President, I have known Judge Yim for many years. Our families were neighbors on Palama Street.

"From a playful and rascal youngster, Judge Yim has grown to be an outstanding, highly-respected member of our state judiciary. His friends and neighbors from Palama Street and Iao Lane are proud of his many accomplishments.

"Judge Yim is a positive addition to the Circuit Court and I urge my fellow Senators to consent to his nomination."

Senator Kawasaki then added his support of the nomination and stated:

"Mr. President, I too rise to speak in favor of the confirmation, but I also would like to have this body reflect very seriously on what has bothered me for all the years that I've been here.

"It just seems to me that, perhaps, the leadership of the Senate or some committee that you might appoint should look into the issue of a possible conflict of the Judiciary Committee chairman ... this does not reflect negatively on the present Judiciary Committee chairman ... this is a question that has bothered me for many years ... that when a lawyer who's the chairman of the Judiciary Committee has to act as the chairman of the committee on reporting out the confirmation of a judge before whom, in the future, he has to appear, it just seems to me there's an inherent conflict and, perhaps, we should think about ways of resolving this.

"I can't think of a bigger conflict than a lawyer who is a chairman of

the Judiciary Committee having to recommend confirmation on the appointment of a judge. Certainly, in his career, sometime in the future, if he hasn't in the past, he's going to appear before that judge and the judge being human would be hard put not to consider the fact that this man who's appearing before him as a lawyer helped him get his appointment as well as his confirmation.

"That question has bothered me and I don't know what the answer is, perhaps, we should think about it very seriously and try to do something about it."

Senator Cayetano then asked the Chair for a conflict of interest ruling, stating as follows:

"Mr. President, as a lawyer who has practiced before Judge Yim and who happens to be the vice-chairman of the Judiciary Committee, I ask for a conflict ruling."

The Chair ruled that Senator Cayetano was not in conflict.

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

Ayes, 25. Noes, none.

#### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Wednesday, February 8, 1984:

Senate Bills	Referred to:
No. 1690-84	Committee on Government Operations and County Relations
No. 1691-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1692-84	Committee on Consumer Protection and Commerce

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Senate Resolution No. 9:

Senator Chang offered S.R. No. 9, entitled: "SENATE RESOLUTION

AMENDING THE RULES OF THE SENATE OF THE TWELFTH LEGISLATURE OF THE STATE OF HAWAII," for adoption.

The following floor amendments (1 to 8) were then offered:

Senators Toguchi and Carpenter offered Floor Amendment 1, to amend Rule 15, subsection (5), (6), and (7).

By unanimous consent, consideration of Floor Amendment 1 to S.R. No. 9 was deferred until Friday, February 10, 1984.

Senators Carpenter and Toguchi then offered Floor Amendment 2, to amend Rule 17.

By unanimous consent, consideration of Floor Amendment 2 to S.R. No. 9 was deferred until Friday, February 10, 1984.

Senators Toguchi and Carpenter then offered Floor Amendment 3, to amend Rule 18.

By unanimous consent, consideration of Floor Amendment 3 to S.R. No. 9 was deferred until Friday, February 10, 1984.

Senators Carpenter and Toguchi then offered Floor Amendment 4, to amend Rule 19.

By unanimous consent, consideration of Floor Amendment 4 to S.R. No. 9 was deferred until Friday, February 10, 1984.

Senators Toguchi and Carpenter then offered Floor Amendment 5, to amend Rule 21(3).

By unanimous consent, consideration of Floor Amendment 5 to S.R. No. 9 was deferred until Friday, February 10, 1984.

Senators Abercrombie and Toguchi then offered Floor Amendment 6, to amend Rule 62.

By unanimous consent, consideration of Floor Amendment 6 to S.R. No. 9 was deferred until Friday, February 10, 1984.

Senators Carpenter and Toguchi then offered Floor Amendment 7, to add a new rule pertaining to scheduling of caucuses.

By unanimous consent, consideration of Floor Amendment 7 to S.R. No. 9 was deferred until

Friday, February 10, 1984.

Senators Toguchi and Carpenter then offered Floor Amendment 8, to add a new rule pertaining to establishing a mediation and appeal council.

By unanimous consent, consideration of Floor Amendment 8 to S.R. No. 9 was deferred until Friday, February 10, 1984.

At this time, the Chair made the following observation:

"I believe all Senators have received copies of the amendments to the Rules of the Senate. These amendments have been offered to meet the requirement for the 24-hour notice. There are eight amendments offered and each member should have a set."

Senator Abercrombie then rose to state as follows:

"Mr. President, for the purposes of clarification, there are in fact eight amendments to the Rules but one of those amendments consists of an amendment to a proposed amendment. The others are amendments in and of themselves."

The Chair answered: "The record will so note."

The Chair then announced that action on S.R. No. 9, was deferred until Friday, February 10, 1984.

At this time, Senator Carpenter rose on a point of personal privilege and stated:

"Mr. President, I wish the entire context of my comments offered on the floor of this body on January 30th (this session) to be included with my remarks today.

"Mr. President, a week ago, Monday, I said, 'Our differences are irreconcilable at this time,' and after an extension of nine days our differences are still irreconcilable.

"Mr. President, Webster's definitions of the word 'reconcile' are: (1) to restore to friendship or harmony; settle or resolve differences; (2) to make consistent or congruous; (3) to cause to submit or accept. Perhaps the one that caused the greatest consternation in the Majority group was the latter definition.

"We, independent Senators, as you



well know, have spent a great deal of time earnestly seeking reconciliation to the first three. It has to be realized it had to be concurred with by all 20 Democrats in this body. As of yesterday, 19 Democrats have moved in some way towards restoration of harmony, towards resolving differences, towards making this body consistent or congruous, which we again, Mr. President, fully acknowledge and appreciate. We have come close, extremely close, but not close enough.

"During this period, our proposals in response to your offers were modified to accommodate the issues before this body and this state, given the passing of nearly 25 percent of this session's life.

"Our objectives have been and continue to be a better-managed Senate, more assertive leadership, improved communications, and clear lines of responsibility and authority. In short, Mr. President, full accountability to the citizens of this state who elected us to serve them.

"We have not sought a political solution. We have never asked for power or position or sought to bargain or negotiate. Positioning or slotting has always been the Chair's prerogative. Ironically, the six-member Democratic caucus can best serve the people of this state and this Senate by refusing your compromise offer.

"Another irony, Mr. President, is that the consolidation and structure of committees, the role of leadership, definition of authority and responsibility of committee chairmen and leadership, and improved communication through caucus and rule changes can only be assured by this action.

"We hope that the proceedings from this day on are not merely somehow to get through the next 43 days, to adjourn by midnight on April 19th. If that be the case, we will have accomplished nothing.

"In the last several weeks, Mr. President, we have talked and agonized about such words as peace, war, numbers, and games; but we independents have not played the game. We've made serious proposals and sought a serious reconciliation. However, Mr. President, perhaps the language of 'a game' may be better understood by all, so let's use an analogy of the game of volleyball.

"The lineup for the game is 14 on one side and six on the other with five substitutes warming up, but who can play on either side. The basic rule is only the service team can score. The 14-member offensive team continues to serve, while the six-member team is in a defensive posture. The objectives of the defensive team are to protect against the slam, the dink, and win the opportunity to serve.

"Our options are to dig, to bump, to pass, to block, and stuff block, and when the occasion presents itself, a short set kill to bring about a side out and the chance to serve.

"We'll participate by volleying, by keeping the ball moving, as it were, hoping the taxpayers of Hawaii who are paying for the game get their money's worth. Time is running out! We must end this set and get on to the next.

"Mr. President, in Hawaii the team with the score of 14 continues serving what is commonly called the 'aloha ball' until the game is won. It's more difficult but it isn't unusual for a team to come from behind. So, for the good of the state, serve, Mr. President.

"Thank you very much."

The Chair, in response, stated as follows:

"Very briefly, in response, Senator, I hope that the game we play is going to be done under rules that everyone can live by. And if everyone accepts the rules of the game, it's very easy to play the game. But, one side cannot unilaterally dictate the rules of the game, and certainly not a team that's not fully equipped to play the game in terms of numbers or in experience.

"I hope that your offer to keep the issues at the highest level is maintained throughout the rest of the session. In spite of our differences, we were close to a resolution. However, you had to accept the response that was given by our side to your proposals, which were, very simply, of the five suggested items on your part, four were agreed to.

"I'm not saying that the fifth could not have been accomplished. However, I thought the approach by our team was a reasonable one. We have diverted our attention too much to the organizational struggle and I

agree with you that it's time to get on to the next step, which will begin tomorrow where all of the positions and responsibilities of the Majority Senators will be assigned. Hopefully, I look forward to the cooperation of all 25 members when we begin the process of getting on with the people's business.

"While our diversion in this organizational struggle has been too long and I would like to say, for the record, that I appreciate the high-level manner in which the negotiations have been carried out. I'm saddened, however, that the result is not what I had expected.

"I wish to thank all of the dissidents who were in negotiations with us in seeking to arrive at a fair and equitable solution. Again, it is truly a very sad day for me because I felt we were so close to a solution.

"Tomorrow, we will debate the Rules of the Senate and the structure in which the Senate will take form. I hope there will be some give-and-take. We will study the amendments that were offered and will consider them in the light of full discussion."

Senator Carpenter, in response, stated:

"Mr. President, while we certainly have an agreement to disagree, we have agreed that we will keep the lines of communication open and we hope to continue that throughout the entire session so that at least on those items that we can agree on we shall make those positions known, and we shall also make our positions known on those items with which we disagree. Thank you for that, for at least keeping the door open to that kind of discussion.

"I think that the one aspect of the discussions up to now is that tempers have been, I think, kept at a reasonably good level, and we hope to proceed with the business of the people of this state in a similar manner throughout the rest of the session. Thank you."

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

"Mr. President, I note that one of the recommendations made by proponents of amendments to the Rules of the Senate is that caucuses be practically mandated. My point of inquiry is addressed to you ... I can't think of anything that should require a caucus prior to discussion

on the floor in the interest of saving time on the floor as consideration of changes in the Senate Rules. Is there a caucus contemplated for the discussion of the Rules by the Democrat majority, tomorrow?"

The Chair responded: "Senator Kawasaki, I was approached with that. We haven't really had much time to talk to the other members involved. I believe that the six Senators are in agreement that some kind of arrangement should be made to discuss the Rules in caucus. That's a proposal, as I understand it."

Senator Kawasaki further inquired: "And this might be convened after the session?"

The Chair replied: "No, probably, tomorrow morning, if any caucus is to be held."

Senator Kawasaki thanked the Chair and remarked: "That might save a lot of time on floor debates."

Senator Cobb then responded as follows:

"Mr. President, in the interest of not saving floor debate, I know we discussed a number of those rules in our first caucus of 20 Democrats together and I have no hesitation at all to discussing them again, either in caucus or on the floor. I'm hopeful that we will have, if it's deemed necessary, another such caucus or at least a discussion with each of the proposed changes.

"But I would like to respond, in part in agreement with the Senator from the Big Island who spoke on the subject of reconciliation, and that is that reconciliation also requires the element of compromise, and a compromise or accommodation or agreement had been reached on three of the four major subject areas, namely, on the accommodation of the Rules, the powers of the president, and the consolidation of committees, and the area of slotting was the one disagreement that did take place. There was agreement on four of five committees.

"I'm personally saddened also that the one disagreement has held up reconciliation. I, for one, also want to keep the door open for further discussions at any time as we proceed with the business of the people. Thank you."

Senator Kawasaki, on a point of personal privilege, then stated:

"Mr. President, adding some comments to a suggestion I made to you either to appoint a committee ... that some committee be formed to look into the inherent conflict situation where a lawyer acting as Judiciary Committee chairman reports out a confirmation of a judge before whom he has to appear in the future ... perhaps, and I'm not one of those that felt that lawyers enjoy the cartel on wisdom, judicial or otherwise ... perhaps, the answer is to appoint a non-lawyer as chairman of the Judiciary Committee. I'm sure Senator Carpenter agrees that that might be wise, and I notice, in the House, there is a non-lawyer who is chairman of the Judiciary Committee.

"Short of this, perhaps, I think what we should do is to enact statutes to require the judicial system to make sure that when an attorney appearing before a judge happens to be a past Judiciary Committee chairman in the Senate, automatically, the judicial system appoints a different judge so that the subject of conflict will be completely avoided ... require this in statute, otherwise, appoint a non-lawyer as chairman of the Judiciary Committee."

Senator Ajifu, also on a point of personal privilege, stated:

"Mr. President, I'd like to state for the record that I'm not a dissident but I'm just as independent as the six dissidents. I always thought that I was the thirteenth vote but this morning I find that I was the fifteenth vote. Thank you."

Senator Carpenter then remarked:

"Mr. President, I must rise to that. I think everyone of us here in this body has at one time or another held the thought that we were indeed the thirteenth vote on any issue, and you've seen to that, and eloquently so."

Senator Chang in response to a previous speaker's remarks then stated: "Mr. President, just to correct what may be a misimpression, I'm more a businessman than an attorney."

Senator Abercrombie responded: "Mr. President, with reference to the previous remarks, I hope that's not to the regret of Senator Chang's clients."

Senator Soares, on a point of inquiry, asked: "Mr. President, last week you referred to the Committee on Human Resources two resolutions submitted by the Senate Republicans, and after this morning's news about the strike schedule, I'd like to ask you to ask the committee chairman, when does he plan to have a hearing on our resolutions?"

The Chair responded: "Senator Soares, I would like to discuss it with him first then I will give you a response."

#### ADJOURNMENT

At 12:35 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 10, 1984.

## EIGHTEENTH DAY

Friday, February 10, 1984

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

The Divine Blessing was invoked by Sister Helene Wood, Provincial, Sacred Hearts Sisters in Hawaii, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Seventeenth Day.

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

Senator Ajifu introduced 49 sixth grade students from Puohala School, who were accompanied by their teachers, Mrs. Janet Hirota, Mrs. Marilyn Chun, and a student teacher, Mr. Howard Hirata.

Senator Carpenter then introduced Chairman "Skinny" Hagiwara and Director Lawrence Capellas of the Hawaii Redevelopment Authority, from the County of Hawaii.

Senator Holt then introduced 54 students of the Honolulu and Windward District student councils, representing grades 8 through 12. They were accompanied by: Ms. Michelle Murata, tour coordinator; Mrs. Ko Miyatake, Honolulu District student council advisor; Mr. Elver Higashi, Windward District student council advisor; and Ms. Judy Saranchock, Windward District resource teacher.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 8 to 13) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 8), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO PURSUE ITS PROGRAM OBJECTIVES TO PRESERVE AND PROMOTE LIFE IN

THE STATE OF HAWAII," was offered by Senators Soares, Ajifu and A. Kobayashi.

By unanimous consent, S.C.R. No. 8 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 9), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FUTURE OF THE BEEF CATTLE INDUSTRY IN HAWAII," was offered by Senators Soares, George, A. Kobayashi and Henderson.

By unanimous consent, S.C.R. No. 9 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 10), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE ACQUISITION OF MAKENA BIG BEACH, MAUI," was offered by Senators Yamasaki, Machida, Solomon, Holt, Hagino, Soares, Mizuguchi, Kuroda, B. Kobayashi, Cobb, George, Carpenter, Kawasaki, A. Kobayashi, Chang, Cayetano, Young, Henderson, Fernandes Salling, Uwaine, Toguchi, Aki, Ajifu, Abercrombie and Wong.

By unanimous consent, S.C.R. No. 10 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 11), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," was offered by Senators B. Kobayashi, Ajifu, Cayetano, A. Kobayashi, Chang, Cobb, Carpenter, Holt, Abercrombie, Kawasaki, Fernandes Salling, Toguchi, Aki, Kuroda, Uwaine, Machida, Solomon, Soares, Young, George, Yamasaki and Henderson.

By unanimous consent, S.C.R. No. 11 was referred to the Committee on Education.

A concurrent resolution (S.C.R. No. 12), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A JOINT INTERIM COMMITTEE TO OVERSEE THE PROGRESS OF THE STATE OF HAWAII LAND EVALUATION AND SITE ASSESSMENT COMMISSION DURING THE 1984 INTERIM PERIOD,"

was offered by Senator Wong.

By unanimous consent, S.C.R. No. 12 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 13), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE NECESSITY AND FEASIBILITY OF THE CREATION OF A DEPARTMENT OF MOTOR VEHICLES," was offered by Senators Cobb, Yamasaki, Hagino, Solomon, Machida, Aki and Uwayne.

By unanimous consent, S.C.R. No. 13 was referred to the Committee on Transportation.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 10 to 19) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 10), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO PURSUE ITS PROGRAM OBJECTIVES TO PRESERVE AND PROMOTE LIFE IN THE STATE OF HAWAII," was offered by Senators Soares, Ajifu and A. Kobayashi.

By unanimous consent, S.R. No. 10 was referred to the Committee on Human Resources.

A resolution (S.R. No. 11), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FUTURE OF THE BEEF CATTLE INDUSTRY IN HAWAII," was offered by Senators Soares, George, A. Kobayashi and Henderson.

By unanimous consent, S.R. No. 11 was referred to the Committee on Agriculture.

A resolution (S.R. No. 12), entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Soares, George, Ajifu, A. Kobayashi and Henderson.

By unanimous consent, S.R. No. 12 was referred to the Committee on Economic Development.

A resolution (S.R. No. 13), entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT OF AN EARLY ADMISSIONS PROGRAM IN HAWAII'S PUBLIC SCHOOLS," was offered by Senators Soares and Henderson.

By unanimous consent, S.R. No. 13 was referred to the Committee on Education.

A resolution (S.R. No. 14), entitled: "SENATE RESOLUTION CALLING FOR THE IMMEDIATE STUDY OF THE ECONOMIC IMPACT OF HAWAII'S LAND USE POLICIES," was offered by Senators Soares, George, A. Kobayashi and Henderson.

By unanimous consent, S.R. No. 14 was referred to the Committee on Economic Development.

A resolution (S.R. No. 15), entitled: "SENATE RESOLUTION REQUESTING STATE ACQUISITION OF MAKENA BIG BEACH, MAUI," was offered by Senators Yamasaki, Machida, Solomon, Holt, Hagino, Kawasaki, Mizuguchi, Kuroda, B. Kobayashi, Cobb, George, Carpenter, Chang, Cayetano, Young, Henderson, Soares, Fernandes Salling, Uwayne, Toguchi, Aki, Ajifu and Wong.

By unanimous consent, S.R. No. 15 was referred to the Committee on Tourism.

A resolution (S.R. No. 16), entitled: "SENATE RESOLUTION CONCERNING THE SMALL BUSINESS INNOVATION DEVELOPMENT ACT OF 1982," was offered by Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

By unanimous consent, S.R. No. 16 was referred to the Committee on Economic Development.

A resolution (S.R. No. 17), entitled: "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," was offered by Senators A. Kobayashi, Ajifu, Cayetano, B. Kobayashi, Chang, Cobb, Holt, Carpenter, Abercrombie, Solomon, Yamasaki, Toguchi, Aki, Kuroda, Uwayne, Machida, Young, Soares, George, Henderson, Kawasaki and Fernandes Salling.

By unanimous consent, S.R. No. 17 was referred to the Committee on Education, then to the Committee on Legislative Management.

A resolution (S.R. No. 18), entitled: "SENATE RESOLUTION RECOGNIZING FEBRUARY 12 TO 19 AS FREE ENTERPRISE/NATIONAL DECA WEEK," was offered by Senators Young, Abercrombie, Carpenter, Aki, Toguchi, A. Kobayashi, Ajifu, Chang and Uwayne.

By unanimous consent, action on S.R. No. 18 was deferred until Monday, February 13, 1984.

A resolution (S.R. No. 19), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE NECESSITY AND FEASIBILITY OF THE CREATION OF A DEPARTMENT OF MOTOR VEHICLES," was offered by Senators Cobb, Yamasaki, Hagino, Machida, Aki and Uwaine.

By unanimous consent, S.R. No. 19 was referred to the Committee on Transportation, then to the Committee on Legislative Management.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Monday, February 13, 1984:

#### Senate Bills

No. 1752-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senators Uwaine and Chang.

No. 1753-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Uwaine and Chang.

No. 1754-84 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senators Uwaine and Chang.

No. 1755-84 "A BILL FOR AN ACT RELATING TO CONVERSION OF SALARY RANGES."

Introduced by: Senators Uwaine and Chang.

No. 1756-84 "A BILL FOR AN ACT RELATING TO LITTER."

Introduced by: Senators Kuroda, Fernandes Salling, George, Henderson, Yamasaki, Abercrombie, Soares, Cayetano, Cobb, Aki, Uwaine, Young, Ajifu, Chang, Holt, Machida, Solomon, A. Kobayashi, Hagino, Carpenter, B. Kobayashi, Kawasaki and Toguchi.

No. 1757-84 "A BILL FOR AN

ACT RELATING TO TAXATION."

Introduced by: Senators Kuroda, Fernandes Salling, Abercrombie, Cobb, Aki, Uwaine, Young, Henderson, Toguchi, Ajifu, Holt, Machida, Solomon, A. Kobayashi, Hagino, Carpenter, Kawasaki, Soares and George.

No. 1758-84 "A BILL FOR AN ACT RELATING TO INVESTMENT TAX CREDITS."

Introduced by: Senators Kuroda, George, A. Kobayashi, Hagino, Aki, Carpenter, Fernandes Salling, Ajifu, Soares, Cobb, Henderson, Uwaine, Young, Chang, Holt, Machida, Solomon and Abercrombie.

No. 1759-84 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Kuroda, Machida, B. Kobayashi, Carpenter, A. Kobayashi, George, Chang, Fernandes Salling, Ajifu, Soares, Aki, Mizuguchi, Henderson, Abercrombie, Uwaine, Young, Solomon, Holt and Toguchi.

No. 1760-84 "A BILL FOR AN ACT RELATING TO BINGO."

Introduced by: Senators Kuroda, Fernandes Salling, Yamasaki, Abercrombie, Cayetano, Cobb, Aki, Chang, Holt, Machida, Solomon, Hagino, Carpenter and Kawasaki.

No. 1761-84 "A BILL FOR AN ACT RELATING TO INCOME TAXES."

Introduced by: Senators George, A. Kobayashi, Ajifu, Soares and Henderson.

No. 1762-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT."

Introduced by: Senator Young.

No. 1763-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Young.

No. 1764-84 "A BILL FOR AN ACT RELATING TO TUITION WAIVERS AT THE UNIVERSITY OF HAWAII FOR THE HAWAII NATIONAL GUARD AND MILITARY RESERVISTS."

Introduced by: Senators Holt, Chang, Cobb, Ajifu, A. Kobayashi,

Henderson, George, Fernandes Salling, Carpenter, Hagino, Solomon, Uwaine, Aki, Young, Yamasaki, Mizuguchi, Kuroda and Machida.

No. 1765-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS."

Introduced by: Senators Holt, Uwaine, Chang, George, Cobb, Yamasaki, A. Kobayashi, Machida, Henderson, Mizuguchi, Kuroda, Hagino, Ajifu, Aki and Cayetano.

No. 1766-84 "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES."

Introduced by: Senator B. Kobayashi.

No. 1767-84 "A BILL FOR AN ACT RELATING TO NEWSPAPERS."

Introduced by: Senators Kawasaki, Carpenter, Abercrombie, Toguchi, Fernandes Salling, Cayetano and Chang.

No. 1768-84 "A BILL FOR AN ACT RELATING TO THE NEWSPAPER ANTITRUST EXEMPTION."

Introduced by: Senators Kawasaki, Carpenter, Abercrombie, Toguchi, Fernandes Salling, Cayetano and Chang.

No. 1769-84 "A BILL FOR AN ACT RELATING TO NEWSPAPERS."

Introduced by: Senators Kawasaki, Carpenter, Abercrombie, Toguchi, Fernandes Salling, Cayetano and Chang.

No. 1770-84 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Kawasaki, Abercrombie, Hagino, Uwaine, Carpenter, Toguchi, Kuroda, Solomon and Fernandes Salling.

No. 1771-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 1, OF THE HAWAII CONSTITUTION, TO REQUIRE A RUNOFF ELECTION UNLESS THE GOVERNOR IS ELECTED BY A MAJORITY IN ELECTIONS INVOLVING THREE OR MORE CANDIDATES."

Introduced by: Senators Soares, Henderson, Ajifu, George and A. Kobayashi.

No. 1772-84 "A BILL FOR AN ACT RELATING TO CARE HOME OPERATORS."

Introduced by: Senators Fernandes Salling, Chang, Uwaine, Abercrombie, Carpenter, Cayetano, Kawasaki, Aki, Toguchi and Machida.

No. 1773-84 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE III, SECTION 10, AND ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO CHANGE THE PROCEDURE FOR THE APPOINTMENT OF JUSTICES AND JUDGES."

Introduced by: Senators Kawasaki, Cayetano, Young, Holt, Hagino, Fernandes Salling, B. Kobayashi, Solomon and Abercrombie.

No. 1774-84 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

No. 1775-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTIONS 7 AND 8, OF THE HAWAII CONSTITUTION, TO CHANGE THE STATE BUDGET PROCESS."

Introduced by: Senators Henderson, Soares, Ajifu, George and A. Kobayashi.

No. 1776-84 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXES."

Introduced by: Senators George, Henderson, Soares, Ajifu and A. Kobayashi.

No. 1777-84 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON."

Introduced by: Senators Chang, Aki, A. Kobayashi, Holt, Carpenter, Hagino, Abercrombie, Kawasaki, Machida and Mizuguchi.

No. 1778-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."

Introduced by: Senators Chang, Aki, A. Kobayashi, Holt, Carpenter, Hagino, Kawasaki, Machida, Mizuguchi and Abercrombie.

No. 1779-84 "A BILL FOR AN ACT RELATING TO ANNULMENT,

## DIVORCE, AND SEPARATION."

Introduced by: Senators Chang, Aki, A. Kobayashi, Holt, Carpenter, Hagino, Kawasaki, Machida, Mizuguchi and Abercrombie.

No. 1780-84 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS."

Introduced by: Senators Cobb, Yamasaki, Kawasaki, B. Kobayashi, Solomon, Ajifu, Aki, George, Soares and Holt.

No. 1781-84 "A BILL FOR AN ACT RELATING TO UNINSURED MOTORISTS."

Introduced by: Senators Cobb, Kawasaki, B. Kobayashi, Solomon, Machida, Ajifu, Aki, George, Soares and Holt.

## STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 11-84) informing the Senate that Senate Bill Nos. 1693-84 to 1751-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

MATTER DEFERRED  
FROM FEBRUARY 9, 1984

Senate Resolution No. 9:

Senator Chang moved that S.R. No. 9 be adopted, seconded by Senator Cobb.

Senator Toguchi then moved that Floor Amendment 1 to S.R. No. 9, which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Carpenter.

Senator Toguchi rose to explain this amendment as follows:

"Mr. President, I'd just like to say that we are amending subsection 6, page 7, to read:

"Committee on Agriculture and Environmental Affairs, whose scope shall be those programs relating to agriculture, water resources for agricultural use, aquaculture and the promotion, enhancement and conservation of energy-related agricultural

resources, environmental quality control, outdoor recreation, state parks and historic sites development and protection."

Senator Abercrombie then rose and stated:

"Speaking in favor of this amendment, Mr. President. In order for me to properly inform the members of my view on this, I need to ask a couple of questions of one or two of the chairmen. May I do so in the context of making the argument. I would like to ask the chairman of the Economic Development Committee if he would yield to a question."

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

"Mr. President, would you ask the chairman, please, as to what the meaning of the phrase under subsection 5 on Committee on Economic Development -- the meaning of the phrase 'the physical environment'?"

Senator Aki replied: "Mr. President, the 'physical environment' is all the things around us and the Committee on Economic Development actually encompasses the Department of Land and Natural Resources, which concerns the lands in the State of Hawaii."

Senator Abercrombie further inquired: "Would that include ...further question, Mr. President, would that include then state parks, outdoor recreational facilities and historic sites?"

Senator Aki replied: "No. This is why we are having this separated into the other committee."

Senator Abercrombie then continued: "One further question, is it not a fact that the historic sites are under the control of the Department of Land and Natural Resources?"

Senator Aki then replied: "That is true. The Department of Land and Natural Resources does cover a wide area of lands in this state. However, it's been traditional that all these different areas are separated into different committees."

Senator Abercrombie thanked the Chairman then remarked as follows:

"Mr. President, I think it's apparent from the answers of the



chairman that had we been able to perhaps discuss a bit more as to what the context of these committees might be, we might have indicated to you that Economic Development might be the more rational place to put it. I think you will find that state parks, historic sites, recreational areas are all under the control of the Department of Land and Natural Resources.

"However, with the wording of the committee's responsibilities in economic development and the amorphous, if not entirely abstract, nature of the phrase 'physical environment' (I might note, for the record, Mr. President, that the word 'environment' has been misspelled on this page, and that I apologize), we had to take a look at where the most rational place for it would be.

"Inasmuch as the chairman has indicated that land use considerations are secondary nature in his committee, the only place that it can go reasonably, then, is in Agriculture, which is the reason we have used the phrase 'agriculture and environmental affairs.'"

"One need only glance at the situation that exists with respect to pollution -- environmental quality control, if you will -- in the agricultural lands and in the water table that exists for this island and may very well exist for other islands, but in particular for the Island of Oahu, where we have no outside source to which we can refer to see that environmental quality control is of its essence within the scope of the responsibilities of the Agriculture Committee. The Agriculture Committee, as a matter of fact, cannot avoid these responsibilities.

"If, as the chairman indicates, these matters are to be divided up among many committees and that his committee is not the one to be the responsible one, the last committee, it would seem to me, that should take this kind of responsibility, especially when it comes to environmental quality, would be the Tourism Committee in the sense that the Tourism Committee will not be reporting out any bills that will directly affect the quality in terms of water pollution, in terms of land use, in terms of state parks, etc. Its orientation, obviously is derivative of these decisions.

"Obviously, the Tourism Committee will be interested in outdoor recreation and will certainly be interested as to what happens with

state parks. But if the origin of policy with respect to state parks, with respect to environmental quality, with respect to our water, with respect to our recreation, historic sites development has to be seen as derivative from the scope of the Tourism Committee's responsibility, which is to say 'programs related to tourism,' to tourism first. It seems to me apparent that where we have conservation lands, where we have preservation, where we must pay respect to the amendments added to the Constitution of 1978 with respect to preservation and conservation, where we have agricultural parks land use which by definition of the previous speaker's remarks must be sent on to other committees. Only the Agriculture Committee, under the committee structure presented to us, will be able to adequately encompass an integrated view of what would be best for policy formation and legislation with respect to the items now listed under the Committee on Tourism.

"It is not a reflection on the capabilities of the present chairman of the Tourism Committee nor any chairman that might follow him in that capacity. His duties and responsibilities with respect to the industry of tourism are separate and apart from those which may be in the best interest of our people. The fact that the tourist industry may derive a benefit, direct or indirect, from good policy decisions that are made in this Legislature with respect to land use, with respect to environmental quality control, with respect to outdoor recreation, and historic sites development, which could include everything from Iolani Palace to various cultural parks that might be put together. The fact that they may derive a secondary benefit or even a primary economic benefit from such actions should be as a result of policies made on behalf of our people with respect to land use control, separate and apart from that which may benefit the short term interest of the tourism industry, as such.

"Under those circumstances, it seems to me clear that given the committee structure as you have presented it, the more logical place for those elements is in the Agriculture Committee under the general aegis of the term 'and environmental affairs.'"

Senator Chang added his remarks and stated:

"Mr. President, the rationale for

this amendment, as I understand it, is that the proposed Rules change creates an incompatible and conflicting interest in having physical environment programs in the Economic Development Committee and recreational programs in the Tourism Committee. This rationale ignores the reality that Hawaii's natural beauty, ecological diversity and environmental quality are really the fundamental elements of our economy.

"Indeed, it is the Constitution of the State that recognizes this and urges the state government to preserve natural beauty and to provide for its environmental quality in order that the economic future of our children and our children's children could be preserved. These interests must be addressed, balanced and reconciled within common forums that the proposed Rules changes would establish.

"Also, there is no logical reason to place recreation programs under the Agriculture Committee. Stronger common interests exist with Tourism programs, and it is an erroneous presumption that interests of recreation would be automatically subsumed under the interests of tourism. I recommend a "no" vote on this amendment."

Senator Cayetano then rose and stated:

"Mr. President, in rising to speak for the amendment, I would like to ask the chairman of the Judiciary Committee if he would yield to a question."

The Chair then asked the Chairman if he would yield to a question and Senator Chang asked to hear the question.

Senator Cayetano inquired: "Mr. President, would you ask the chairman of the Judiciary Committee if he agrees that under the present law, the Department of Agriculture has the responsibility for regulating the use of pesticides."

Senator Chang responded: "That is my understanding, Mr. President."

Senator Cayetano then continued: "Then, would he explain the justification for putting environmental quality control under the Committee on Tourism."

Senator Chang answered: "May I ask for a clarification on that. I don't understand the relationship of this question to the preceding one."

Senator Cayetano replied: "Excuse me, I withdraw the question. I have nothing further to add."

At this time, Senator Abercrombie rose and stated:

"Mr. President, I'm sure the chairman of the Judiciary Committee is familiar with the phrase 'non sequitur.' For those who may not involve themselves with that practice everyday or may have done it inadvertently, it means one thing does not follow the other.

"It was interesting to listen to what the chairman had to say. Unfortunately, one thing did not follow the other. I'm not quite sure what any of it meant with respect to the remarks that were made previous to them or in response. I do find it a bit odd that the Judiciary chairman is making the defense for the Committee on Tourism. Perhaps we should have made the amendment to put it in the Judiciary Committee."

The Chair replied: "Senator Abercrombie, the Rules usually come out of the Judiciary; therefore, he has some knowledge of...."

Senator Abercrombie responded:

"I expect he does have some knowledge; I only wish that he had shared it with us. The response that I would make to it is that it seems to me that when wading through the series of statements, one which did not follow upon the other, when viewing them separately, they all seem to make an argument for putting this activity in the Agriculture Committee, precisely because the economic base of the state was used as the central defense of putting our outdoor recreation, our state parks, our historic sites development in Tourism.

"Clearly, Mr. President, if we do this, and we are doing it publicly now, we are subordinating all of these elements, including our environmental quality control, to the interest of a private industry, the tourism industry. If we want to make any clearer our subordination to a private interest at the expense of a public interest, we could not do so. Now, on the other hand, given the committee structure as presented, if we put these elements in the Agriculture Committee, at least there you have a committee whose sworn responsibility is to see to it that land is, after all you cannot deal with agriculture, and water you cannot even deal with mariculture, unless

you're dealing in aquaculture, unless you're dealing with the elements of the sea and what may be derived economically and otherwise from them. If land questions are going to be the basis upon which, and elements which affect land, such as pesticides, are going to be the basis upon which we effect policy changes, then the Agriculture Committee is the only logical place to have it.

"The only alternative might be the Economic Development Committee, but the chairman has indicated that he doesn't believe any of those responsibilities are there. So then, I presume that the only other place, from the point of the view of the Judiciary chairman, is to simply have it remain with Tourism because economically we want tourism to succeed for the interest of tourism. You are not going to refer bills on pesticides to Tourism. I hope you're not going to refer pesticides bills to the Tourism Committee. Among other things, I can just see what that all...(fine, drink the water...EDB - what's that?) I mean there can be no logical reason to be putting such bills with respect to utilization of conservation lands, etc. with the Tourism Committee because the tourism industry may be extremely narrower than the interests of the people of this state, however, which will benefit in the end the tourist industry if we preserve our land, if we preserve our environmental quality control, etc.

"But that must be in the hands of the people and policy decisions must be made by those whose interests are infinitely broader than the narrow economic interests of a few people in the tourist industry.

"Therefore I ask, once again, that everyone consider whether or not we want to make this a situation where we merely have the votes today and so we will go ahead and pass anything; or whether this, in fact, makes sense and is a good-faith offering to the body, that given the committee structure and given the responsibility that we all know exists for these committees, that the most logical, sensible, reasonable and intelligent place to put these elements -- environmental quality control, recreation, state parks and historic sites development -- is under the Agriculture Committee."

At this time, Senator Toguchi rose and stated: "Mr. President, I'd like to request a roll call vote on all of these amendments."

The Chair replied: "A roll call has been requested."

The motion to adopt Floor Amendment 1 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 8. Noes, 17 (Ajifu, Aki, Chang, Cobb, Hagino, Henderson, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young, Wong).

At 12:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

Senator Toguchi moved that Floor Amendment 2 to S.R. No. 9, which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Carpenter.

Senator Carpenter then rose to speak in favor of this amendment as follows:

"Mr. President, speaking for this amendment. This amendment applies to Rule 17, entitled 'Committee on Ways and Means: Special Responsibility.'

"Mr. President, I wish to put into the record, the amendment falls on page 2, and the amended language reads, in pertinent part, 'The Committee on Ways and Means shall arrange to make available to members of the Senate information, including the budget worksheets, regarding the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the final 48-hour period prior to the passage of such bills on third or final reading.'

"Mr. President, it is clear that every Senator should know, and certainly has the right to know, the breakdown of allocations and provisos within any budget program area. That is essentially what this language speaks of. Otherwise, we might be voting ultimately in the dark, certainly in an unenlightened state, and only those members of the Ways and Means Committee whose number is approximately one-half of this body would be privy to the information contained in the budget worksheets.

"Mr. President, each of us represents as constituents approximately 40,000 people. That

translates, essentially, to a policy by Ways and Means in which only one-half of our population is enlightened through the vote of their elected Representative or Senator in this case.

"Mr. President, I understand that the language on which this amendment is proposed has the language, 'to the extent practicable, the Committee on Ways and Means shall arrange to make available to the members of the Senate information, regarding the contents of the General Appropriations Bill or Supplemental Appropriations Bill' during that 48-hour period that we speak of.

"Mr. President, I guess what it says and the effect of it is that it may or may not be shared as an option of either the chairman or members of the Ways and Means Committee, as compared to the language of the amendment which we propose which essentially makes it mandatory that the Ways and Means Committee shall include the budget worksheets and shall enlighten every member of this body so that we can have through the elected representative here an enlightened total population of this state. That is the difference, Mr. President. Thank you."

Senator Toguchi then rose and inquired:

"Mr. President, will the chairman of the Judiciary Committee yield to a question?"

The Chair then asked the Chairman if he would yield to a question and Senator Chang asked to hear the question.

Senator Toguchi inquired:

"Mr. President, would you ask the chairman of the Judiciary Committee to explain further what does the 'to the extent practicable' mean. I'd like to know on what situations will budget worksheets be...first of all, will it be made available; secondly, on what conditions will it be made available; and again, if it's going to be made available, during what kind of situation. What's the timing in terms of.... The first question, by the way, is will it be made available? And, if he needs a restatement of the other questions, I'll follow with the other questions."

Senator Chang then replied: "May we take one question at a time, Mr. President."

Senator Toguchi then stated:

"The first question is, will the worksheets, the budget worksheets, be made available at any time during the session?"

Senator Chang replied:

"Mr. President, in answering that question, I'll just state my position on this particular amendment and that may clarify a few things. The worksheets are merely working papers of committee staff members and are not formal Senate documents. This amendment would give formal status to these worksheets in the Rules and I believe that is completely contrary to the Senate's position in the case before the Supreme Court.

Even more importantly, it fails to recognize the true nature of our program budgeting system which emphasizes overview rather than detail. For this reason, I think that the proposed change recognizes the operational reality that occurs in conference committee and establishes the practice of making available information, where practicable, that would permit the Senators to exercise their budgetary oversight, not budgetary detail. Whether or not these would include working papers of committee staff members remains to be seen, but having gone through a budgetary conference I don't believe that this kind of information can be generated within the time limits imposed by the legislative session. I hope that answers his question."

Senator Toguchi stated:

"I'm not really clear, Mr. President. The question is, and the answer should be yes or no. Will the budget worksheets be made available at any time during this legislative session, the 1984 legislative session, yes or no?"

At 12:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:48 o'clock p.m.

Senator Toguchi continued as follows:

"Mr. President, at this time I'd like to redirect my question to the chairman of the Ways and Means Committee, and let me restate the question. Maybe I should make a statement and then a question as to what I'm trying to get at. I think

that what I don't want to see this year is a repeat of what happened last year where we were not provided the details, especially the details that were agreed upon between the House and Senate conference committees and whether we call it worksheets or anything else, what I'm looking for is that...and I'd like to use an example again which I used last year because I know a little more about it than other committees.

"If you look at the Department of Education's budget, we have program area summaries as large as \$165 million. I'm sure that one area is teachers' salaries, but if you get to another area, EDN 107 instruction, you get like \$50-60 million. There's a lot of work that goes on in terms of details that total up to that \$50 million or \$60 million. And the question I'm raising here is that in the conference committee there's a lot of give-and-take and that a final decision as to what the details are going to be in those summaries. What I'm saying is that during this 48-hour period before I vote on a budget, can I get details, information regarding the agreement that you have with the House, and that is my question.

"Because I'm very concerned about the words 'to the extent practicable,' and it could mean anything and sometimes it could mean also how many votes you've got. And I'd like to direct that statement and maybe that inquiry to the chairman of the Ways and Means Committee."

Senator Yamasaki, as Chairman of the Ways and Means Committee, replied:

"Yes, Mr. President. The information as proposed in the Rules provide that 'to the extent practicable...information...regarding the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the final 48-hour period prior to the passage of such bills on third or final reading' will be made available to anyone."

Senator Toguchi further inquired:

"Mr. President, as far as the words 'to the extent practicable', it really means as during our discussion that you mean those things like inconvenient hours for people to come to see and things like that. So, can I conclude that in this session we will be provided with these details following the conference committee and within the 48-hour period?"

Senator Yamasaki answered:

"Mr. President, I guess I would have to make an exception to your request if you say all of the details because the details encompassing a budget item may be voluminous and because the staff would have that information. If that is what you are looking for, then it may be difficult and may not be practicable, but general information regarding appropriations will be made available."

Senator Toguchi again inquired: "So those details will be accessible to all members of the Senate, is that what you are saying?"

Senator Yamasaki replied: "What I said is that 'to the extent practicable,' information will be made available to you."

Senator Toguchi then continued and stated:

"Okay, I won't belabor the point, Mr. President. I'd like to just say thank you, Senator Yamasaki. I also want to say that, Mr. President, basically what I don't want to see is a repeat of last year when we may have been under time constraints at that point. I hope that this session we will have enough time to look at these details and I also hope that you will schedule things in such a way that the budget doesn't come down at the eleventh hour.

"Sometimes these things may be out of your control because we have to deal with the House, but I'd like to have the opportunity this year, prior to voting on the budget, to look at some of the details so that I don't have to just vote on summaries and that I know what I'm voting for. And I think all of us should be responsible in that we should know what we're voting for.

"Mr. President, I didn't say anything about the amendment. I still would like to say that I do support the amendment that we're proposing, and I will continue to support the amendment but knowing how things are done here, if my amendment doesn't go through I hope that after what the chairman of Ways and Means Committee is saying here today, he will provide us with the necessary information to make sound judgments this session."

Senator Yamasaki responded and stated:

"Mr. President, I rise to speak

against the amendment because of the words 'including budget worksheets.' Those words are the very basis on which the court decision was made in the Circuit Court, and I think that an appeal is being made right now, and I don't think that we should prejudice the case which is now before the Supreme Court."

Senator Abercrombie speaking in favor of the amendment stated:

"Mr. President, the way not to hazard the case is to say that we will get the budget worksheets. Let's just make it clear with the amendment. If we pass the amendment, then there won't be a court case. If we don't pass the amendment, the court case will continue because this body will have rejected making the budget worksheets available.

"Now just for the edification, maybe, of some of the members who's never seen a budget worksheet, and maybe don't care to, but there are those who do want to see the budget worksheets, including the public, and they should. In the past, practice has been that anybody who wanted to see them, could. When I was on the Ways and Means Committee I had my budget worksheet and anybody who wanted to come into my office and see them could see them.

"Now we're entering a new era in which the public is to be shut out, let alone the members of the Legislature, for whatever the political reason. But we're not supposed to be doing things here necessarily to suit ourselves.

"What this amendment addresses itself to is very simple. The worksheets that exist at the conference are sitting right there on the desks of the members who attend the conference committee. It's a simple matter for anybody who wants to and anybody who has been following it to simply be able to view those worksheets. If I were on the Ways and Means Committee at this time I would allow people to do it just as I did before and would be happy to do so. After all, what is the product of at least some 60 days' effort and the effects of it will be felt throughout the state in the ensuing months as the budget manifests itself with the fiscal year.

"Therefore, if the chairman -- if I understand the chairman of the Ways and Means Committee correctly in his statement -- is not going to take that simple step on the ground that it

would jeopardize the court case, which must mean that the worksheets will not be made available; which means that the phrase 'to the extent practicable' for all intents and purposes is a throwaway line. It would not be practical to provide the worksheets. That's the heart and soul of the whole situation. If you're not going to do that, simple say so, and let's avoid a lot of 'song and dance' about what information might be available or not available.

"If my understanding is correct, then I think the people who want to hide the worksheets from the rest of us who don't have them and hide them from the public ought to vote 'yes' and stand up and say that they don't want anybody to know about it. Tell the public that. And for those of you who want to inform the public and would like to have all of us have access to it, then vote for the amendment. Let's not do any 'song and dance;' we've already sent a message to the state that our recreation and our state parks and our historic sites development and everything else will be subordinated to the interest of the tourist industry. That's the policy of this place.

"So, if it is the desire of the Majority that you hide your work and hide what you have done and how you have done it from the rest of us who are not privileged to it, and if it amuses you, as it apparently does, it wouldn't be the first time in legislative or parliamentary circles that activity which is inimical to the public interest was amusing to those who were engaged in it, you can vote with a smile when you do it. And if you desire otherwise that you be open, that we practice the things we used to preach in this body, why then, vote for the amendment."

Senator Cayetano also spoke in favor of the amendment as follows:

"Mr. President, I'd like to clear up what I think is the issue. I believe the issue before this body is whether the budget worksheets should be made available to Senators who are not on the Ways and Means Committee, during the final 48-hour period prior to the passage of the bill. That, I think, is the issue and that is what we have to determine, whether we want to establish that as policy for this Senate now and hereafter.

"In reference to the lawsuit, I might add that the lawsuit was filed in desperation, and it is a very sorry

thing that members of this body had to be subjected to that lawsuit. That lawsuit is now on appeal, and if it is the desire of this body to have the Supreme Court speak on the issue, then perhaps we should not vote for the amendment. But as I see it, the language 'including the budget worksheets' really makes that appeal moot. It does not jeopardize the case, so to speak.

"If the members of this body feel it is a good idea but are worried about the lawsuit (I'm trying to connect the two together), if you agree this is a good idea, you vote for this amendment; the lawsuit is 'pau', because what will happen is that your attorney and our attorney will agree that there is no longer an issue before the court because the Senate by its own rules has resolved the issue. That's the crux of this amendment."

Senator Cobb then rose to speak against the amendment as follows:

"Mr. President, during the course of conversation, as well as questions raised on the floor, it became obvious there was a difference of opinion as to what constitutes detailed information as opposed to what constitutes a budget worksheet. I think the Senator who was raising the question to the chairman of the Ways and Means Committee had primarily as his concern the detailed information, not necessarily the worksheets themselves, which may or may not be under the control of either the staff or the House of Representatives and would not be readily available, particularly during the course of the conference.

"If it's the detailed information that's being sought, I think the chairman of the Ways and Means Committee has already indicated the willingness to share or provide those details during the interim period between the time the budget is decked and the time we vote on it. However, if the Senate were to reverse its position insofar as the worksheets are concerned, that would be reversing the position as is held in the lawsuit. I would point out that on page 2 of the amendment it does not say budget detail, it says 'budget worksheets.'"

Senator Cayetano then remarked and inquired:

"Just so we get this cleared, Mr. President, for the record. As I understand it, your attorneys have

filed a motion to dismiss, and my hunch is that they are going to use your rule as the basis for that motion to dismiss the appeal. What Senator Cobb said is that budget worksheets are not included in the definition of the word 'information.' Is that correct? Is that the position of the Majority?"

The Chair inquired: "Are you asking the Chair?"

Senator Cayetano replied:

"Yes. I suppose I should ask someone. Maybe I should ask the Judiciary chairman. May I ask the Judiciary chairman, is that the position of the Majority?"

The Chair then asked the chairman if he would yield to a question and Senator Chang answered: "Mr. President, will he restate the question, please, so I may understand the precise terms."

Senator Cayetano clarified his inquiry as follows:

"Mr. President, after listening to Senator Cobb's remarks, I came away with the understanding that the word 'information' does not include the budget worksheets. Now, am I correct? Is he correct? What is the understanding of the Majority on it?"

Senator Chang answered:

"I can't speak for the chairman of Ways and Means. My feeling is that the proposed Rules change speaks for itself -- information regarding the contents of the bill will be made available. Having been trained in accounting and economics in my undergraduate program, I might say that almost anything can be regarded as a budget worksheet; that even the proposed amendment here does not necessarily bring about the result that you may desire."

Senator Cayetano continued and stated:

"Mr. President, I think that by tradition and practice what constitutes a budget worksheet is pretty well known. I mean, after all, it is bound; it is titled; and the title refers to the budget conference. That is what I am talking about. If the Judiciary chairman is unable to answer the question, because it seems whenever we ask a question about the rule, the answer is a recitation of the rule, so let me ask if Senator Cobb would yield to a question."

Senator Cobb responded: "In doing so, Mr. President, I would like to ask Senator Toguchi to yield as to what he meant by 'details and information' in his question to the chairman of the Ways and Means because that gets to the heart of the matter."

Senator Cayetano then stated: "Mr. President, I'm asking Senator Cobb. I'm sure he can ask after I ask him. I thought...."

The Chair then interjected: "Senator Cayetano, the Chair would like to suggest that we take a short recess and the three of you get together."

At 1:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:12 o'clock p.m.

At this time, Senator Cayetano rose and stated: "Mr. President, I believe I had the floor and I asked a question of Senator Cobb, and I wonder if he would answer."

Senator Cobb, in response, stated as follows:

"Yes, Mr. President. On the question that was raised by the Senator from the 22nd District to the chairman of the Ways and Means Committee relative to the budget details, I think the concern that has been expressed is because the word 'worksheets' is presently in a court suit that is on appeal. It's not just a matter of semantics. During the course of questioning from the Senator from the 22nd District to the chairman of the Ways and Means Committee the thrust of it was, would budget details be made available? And I believe the answer was in the affirmative. However, I think it is not a matter of semantics because there is a considerable difference between budget details and budget worksheets."

Senator Cayetano then stated: "Mr. President, I'm not sure he answered my question. I think he made a statement. I believe my question was, does the word 'information' include the worksheets...your understanding, Senator Cobb."

Senator Cobb replied: "Mr. President, my interpretation, not necessarily no."

Senator Cayetano inquired: "When is it necessarily yes?"

Senator Cobb then answered: "Mr. President, if the amendment includes the word 'worksheets' and is adopted by the Senate or so ruled by the Court, then it would obviously include the term 'worksheets.'"

Senator Cayetano again queried: "Would it be then your understanding that the amendment standing alone without the term 'including the budget worksheets,' the word 'information' would not include worksheets. Is that correct?"

Senator Cobb replied: "That is correct."

Senator Cayetano then thanked Senator Cobb.

At this time, Senator Kawasaki rose to speak in favor of the amendment and asked as follows:

"Mr. President, I rise on a point of inquiry addressed to whoever wishes to answer my point of inquiry. I suppose the most logical person would be the chairman of the Ways and Means Committee. Could I have the chairman of the Ways and Means Committee answer my question?"

The Chair then asked if the Chairman of Ways and Means would yield to a question and Senator Yamasaki answered: "Yes, Mr. President, what is the question?"

Senator Kawasaki queried:

"Whatever the outcome of the vote taken on this proposed amendment, I would like to feel, and this is my question addressed to you, that information that is asked by any member of the Senate here sincerely, information which is relevant and pertinent to his making an intelligent decision on the budget that involves \$3.5 billion, \$3 billion, all that information that is pertinent and relevant to his making an intelligent decision, that will be available to him upon inquiry, is that correct? I would like that to be answered."

Senator Yamasaki answered:

"Mr. President, I just want to state that, as the proposed rule says, the members of the committee shall make available to the members of the Senate information regarding the contents of the General Appropriations Bill or the Supplemental Appropriations Bill."

Senator Kawasaki then inquired:

"So that information, if it is



pertinent and relevant to our making an intelligent decision on the budget, will be made available to us, whether it's in the worksheets, the yellow sheets, memos or whatever?"

Senator Yamasaki replied: "Mr. President, I believe it is so."

Senator Kawasaki then thanked the Chairman and said: "I would hope that that answer is entered into the record."

The motion to adopt Floor Amendment 2 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Ajifu, Aki, Chang, Cobb, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young and Wong.)

Senator Toguchi then moved that Floor Amendment 3 to S.R. No. 9 which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Carpenter.

Senator Toguchi, then stated:

"Mr. President, just for the record, I would like to read the amendment on Rule 18:

"(1) Make recommendations to the Senate on the procedures and manner in which the administrative and personnel operations of the Senate should be conducted."

"And moving on down to (3), the amendment reads, 'The Committee shall meet quarterly for the purpose of reviewing and approving the expenditures of the Senate. A quarterly report shall be distributed to the members listing an itemization of expenses for the quarter. The Committee shall make available to any Senator the financial records of the Senate upon request.'"

Senator Carpenter rose to speak in favor of the amendment as follows:

"Mr. President, the language, I think is fairly clear cut; specifically, it's good business practice. Every business does at least this.

"And, Mr. President, more particularly in the political arena where we are, each of us, entrusted with expenditures of public funds, in order to alleviate or preclude any apprehension amongst ourselves as

public servants of the public in general, this information certainly can and should be made available. Thank you."

Senator Young then rose to speak against the amendment:

"Mr. President, I rise to speak against this amendment. The President had stated earlier that he had offered to make available to any Senator the monthly report of Senate expenses. He has assured this body that any Senator who is interested in obtaining any additional specific information, that he or his staff will be willing to oblige.

"It is also my understanding that a resolution will be introduced shortly regarding the administrative procedures of the Senate."

Senator Cayetano also rose to speak in favor of the amendment:

"Mr. President, the purpose of this amendment is to spread the responsibility for the drafting and design of the administrative procedures manual to the members of the Senate.

"Mr. President, as you know, that responsibility was given solely to the President in the past, and we have not had an administrative procedures manual for the last five years. We have presented a draft, a proposal. I think that some of the recommendations made are good, but the drafting of the design of the administrative procedures manual should not be left to the officer who will be discharging the duties under that manual.

"This is common practice in business, for example. I consider (and I'd like to make an analogy) the Senate and its members as being the equivalent of the board of directors of a corporation; the public as the stockholders. We know that it would be impracticable for individual stockholders to look into the corporate books and demand detailed financial information at any time they please because that may bring corporate business to a halt. But certainly, the board of directors, and I consider all of us to be the equivalent, has a fiduciary duty and fiduciary relationship to have accessibility to this kind of information.

"All of us are entrusted with the duty of managing the people's money as it applies to the Senate. That is why we added the word 'Senate' in

lieu of the word 'President.' That is why we added the underlined part (3), which sets guidelines and the timetables for the Legislative Management Committee to meet for the purpose of reviewing and approving expenditures of the Senate, and for providing a quarterly report which will be distributed to the members of the Senate, listing and including an itemization of expenses for that quarter. All of us as fiduciaries have the right to know this information. It may be that the public does not have the right to know. I doubt that very much. I think they have the right to know also. But certainly there is no question in my mind that this information should be made available to any Senator upon request."

Senator Cobb then rose to speak against the amendment and stated:

"Mr. President, four observations in speaking against the amendment.

"(1) No other committee in the Rules of the Senate is mandated to meet at a specific time, place, or how often, as would be the case in this amendment.

"(2) In reference to a board of directors, a board sets policy and does not get involved in the day-to-day activities of a particular business in a corporate or private sector.

"(3) It is the offices of the Senate President and Vice President who by both law and rule have a fiduciary responsibility; and

"(4) As I understand it, monthly reports are being made and will probably be continued to be made and that the information has already been offered by the Chair to any Senator who requests it.

"Thank you."

Senator Cayetano responded:

"Mr. President, in response to the good Senator's remarks, first of all, let me say that by law the fiduciary duty or relationship of the Clerk and the President as to the expenditures of the Senate is not limited to the Clerk and the President. We all have the fiduciary duty. That particular section of the law merely authorizes it, and I suggest you get the HRS and read it, if you want, into the record. It merely authorizes the President and the Clerk to make expenditures on behalf of the Senate.

"As far as business practice, it is true that the board of directors does not get involved in the detailed day-to-day workings of a business, but it is also true that the board of directors is entitled to see this information when and if they request it. And in fact, as a common business practice, they do so on a regular basis. With respect to the provision setting a quarterly meeting, it is true that we do not have such a requirement for any other committee in this body, but the point here is that such a review must be made on a regular basis.

"If the good Senator wants to change it to monthly, that's perfectly okay with us; if he wants to do it weekly, that's fine too; if he wants to do it semi-annually, maybe we've got a problem -- it's a little too long. In any event, that is designed to provide a regular transmission of information as to Senate expenditures to the members -- nothing unreasonable about that."

The motion to adopt Floor Amendment 3 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Ajifu, Aki, Chang, Cobb, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Carpenter then moved that Floor Amendment 4 to S.R. No. 9 which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Toguchi.

Senator Carpenter spoke in support of the amendment as follows:

"Mr. President, the pertinent language in part reads, 'A committee report for a bill may not be circulated unless a majority of committee members present at a decision-making session so recommend.' Mr. President, I believe the language is quite straightforward.

"The present Rule 19 is silent as to what number of members may report out a bill. With the exception of Rule 21, item 5, there is no reference in the Rules of the Senate relating to the reasons for and the reaction of the circulation of committee reports for subsequent action. This would clearly spell out that the majority of committee members present at a decision-making session would have

the authority to effectively recommend for or against a particular bill. Thank you."

Senator Toguchi, also in support of the amendment, stated:

"Mr. President, I just want to clarify one thing. We are not saying that the majority of the members of the committee need be present at the meeting. What we're saying here is that the majority of members who are attending the meeting may make the decision to recommend that the bill be circulated. For example, if there are only three members present at the meeting, it will take the decision of at least two of them to move the bill as far as the circulation. If only the chairman is there at the meeting, the chair can so decide to circulate the report. So, it's the majority of the number of members present at the meeting."

Senator Kawasaki also spoke for the amendment and stated:

"Mr. President, at first view, I had some apprehensions about the practicability of the new amendment, knowing full well that many times committee chairmen do not have a full quorum in their committee hearings, of necessity because of the number of committees meeting at the same time.

"But where the word 'majority' implies that if a chairman is there by himself, he happens to be the majority, then he in effect can, by our rules, circulate the committee report for signatures or against the proposition. I think it is entirely reasonable; it does not pose any kind of impediment toward the reasonable operation of the committee structure."

Senator Cobb then asked: "Mr. President, would the movant yield to a question?" Senator Carpenter having answered in the affirmative, Senator Cobb inquired as follows:

"If two members of the committee are present, one is in favor, one is opposed, may a report be circulated?"

Senator Carpenter answered: "Mr. President, the issue would be a standoff, therefore the bill could not move...and, Mr. President, if I may follow up...however, defer decision-making until such time as the majority who might be receptive could be present."

Senator Cobb then thanked Senator Carpenter.

Senator Chang spoke against the amendment and remarked as follows:

"Mr. President, as the proponents of the amendment well know, committee meetings are not attended by all of the committee members during the same period of time. This amendment would foster the tyranny of the minority. The only alternative which permits the widest, responsible, public, legislative decision-making is the circulation of the committee report. The committee report is a public document and is the ultimate decision of the committee. I recommend a 'no' vote."

Senator Carpenter, in response to the previous speaker, then stated:

"Mr. President, this amendment in no way precludes a majority action in contra to the first statement just made by the previous speaker."

Senator Abercrombie added his response as follows:

"Mr. President, in response to the remarks about the tyranny of the minority, that seems to me more a commentary on the capabilities of the chair of a committee than it is a comment on what a member or members of a committee would like to see happen. Before you toss phrases around like that, it seems to me we ought to take a look at just exactly what is being proposed.

"Some committees have various kinds of committee rules, some of which are universal, more or less universal, and some of which are peculiar and unique to the committee itself. All we're stating here is that if the committee is going to have its decision-making session it doesn't make much sense to have such a committee hearing and not have a majority of the members ready to move the bill. Otherwise, you have a genuine tyranny of the minority, which is to say that the chair can move the bill regardless of how the vote goes.

"So, it seems to me that the Judiciary chairman was engaged in a bit of a contradiction in terms.

"If the desire is merely to have the committee reports circulated for signatures, fine and dandy. What this amendment addresses itself to is that there is a desire, by virtue of the language of it, that a committee meeting be held and that at such a meeting a majority of those present

declare for the circulation before it takes place. If the desire is merely to do it otherwise than to circulate it, you can do so.

"Probably, one of the advantages of doing it in the manner suggested in the amendment is that there are many people who participate by virtue of giving testimony, observing committee hearings and so on, and who might be desirous of seeing what is happening and what the votes might be. They might want to find out whether or not there are Senators who need to be talked to or they would be desirous of speaking with, with respect to the bill, because they may be able to change some Senator's mind and they may be desirous of doing so. There may be Senators who may find out for the first time what their colleagues feel about a particular bill and may wish to try and change their minds before the bill is circulated.

"Let's not put too much into this. After all, the committee report has to be circulated and must receive the majority of the signatures before it can get on to the floor. This merely is the mechanism of putting that committee report circulation into effect."

The motion to adopt Floor Amendment 4 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Ajifu, Aki, Chang, Cobb, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Toguchi then moved that Floor Amendment 5 to S.R. No. 9 which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Carpenter.

Senator Toguchi then rose to speak in support of the amendment and stated:

"Mr. President, I think the amendment speaks for itself.

"Basically, when we address issues here at the Legislature, when we propose bills, there usually is a problem, and we seek a solution. The amendments here that we are proposing clearly indicate what the solution is, that is, this amendment and what we are proposing here is that it includes the reasons for each

amendment or what is the problem."

Senator Chang spoke against the amendment and responded:

"Mr. President, I don't believe it is the proper role of the Senate Clerk to decide whether the contents of a committee report are satisfactory. I believe that that decision should continue to rest with the Senate itself. I recommend a 'no' vote."

Senator Cayetano, in support of the amendment, stated:

"Mr. President, perhaps this rule will not be necessary if this Senate provided some training to committee clerks and staff as to how to write committee reports. One thing that I have noticed over the years, especially in my years here in the Senate, is that it's very difficult at times to glean the legislative intent of bills or amendments, and maybe if we address the problem in that fashion efforts like this would not be necessary."

Senator Kawasaki also rose to speak in support of the amendment and stated:

"Mr. President, I think the adoption of the amendment, in effect, makes it easier for members who are not members of a committee from which the report emanated...makes it easier for these people to understand any changes made to a basic bill which was sent to the committee, when it comes out in an amended form. It assures that the committee report, hopefully, very succinctly outlines the reasons for the changes and helps every member of the Senate to understand the amended bill better.

"Mr. President, it seems to me that this is an improvement on what has been the practice in the past, and I speak in favor of it."

The motion to adopt Floor Amendment 5 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Ajifu, Aki, Chang, Cobb, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Toguchi then moved that Floor Amendment 6 to S.R. No. 9 which was offered on Thursday,

February 9, 1984, be adopted, seconded by Senator Carpenter.

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

"Mr. President, of all the amendments before us today, this, in my judgment, is the one that is most far-reaching and most important. We can survive, maybe not as well as we should, but nonetheless survive judgments that are made well or made badly with respect to various and sundry procedures as enunciated in these various amendments to the Rules.

"Mr. President, this particular amendment, and this is the amendment for 'Rule 62. Motion for Previous Question,' where you seek to change the requirement of a two-thirds majority to a three-fifths vote in order to move the previous question. It is one that is the most profound from a democratic point of view among all that are before us today.

"There has been mention made on this floor, not just today but in previous days, as to whether or not votes are capable of being garnered, and all that really counts is whether one gets the votes. Let's take that as the basis for our discussion. If all that really counts is the votes, then this is one area where the votes really should count in terms of having the maximum rather than a minimal number. By practice and historical reference, this is nothing more than the procedure to limit debate.

"Historically, Mr. President, and I refer to Cushing's Manual of Parliamentary Practice...historically, the original and proper parliamentary use of the previous question was the suppression of the main question. It's improper to consider it as one of the subsidiary motions for that purpose, although in this country it has been perverted into a wholly different use, namely, the suppression of debate. So, this is not new, this move from two-thirds to three-fifths.

"It's a sad day for me, and I will comment in a few moments that the Senate of the United States has moved to a three-fifths vote, much to the chagrin, I might add, to some members who had thought it was going to be to their advantage. Many of the people who supported it were 'reformers,' were 'liberals,' and as with many of these reforms and many of these so-called liberal appellations -- self-designated, I might add in many instances -- it turns out that

the results were quite different from what was expected.

"In any event, let me proceed with a bit of the history so that the members of this body understand that I am not speaking, nor is this amendment seeking, to preserve the two-thirds majority to move the question -- one that is frivolous or capricious or meant simply to take up your time.

"This motion, and I'm quoting again from Cushing's history, 'This motion was introduced in the House of Commons in England more than two centuries ago for the purpose of suppressing subjects of a delicate nature relating to high personages, or the discussion of which might call forth observations of injurious tendency.' We all know what that meant, that the people who did not want to have certain things discussed were utilizing this as a way of suppressing debate.

"The operation of this motion in suppressing the question to which it is applied results from the principle that no further consideration or discussion can regularly be had of a subject, which it has been decided shall not be put to the question; and, therefore, when on the motion of the previous question it has been decided that the principal question shall not now be put, that question is disposed of for the day, and cannot be renewed until the next or some succeeding day.'

"That is the subject, Mr. President, of a considerably enlightening article in the Congressional Quarterly on Senate filibuster and Senate limits on post cloture filibusters, which I recommend for those who are interested further in this question. I'll be happy to share it with them. My point being that it is not a question of whether or not debate shall be limited, but under what circumstances it shall be. I think I shall quote to advantage none other than Thomas Jefferson on that.

"In quoting again from Cushing's, 'This is the purpose for which the previous question was originally invented.' Parenthetically, I might add, in the debate on post cloture filibuster -- cloture being the capacity to close off debate in the Senate -- a debate took place as to how many hours of debate would follow the cloture.

"The idea was that the previous question would revolve around those

items before the body with respect to that day's discussion, and the difference and the movement of the previous question had to do with whether or not there was an adjournment for that day or whether there was a recess for that day so that the matter might still be discussed on a following day. Inasmuch as adjournment had not actually taken place, so for parliamentary purposes or legislative purposes the day was still in existence, vis-a-vis the question. This is what it's for. This is why it operated. This is why it came into existence historically.

"The fact that it has been taken advantage of by those at various times who want to limit debate and that those numbers with respect to the limiting of debate have been lowered in some bodies is, as indicated here in Cushing's idea, a perversion of what's moving the previous question is supposed to do.

"With respect to this, Jefferson's Manual of Parliamentary Practice states, 'So far the maxim is certainly true,' that is to say, that form of proceeding, quoting Jefferson, 'instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were in many instances, a shelter and protection to the minority against the attempts of power...is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.' The idea being the protection and liberty of the minority.

"That is why, for instance, parliamentary law provides that 'every member shall have the right to debate main motions and debate cannot be shut off except by two-thirds vote of the body, thus affording the minority freedom of speech and liberty from constraint.' This is taken from Demeter's Manual of Parliamentary Law.

"In other words, historically, it has always been a two-thirds vote, and it has always been recognized that majority rule should prevail in a democratic setting. The fact that the minority may wish to pursue its cause has to be protected, and it has been felt that two-thirds was the proper number to get.

"Among other things, Mr. President, because this often requires a bipartisan, tripartisan, or whatever the number happens to be, in order to achieve such a majority.

"The book 'The Ralph Nader Congress Project, Ruling Congress, A Study of How the House and Senate Rules Govern the Legislative Process' is very interesting in this respect and, again, I recommend it to your attention and to the other members. It discusses the filibuster and it discusses how, for example, the Senate of the United States came to move to the three-fifths. It is also interesting to note that two candidates for the presidency of the United States at the present time, Senator Ernest Hollings and Senator Alan Cranston, have come to regret the three-fifths motion which they supported at one time...(I beg your pardon, Senator Cranston supported the movement to three-fifths) and found themselves...(I'm now quoting from Senator James Allen, Democrat of Alabama, who some of you may know was a past master of parliamentary debate, and particularly on filibusters and cloture), 'It is interesting to note that in the closing days of the Ninety-First Congress that those who were resorting to the use of extended debate or filibuster were Senators who favor making it easier to cut off debate. I refer to the distinguished Senator from Wisconsin, Mr. Proxmire, who by engaging in an extended debate on the SST conference report was able to defeat the full funding of the SST project.'

"And he goes on to cite the then Senator from New York, Mr. Javits, 'and I believe the distinguished Senator from Minnesota, Mr. Mondale, was threatening use of extended debate with respect to the import quota legislation. The import quota legislation was not passed by Congress. The full funding of the SST was not authorized.'

"And in a footnote, 'After the SST filibuster, Senator Alan Cranston (D., Calif.), Frank Church (D., Idaho), and Charles Mathias (R., Md.) announced their support of the two-thirds cloture rule to cut off

debate and stop a filibuster instead of a reform measure calling, 'at that time, 'for a simple majority vote,' as we all know that became three-fifths, 'which would have been easier to achieve. These and other senators who formerly opposed the filibuster realized that there might come other times when they would need the filibuster and benefit from the stricter rule,' two-thirds cloture, 'before debate could be limited.'

"My point, Mr. President and members of the Senate, is that what one does today for convenience sake of the numbers or for the issues may turn around on you tomorrow and become an albatross around your neck when you have an issue that you feel, or you have a view that you feel, needs to be protected.

"The important thing to remember here, it seems to me, Mr. President, is that the majority, in terms of two-thirds, will always be able to limit debate. This amendment does not provide for a filibuster. What it provides for is an opportunity to stay true to the historic contentions that were made and for good reason, with respect to why we can differentiate ourselves from a dictatorship.

"I can read at length and I would refer you again to remarks made last year by Walter Lippman and Alexis de Tocqueville with respect to a phrase utilized by the chairman of the Judiciary, that is to say that the amendment would foster the so-called tyranny of the minority, and refer you to remarks about the tyranny of the majority.

"The question here, then, is not whether debate shall be limited or whether we should hold true to a vote, the two-thirds vote that historically has undergirded the democratic process in this nation, and refuse to lower numbers for the convenience of the moment and undermine, thereby, those values which we should be upholding in this body regardless of our political affiliations, regardless of our organizations of the moment, regardless of the passions of the moment, regardless of the issues of the moment.

"This principle, the two-thirds vote to move the question and end debate and suppress debate, is one so fundamental to the democratic process that we seek to change it only at the peril of that which has, throughout our history, been the safeguard for the democratic process.

"In conclusion, I remind the members that candidates for the presidency of the United State have served in bodies such as this, including the national body, the national senate, and have had to come to grips with the same thing, and that the leading candidates for the presidency recognize that when they were on the other side of the debate that they too desired to have that two-thirds majority vote; that they too recognized the wisdom in the establishment of two-thirds as the point at which debate should be cut off.

"So, I ask you now, regardless of what the organizational situation is here in the Senate, there is no score to be kept -- seven out of eight, six out of seven, whatever it is -- I ask you to regard this amendment in its own context. I ask you to look into your own view of what we should be doing as a democratic body, as a body of debate, as a body concerned with issues. And all I'm asking is that we retain that which presently exists -- a two-thirds vote.

"We will all be the beneficiaries; those who come after us will be the beneficiaries. We will have upheld the values that I think we want to be associated with not only in this body, but in this state and in this nation.

"Thank you."

At this time, Senator Kawasaki rose to speak in favor of the amendment and stated:

"Mr. President, I am fully aware that there is nobody in this body I venture to say, that could make a more eloquent plea that's rational, that's logical, that's in keeping with good democratic practices than the plea, if you will, made by Senator Abercrombie just now. Mr. President, what is happening today deeply saddens me. I have always been very proud of having been in this body for the past 17 years. It seems to me that there were some amendments proposed today that were logical, that would help improve the operation of the Senate.

"During the previous several months of disagreements and discussions and caucuses and meetings between individuals and groups of individuals, we have discussed some changes to the Rules that seemed logical, and I was quite encouraged that people from both sides of this group were in agreement

that some changes are acceptable, perhaps for the betterment of the operation of the Senate. But, what I've seen today saddens me, primarily because notwithstanding the fact there must have been one or two amendments that were acceptable and good and logical, the vote seems to indicate to me that this Senate of which I have been so proud of for these many years has deteriorated into a body that can't get away from this 'you guys and us guys' syndrome. This deeply saddens me.

"If this continues, Mr. President, then I would say this is indeed a sad day for the people of this state, and I can no longer say that I am proud of this Senate because, really, we are not here sitting as individuals thinking out an issue on the basis of facts presented, on the basis of arguments which seems to me, at least, quite logical. I would hope that we can get away from this 'you guys and us guys' syndrome. This does not reflect credit upon this body.

"And, I sit down with the final plea that above any other rule and amendment proposed, this is the one that's most important because this amendment not being accepted, to me, just violates what is so logical in the way of a democratic process."

Senator Cobb then rose and stated:

"Mr. President, I rise to speak in favor of the rule and against the amendment to go back to two-thirds. The original proposal that I saw contained in a memorandum to you was to abolish all limits on debate. Now we have before us a proposal to retain the present two-thirds. I would agree that this is perhaps one of the most important issues that we face today in the consideration of the Rules, but I think a fuller review of the history is in order, considering the history of the Senate of the United States, as well as our own legislative history here in Hawaii.

"And I will direct my remarks in speaking against the amendment to a recital and in part a rebuttal of some of the history that has already been alluded to. In the Senate of the United States, Rule XXII is the rule dealing with cloture. In the Senate of Hawaii, it is Rule 62.

"Rule XXII of the Senate Standing Rules of the United States, as enacted in 1917, provided that debate could be brought to a close upon two-thirds vote of those Senators present and voting.

"In 1975 the proposal to amend this rule, after 15 unsuccessful attempts in the last 30 years, was to reduce the vote required from two-thirds of those present and voting to three-fifths of those present and voting. The opposition insisted that this was the first step down the road to so-called 'majority cloture' where just a bare majority would be able to bring debate to an end.

"Discussion, Mr. President, centered around the right to debate versus the obligation to act. Arguments emphasized the responsibility of the Senate to enact public measures when a majority of Senators supported a measure versus the right of the minority to stand in the way of the majority's action when it was felt that the action was ill-advised or a cavalier attempt at trampling minority rights. The final compromise, Mr. President, was to reduce the percentage from two-thirds to three-fifths, however, this percentage was applied to the Senators duly chosen and sworn, not merely those Senators present and voting.

"The proposed change in the Rules that will be before this body for final adoption is precisely the same formula -- three-fifths, meaning of those duly sworn and elected, not merely present, Mr. President. After having read over 5,000 pages of Senate history covering the cloture rule and attempts to amend it over a period of 140 years, there evolved basically 13 arguments against filibustering before cloture. I would like to share those arguments with members of this body today.

"1. Under the practice of filibustering, the basic American principle of majority rule is set at naught. Not only is the majority thwarted in its purpose to enact public measure, it is also coerced into acceptance of measures for which it has no desire or approval.

"2. The Senate should legislate efficiently, with responsibility only to the people. If the Senate is to be efficient, time should not be wasted in unnecessary delay merely for the sake of obstruction. Filibusters sometimes make special sessions of the legislature imperative, with resulting unnecessary expense to the people and business uncertainty in the state. They also destroy responsibility of the majority party to the people.

"3. Experience abroad and in the other state legislatures indicates that debate can be limited without undemocratic results.



"4. Filibustering gives one Senator or a small group of Senators a veto power. It enables a handful of people in the Senate to prevent the passage of legislation desired by the overwhelming majority of the members of the Legislature and the people of the state. It even permits one Senator to hold up needed appropriations until he extorts the favor that he demands either for his district or his position. That was even alluded to.

"5. A filibuster arouses popular resentment and brings the Senate into disrepute here and elsewhere.

"6. A filibuster imposes upon the Senate an indignity which would not be tolerated in any other legislative chamber in the world.

"7. An effective anti-filibuster rule ought to exist because: a) It is the imperative duty of a legislature not merely to debate but to legislate and, therefore, to tolerate no course of action by any of its members which will absolutely prevent legislation; b) The majority is and must be held responsible for the conduct of affairs and is, therefore, entitled to use all means proper and necessary for the conduct of affairs; and c) The large volume of business thrust upon the legislature renders it essential that time not be consumed uselessly.

"8. In a parliamentary democracy the minority should have their say and the majority should have their way.

"9. Filibuster has delayed for decades the enactment of social legislation passed by the House of Representatives and desired by the majority of the American people. Many people were losing faith in American democracy because of its repeated and prolonged failures to perform its implicit promises. Responsibility for those failures lies in large part at the door of Senate filibusters.

"10. Filibusters cost the taxpayers thousands of dollars, consuming days and weeks of valuable time and many pages of the Congressional Record to the tune of \$90 a page.

"11. The present cloture rule (Rule No. 22) is so cumbersome as to be unworkable. It has been successfully invoked only 5 out of 27 times in 45 years. Finally, Mr. President, filibusters are undemocratic in that they permit one-third of the Senators present, plus one, to obstruct the

majority. This group of Senators may be from only one section of the country or state, they may be from only one political party, and none of them may have been recently elected. It is a dubious argument to defend the filibuster on the ground that it protects the minority when actually its principal use, actual or potential, is to deny fundamental democratic rights to certain minorities. Most of the really undemocratic conditions in our country today exist because of the threat or use of the filibuster.

"Mr. President, there are a number of Senators, some of which were alluded to, who spoke very eloquently on this subject of filibuster in the journals of the Senate of the United States. I would like to quote from four, two Republicans and two Democrats, on precisely this matter.

"Quoting Senator James B. Pearson, Republican of Kansas, who served from 1962 to 1979 in the Senate of the United States, and I quote:

"With adoption of this resolution, I believe we can achieve a fundamental and needed reform in the Senate by bringing into closer balance two of its most cherished rights -- the right to debate and the right to vote.' Two relevant points, Mr. President, continuing to quote: 'First, there is nothing new, unprecedented, or revolutionary in our attempts to balance the rights of each Senator to debate and to vote. Striking a proper balance is a problem which has vexed legislative bodies for four centuries. Second, there is no magic in the two-thirds formula adopted by the Senate in 1917, as evidenced by the manner in which Rule 22 was initially adopted.'

"Pearson then quoted Senator Henry Cabot Lodge of Massachusetts from the late 1890's in his debate during one of the earlier attempts when cloture was attempted to be adopted by the Senate of the United States, and I quote Senator Lodge: 'If the courtesy of unlimited debate is granted, it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case, the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure, but if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile.'

"Continuing with Senator Pearson: 'Extended debate can prevent hasty or ill-conceived action which could wrought much mischief in our state, but to argue that the modification of Rule 22 we seek will end full discussion of every issue that comes before us is to greatly misread both our intent and the thrust of our proposal.

"A shift from 66 to 60 percent will not eliminate the precious right of full debate. But it will make it somewhat easier to more efficiently conduct public business by striking a better balance between the right of debate and the right to vote at some time.

"The two-thirds rule is the result of well-intentioned men constructing what they hoped would be an effective compromise between the extreme of majority cloture, on the one hand, and unlimited debate, on the other.

"Yet, as the evidence of the past 58 years indicates, this worthwhile effort has failed by making the majority necessary for cloture so substantial that it is nearly impossible to obtain.'

"We believe that three-fifths of the Senate present and voting constitutes an ample majority, on which should have the right to act. But we also believe that three-fifths is not a majority so substantial as to be impractical of attainment, the equivalent, in fact, of having no debate limitation at all.'

"Mr. President, Senator Mathias was alluded to and I'd like to expand on some of his remarks that were made as a Republican Senator from Maryland, and I quote: 'When we insist on two-thirds, we are saying that it takes a supermajority of the size that is required to amend the Constitution of the United States, or the super-majority which is required to ratify a treaty. A treaty, once ratified and confirmed, becomes the law of the land. So Rule 22 says we need majorities of that size for the simple process of ending debate. I think there is a substantial, critical difference between ending a debate in the Senate and amending the Constitution or ratifying a treaty.

"There are two fundamentals in any parliamentary institution. One of them is that there be time and opportunity and freedom for debate. Members can rise and discuss issues fully, and they can examine them without any fear of retribution. But, second and equally important, there

comes a time for decision. Debate can be exciting, or it can be dull. It can be edifying or it can be foolish. But whatever the character of the debate, ultimately there comes a time when we must decide the issue. That is one of the two fundamentals of any parliamentary institution.

"Senators, sometimes for very valid reason, delay action -- to get more time, to provide opportunities to compromise. But there are also occasions when Senators who lack the votes to defeat legislation try to accomplish their purpose by words instead of votes. I think that those occasions are the kind to which we want to direct our efforts. Those are the tactics that must eventually be overcome, as has been long recognized.'

"Next, Mr. President, the junior Senator for many years from the State of Massachusetts, Edward M. Kennedy, is quoted and I should like to share a few of his thoughts with the Senate today. Quoting, 'In the past, the filibuster rule has often made a mockery of the view that the Senate is the "world's greatest deliberative body." On many occasions, because of the filibuster rule, the world's greatest deliberative body has become the world's least decisive body.

"The filibuster kills three ways, (1) it can block any action at all; (2) it can emasculate a bill as the price of further action; and (3) it can prevent a bill from even seeing the light of day. Too often, it has enabled a small minority of the Senate to prevent a strong majority from working its will and serving the public interest.

"The filibuster rule is a rule that was made by the Senate, and it is a rule that can be unmade by the Senate.

"By reducing the cloture majority from two-thirds to three-fifths, we can achieve a better balance of the four most important factors involved in our own deliberations: (1) the needs of the modern legislative process; (2) the need for full debate; (3) the rights of the majority; and (4) the rights of the minority. Frequently in past debates, the balance has been obscured. The principle of full debate has been especially misunderstood. No one objects to full debate. No legislation should be rushed through the Senate without ample opportunity for any Senator to discuss the measure,

express his views, and persuade his colleagues. But too often, extended debate has been an euphemism for obstruction; frequently opponents of a measure use the shelter of Rule 22 to block Senate action, long after all relevant arguments have been made, long after all meaningful discussion has taken place, long after any reasonable debate should have been brought to a close.

"I yield to none in my view that the Senate has an obligation to guarantee full debate. But the Senate has no obligation to guarantee that debate will never end. Yet the latter position is the position in which the Senate often finds itself today, under the restrictive operation of Rule 22.

"The crucial question in any filibuster reform proposal is, should a minority of the Senate ever be entitled to obstruct the majority? As a matter of logic, I would answer that question in the negative. I believe that the Senate should operate under the principle of majority rule, except as the Constitution otherwise provides. Majority rule is the heart of our democratic system of government, and it must necessarily be the backbone of our parliamentary procedure in the Senate.

"Although some would argue we should adopt "majority" cloture now, I do not support that position. In the experience of the Senate, generous respect has always been given to the rights of the minority.

"Today, at a time when the two-thirds cloture rule is proving too restrictive for modern Senate business, the most proper step in line with the precedents of the past, is a modest reduction from two-thirds to three-fifths in the majority required to end debate.'

"Finally, Mr. President, a few passages are in order as quotations from the senior Democratic Senator formerly of Minnesota, Walter Mondale, and I quote: 'We must debate, for full discussion is the hallmark of rational consideration. Similarly, and in an equal sense, we must decide, or deliberation is an empty gesture without decision.

"Rule 22, in its present form, has protected the right of debate at the expense of the right to decide. Rule 22 has significantly impaired the ability of this body to function.

"The spectacle of permitting this nation to be paralyzed by a small

group of Senators, who will not accede to the right of the Senate to decide -- as they can properly do under Rule 22 -- will haunt this Senate and this country in the coming Congress unless we are able to amend this rule to permit the Senate to eventually come to decision on great issues that confront our country.'

"Mondale quoted Alexander Hamilton to the effect, 'In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must, in some way or other, go forward.

"The sponsors of this resolution propose, what they sincerely believe to be, a reasonable accommodation of the right to debate and the right to decide.'

"We believe an amendment to Rule 22 providing for cloture upon the vote of three-fifths of those Senators present and voting will sufficiently protect the important rights which Rule 22 was originally intended to protect without paralyzing the U.S. Senate.

"Opponents of change claim, first, to be protecting extended, thorough debate. Few would dispute the importance of debate to the thoughtful execution of the legislative mission. But, as I have pointed out, the right to debate must be harmonized with the right to vote. And even the staunchest opponents of change in the filibuster procedure would not advocate unlimited debate.

"The device (of filibuster) has been used repeatedly by a small group of Senators as a method for stopping action and avoiding compromise on measures which have been carefully considered and which were favored by a vast majority of the members of this body -- from all sections of the country and of all political philosophies -- and by an overwhelming majority of the people of this nation.

"We believe the proposed change adequately protects minority rights within this body, while also preserving the unquestioned right of the majority to take action.'

"Finally, Mr. President, 'It is important to emphasize what the supporters of this change in Rule 22 are not doing. We are not seeking to establish -- nor move toward -- the principle of majority cloture in the

Senate. I believe I can safely say that most of the sponsors of this resolution oppose majority cloture. We value extended debate and minority rights sufficiently to retain a greater-than-majority cloture rule.'

"But, Mr. President, 'Legislation has been defeated, legislation has been delayed, time has been lost, expense has been incurred, and public confidence in and respect for this body has been diminished because of the rule we seek to change today.'

"In closing, Mr. President, I would like to point out a practical consideration in terms of the world of both legislative bodies of this Legislature. If 19 Senators and 51 House members desire to conclude business and go home on time, that is 70 of 76 members of the two houses of this Legislature, and I think there ought to be a device after the extended debate to permit us to do so. Thank you."

Senator Cayetano then rose to speak in favor of the amendment as follows:

"Mr. President, speaking for the amendment and in rebuttal to the previous speaker. Senator Kawasaki, I think, expressed my initial sentiments about the attempt in Senate Resolution No. 9 to reduce the vote required from two-thirds to three-fifths, but after listening to that very long narration of history by the previous speaker, I find myself somewhat amused. I don't think there's anyone here who disagrees with the proposition that we should not have unlimited debate. And I think that most of the history recited by the previous speaker speaks to that point.

"The key, it seems to me, is the question raised by someone the previous speaker quoted. What is magic about two-thirds? Let me turn the question around. What is magic about three-fifths? Apparently, Mr. President, despite all of the eloquent statements made by those great liberals who all of a sudden decided that they would reduce the percentage of the vote needed to close debate, I have a sneaking suspicion, Mr. President, that no amount of history can cover the fact that three-fifths was probably how the votes were divided in the U.S. Senate.

"So, please, let's not clothe your attempts in all of this history and

this eloquence that I'm sure you've practiced long and well last night, my good Senator Cobb. Let's get down to the nitty-gritty of the matter -- three-fifths equals 15. As Senator Carpenter said, it was 14 plus somebody.

"Mr. President, if that is going to be the standard or the measure, then perhaps you should consider 14 of 25, whatever that may come up to. I ask my good friend, Senator Henderson, to figure it out because he is a CPA and I'm not very good at math. It may not come out to a round number like three-fifths, but that may be what you require because of extenuating circumstances. All of this really is unnecessary. It seems to me just totally, totally unnecessary.

"Last year for example, you had the votes to limit debate. You could do it any time...only 13 votes to require to pull that, as I recall, or was it more, I don't remember. But that wasn't done last year; you had the votes. So, if you want to make it three-fifths, terrific. Maybe we should consider going lower -- maybe to majority -- because really the whole principle of limiting debate, I think, has been watered down in all of this unnecessary recitation of history. We thought it'd be a good idea. We ourselves don't believe that two-thirds is really a magic number; but since it was there -- it's been there for the last I don't know how many years, we thought it'd be nice to have it continue."

Senator Toguchi then stated: "Mr. President, I just want to respond to Senator Cayetano's statement and maybe this information might be helpful to you too. Fourteen comes out to exactly 56 percent."

Senator Ajifu rose to a point of personal privilege as follows:

"Mr. President, I'd like to inform the body that 14 plus somebody is me. Mr. President, as you know my name has been mentioned in yesterday's papers as the close ally to you and that I can be counted to vote with you and your Democrat colleagues.

"Mr. President, I would like to inform you and your Democrat colleagues that last night was the Republican Party of Hawaii 'Lincoln Day' dinner. There was a tremendous gathering. We had so many full-fledged Republicans who paid \$150 for their dinner. It was very

enlightening for me; more so, because there were many enlightened Democrats who also paid \$150 for their dinner.

"Mr. President, I guess I was one of the few one-fifth Republicans because I was assessed only one-fifth the price. In any case, Mr. President, I made my reaffirmation to the Republicans that I am still a full-fledged Republican.

"Mr. President, I assume you have 14 votes and in order to impose cloture you will need 15 votes. Mr. President, if that time comes and if I feel that rule should be put into effect for the good of this Senate so that this body can proceed with the business of the people of Hawaii, you can count on me, the 15th vote.

"Mr. President, I'd like to ask you if I have a conflict of interest ...conflict, really. I was informed by Senator Cayetano that he's offering me a T-shirt with number 15 on it."

Senator Carpenter then rose and responded:

"Mr. President, rising in response to the previous speaker. I appreciate his comments because I think around this body, at least over the last five years, when we signified on a committee report 'WR' that meant 'with reservation.' We also, over the past five years, have made that somewhat synonymous with 'with Ralph,' and I think that's appropriate at this time. Thank you."

At this time, the President made the following observation: "The Chair would like to inquire of this body if there are any other people who would like to speak on the amendment."

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

"Mr. President, the Senator (I don't know what district he comes from, Hawaii Kai side...the number kind of eludes me at the moment) apparently recited possibly the detriment that has been part of the operation of the Senate in the past with the existing two-thirds cloture rule. I'd like perhaps...my memory in my old age is beginning to slip...I would like him to recite to me several instances where in this body the two-thirds cloture rule had allowed a filibuster that prevented progressive legislation from being passed or votes being taken on something pretty important on this floor here."

Senator Cobb responded:

"Yes, Mr. President, as recently as last year when the budget came up for third reading, we were unable to vote for it on a timely basis. It went past the deadline because a two-thirds vote could not have been attained. On further research, the last time I recalled a specific instance was in pre-statehood days when a two-thirds vote fell short, but I can recall very clearly last year the state budget on third reading, not final reading, could not be voted upon by the deadline that had been agreed to between the two houses because of extended debate."

Senator Kawasaki then stated:

"Thank you. It just seems to me, Mr. President, that one instance doesn't seem to justify our changing what has been the cloture rule requiring two-thirds vote for all these many years by many predecessor Senate bodies before us. Mr. President, not adopting this amendment seems to me is showing a lack of confidence in each and everyone of us here in this body. It shows a lack of confidence to say that when 8 Senators, in addition to whoever is speaking on the floor at the moment, decide to let that person speak longer, then the 8 Senators are wrong in judgment. I'd like to show some degree of confidence in the judgment of 8 Senators who decide to let that person speak -- their judgment that he is speaking to the point; he is not unnecessarily delaying on taking a vote with irrelevant rhetoric.

"Put it another way, I have confidence enough to think that at least 17 out of the 25 Senators sitting here can decide very intelligently when they will stop the debate or discussion from going on further.

"It seems to me asking for a three-fifths cloture rule is an expression of a lack of confidence in each and every one of us here to make sound judgments. For that reason, I speak again in favor of retention of the two-thirds vote and vote in favor of this amendment."

Senator Abercrombie also rose on a point of inquiry and remarked:

"Point of inquiry first, Mr. President, before I speak. I'd like to know what Senator Cobb is talking about. In his own talk, he mentioned that 19 votes to fix the order of the time of debate. There was no

question about that; there was an argument as to whether that was completed or not, or whether it was understood what took place between the Chair, Senator Toguchi and the rest of us, but that...I want to know...the question Senator Kawasaki put was...is when was there a failure to get two-thirds majority under the previous question or in the instance of a special order...a request for a special order to set a time of limit on debate? Now as I recall, the vote was 19."

Senator Cobb then replied: "Mr. President, to respond to that question, the vote was 19 on final reading of the budget. There was insufficient number for a two-thirds on third reading of the budget."

Senator Abercrombie then continued and stated:

"Thank you, Mr. President. Then, I'll speak in rebuttal. Then what that does is speak of the necessity of keeping the number at two-thirds. I'll refer to the bipartisan necessities that are involved here too. These numbers will change back and forth. Precisely because of circumstances that were so under strain at that time, is a reason why you want to be prudent before you start trying to run things by what constitutes a bare majority or barely a majority of any house. That is precisely why the two-thirds rule is there, so that you take the most sober and considered view before you move on.

"The filibuster is not an issue here. Virtually, the entire commentary by Senator Cobb which followed mine focussed on the filibuster. It is not an issue here. Here, is the issue of cloture, of the two-thirds vote. This amendment does not, I read it right here. It says 'It shall require,' move the previous question... 'It shall require a two-thirds vote to carry it.' It does not say that there shall not be unlimited debate. It does not say that there shall be required of the Senate that it allow a filibuster.

"Virtually, all the discussion by the Senator amounts to a Soph'ist argument. It has nothing to do with the amendment. The amendment is not to guarantee a filibuster. The amendment is to guarantee that debate will be limited, and that is what the two-thirds vote is all about. In his own remarks, I believe it was his fourth remark, he speaks about words to the effect that the overwhelming majority of Senators, not scarcely a

majority, which is what three-fifths is in this body. And I would point out, I have all the cloture votes here, going back to the year 1919. I know precisely what they are -- 41 of them succeeded. We're talking about a body of 100 people, not 25 people.

"When we talk about two-thirds in here, let's try to keep some perspective about what we're dealing with here. We're dealing in this body, and we must also keep in historical perspective in this state where, in effect there's been one party rule. There has been differences among party, yes. But when you have that kind of majority, you have to protect the capacity for people who have a different point of view to be able to express it. And in expressing it, express it in terms and circumstances that still allow the majority to proceed. If we're to pay attention to the thrust of the remarks of Senator Cobb, you would think that legislation...."

At this time, Senator Cobb rose on a point of order and stated:

"Mr. President, I think it is time we called a stop to the referring of names. If he wants to refer to me, I'm the Senator from the 7th District."

Senator Abercrombie replied: "I'll refer to the Senator from the 7th District."

The Chair then remarked: "That will be the proper address."

Senator Abercrombie continued:

"All right, fine. This is a very good example of what I'm talking about. All of us on this floor, at one time or another, in fact, just prior to my remark, were calling each other by first names, calling each other by name, but now you see, we're going to pay strict adherence to the rules. I beg the Senator's pardon. I'm sorry I called him by name. I'll refer to you in the abstract from now on.

"The good Senator knows that I meant nothing personal in using his given name. Because we have had discussions back and forth, including by the way, a statement of personal privilege in the middle of the debate, I utilized his name to distinguish my reference to those particular remarks. I should have used the number of the district. I don't argue that. But that was well known to the Senator. This is why we have to stick with the kinds of rules that protect ourselves

from exactly these kinds of ideas, exactly this kind of an approach.

"I believe it was the fourth, as I said, the fourth point, overwhelming majority of Senators...overwhelming majority of Senators have never been prevented in this body from conducting their business, or from succeeding in having a vote. They may have been inconvenienced sometimes, so what? What else do we have to do? Is there something more pressing? If you don't want to be inconvenienced, the most convenient way, of course, is you don't even bother to have hearings. You don't even bother to meet. We can do it the way they do it in Iran or in the Soviet Union where they wait around for someone to tell them what is to take place.

"Social legislation, I believe, was the ninth one. It depends on what your version of it is. It depends on what you consider to be an advancement. I quoted Senators in the national body where there was 100 to get the two-thirds, not where you are to get 25, to say they now regret that they took that kind of a stand because they now find that issues in which they have an interest are now subject to the three-fifths cloture, and they regret that.

"The Senator from the 7th District quoted Senator Charles Mathias. Well, maybe he wasn't listening to me quite as closely as I was listening to him. Maybe he forgot and I'll read it again for his edification: 'After the SST filibuster, Senators Alan Cranston (D., Calif.), Frank Church (D., Idaho), and Charles Mathias (R., Md.) announced their support for the two-thirds rule to cut off debate and stop a filibuster instead of the reform measure calling for a simple majority vote which would have been easier to achieve. These and other Senators who formerly opposed the filibuster realized there might come other times when they would need the filibuster and benefit from the stricter rule (two-thirds cloture) before debate could be limited.'

"The very Senator from Maryland that was quoted in support of the Senator from the 7th District's position in favor of lowering the vote to three-fifths recanted his view that it should go to three-fifths and has returned to the fold and now desires that there be a two-thirds vote, and for good reasons. I don't sit, I don't stand, rather, and say, 'Ah ha, Senator Mathias said three-fifths at one time and now he says two-thirds,

in terms of being inconsistent,' but rather his experience showed him that even though he thought that was going to be a reform, that it wasn't working the way it was supposed to and that two-thirds, the historical two-thirds, was all in all the best way to proceed.

"What I'd like to say, finally, has to do with public confidence. There was an allusion in the Senator from the 7th District's remarks to public confidence being diminished. I would maintain that public confidence, yes, might be diminished if we come down to 15 -- that's two more than a majority. In his remarks he indicated that you were not trying to move toward majority cloture. But if you move from two-thirds down to three-fifths, that's exactly what you're doing. You're moving toward majority cloture -- two more than a majority. That doesn't even remotely cover the sense of what a cloture vote is supposed to do with respect to debate.

"So, Mr. President, I will reiterate my plea to this body that you set aside, at least on something as fundamental as the limitation of debate, partisan considerations or personal considerations and that we consider what the good of the body and the context of the values that we've espoused in this nation and in this state are, and vote to retain what we presently have and which has always worked in this body, to my knowledge in the Territorial Legislature, that we retain the two-thirds rule and that we work diligently to abide by that rule so that when the majority has decided it can prevail, provided that it take full recognition by virtue of the two-thirds vote, that any other view will have the opportunity to be fully expressed.

"If you cannot get a two-thirds majority to cut off debate, in other words, Mr. President, I believe debate should continue. And if that requires an extra day, or two days, or whatever it might have to be, then I think that's good because far from diminishing the confidence of the people in our state on what we are doing and what we want to accomplish, it will show that rather than be tied to any arbitrary time, when something is so important that you cannot muster two-thirds, not to pass legislation. That's a majority.

"What cannot muster two-thirds in order that other people might be hurt, that means that something

very, very fundamental and serious is taking place. That's a triumph of democracy. That's not an obstacle to democracy. That's a tribute and a commentary on the vigorousness of the democratic process, not an impediment to the accomplishment of its purpose.

"Thank you."

The motion to adopt Floor Amendment 6 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 8. Noes, 17 (Ajifu, Aki, Chang, Cobb, George, Hagino, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Carpenter then moved that Floor Amendment 7 to S.R. No. 9 which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Toguchi.

At this time, Senator Carpenter rose to explain the amendment and speak in favor of it, as follows:

"Mr. President, very briefly, this amendment proposes a new rule to be added to the promulgated rules before us today. The language is quite succinct. It says, 'The Majority Leader and the Minority Leader shall be responsible for scheduling caucuses for their respective parties on all Third Reading Bills, and on nominations needing the advice and consent of the Senate.'

"Mr. President, this language essentially goes to formalize that which has been tradition here on an intermittent basis. In those years when there have been both minority party and majority party caucuses, sometimes in combination, it has certainly served a very useful purpose. It has improved communications. It certainly improved the understanding of the ultimate impact to the people by every member of this body on such measure, certainly that on final reading, would ultimately pass into law with the signature of the Governor and become the law of the land, which impact would be felt many, many years thereafter.

"And, Mr. President, I note that there is no reference at all in the Senate Rules of an individual called a Minority Leader, so this would be a first insertion. There is only one reference to an individual called a Majority Leader and that is under

Rule 71, section relating to proper addressing of individuals and gives an example of if you were to address an individual by calling that individual the Majority Leader. That is the only reference to either one of these titles, and Mr. President, since it is so important that we not only recognize that we have both minority and majority parties in operation in this Senate, and that since it is quite important that we acknowledge that they are led by certain individuals with certain titles who have great responsibility toward their constituencies, as well as their parties, this language is very clear, very succinct, and I believe certainly ought to be included in our Senate Rules.

"I hope, Mr. President, that our discussions in prior weeks towards the idea of improving communications, of conducting caucuses, I hope on an open basis, can be accommodated not merely by words, but by succinct language in the Senate Rules. Thank you."

Senator Soares rose to speak against the amendment and stated:

"Mr. President, I might surprise this floor by making a few remarks against this rule change and I do with real pride that the Republicans, the Minority in this case on the floor of the Senate, have made it a policy for years to always have Minority caucuses prior to all third reading bills, and I think records will show we even have the opportunity to share our brilliant knowledge of our digests with the Majority, that still will be available. However, I feel that since we are and have been practicing these Minority caucuses, we need not vote for this amendment."

Senator Chang then spoke against the amendment as follows:

"Mr. President, I concur with the previous speaker. The scheduling of party caucuses on any matter should be something that is decided on by the respective parties. For example, Libertarians should not instruct Republicans as to when they should caucus. I recommend a 'no' vote."

Senator Carpenter responded and stated:

"Mr. President, just in brief rebuttal. I do agree with the Minority Floor Leader who is also not mentioned by title in the Senate Rules and do agree that they should not



vote on this measure so they shall forever be nameless, both the Minority Floor Leader as well as the Minority Leader, in the Rules of the Senate. Thank you."

Senator Soares rose in response to the previous speaker and stated:

"Mr. President, I would be remiss not to say that if we remain nameless then how in the world would he come to us and ask for the digest if he needs it."

Senator Carpenter answered: "Very simple, Mr. President, I'd just go to certain nameless folks of this body."

Senator Cobb then stated: "Mr. President, I'll be guilty to remain nameless."

The motion to adopt Floor Amendment 7 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 7. Noes, 18 (Ajifu, Aki, Chang, Cobb, George, Hagino, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young and Wong).

Senator Abercrombie then moved that Floor Amendment 8 to S.R. No. 9 which was offered on Thursday, February 9, 1984, be adopted, seconded by Senator Carpenter.

Senator Carpenter rose to explain and speak in favor of this amendment as follows:

"Mr. President, I believe the language is quite succinct. However, to enter the language into the Journal, I'll read it: 'Mediation and Appeal Council,' referring to Section 1, 'There is established a Mediation and Appeal Council whose membership shall consist of the Senate President, Vice-President, Majority Leader, Majority Floor Leader and Majority Policy Leader.'

"When committees of the Senate fail to resolve their differences over a bill for which each committee has been referred to by the President, any committee, through its chairman, may make application to the Council to resolve and decide any differences on the bill. On the General Appropriations Bill and the Supplemental Appropriations Bill, any Standing Committee, through its chairman, may make application to the Council to resolve and decide any differences with the Ways and Means

Committee to budget recommendations that the Standing Committee has made for programs under their jurisdiction.'

"Mr. President, I believe the language is self-explanatory. We could perhaps argue structure of the language, but in essence, Mr. President, a consensus of the Democratic caucus, I believe, agreed to the idea and basically what this does, Mr. President, is to convert that idea into an action format to assure all members of this body that there is an appeal mechanism within the structure of the Rules of the Senate. Thank you."

Senator Chang spoke against the amendment, as follows:

"Mr. President, my understanding is that you and the leadership of the Senate at this time are planning to establish a mediation and appeal procedure under Rule 3 (17) which will involve leadership participation, very similar to that proposed by this amendment. I believe that the leadership should be provided with the opportunity to experiment with the procedure and determine the most appropriate procedure for this Senate. This proposed amendment would establish a procedure which may turn out to be inadequate or inappropriate, and for this reason I recommend a 'no' vote."

Senator Carpenter then responded and stated:

"Mr. President, recognizing that the previous speaker has addressed certain language that is proposed in the main motion to promulgate, mediate and appeal procedures to resolve differences between two or more standing committees on the same bill, but of general, Mr. President, as I said before, our language is more succinct, again puts in the structure of the Senate Rules such names that are presently absent in terms of leadership construction, such as majority leader, majority floor leader, and majority policy leader, who are also presently unnamed, except in use as an example for addressing purposes.

"Mr. President, the leadership of the majority party has always had the burden of the ultimate appeal. And the leadership has always had the responsibility to sort out differences within that party. Mr. President, all this does is to identify those leaders and attach the responsibility that goes with the authority they possess

in other than ambiguous language, as is proposed in the main motion. Thank you."

Senator Cobb then rose and stated:

"Very briefly, Mr. President. The naming of the majority leader or minority or anyone holding a titled leadership within the respective party is more a matter of caucus rule than it would be a Senate rule. I think the idea of a mediation council is a good one, but when we get down to the enumeration of all of these various types of party leaders, that is more properly a matter of caucus rule."

The motion to adopt Floor Amendment 8 was put by the Chair and, Roll Call vote having been requested, failed to pass on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Ajifu, Aki, Chang, Cobb, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Uwaine, Yamasaki, Young and Wong).

At this time, the Chair stated:

"Before proceeding to the main amendment for the adoption of rules, are there any floor amendments any Senator has to offer? If there are none, Mr. Clerk, would you call the roll. This is for the adoption of...."

Senator Carpenter inquired:

"Mr. President, on Rule No. 15 on the main motion, the language reads...excuse me, I guess that would be Rule 3, item 17...the language reads as I see it, 'To promulgate mediation and appeal procedures to resolve differences between two or more standing committees on the same bill.' Is that the language that would be inserted?"

The Chair replied: "I believe that's correct, Senator."

Senator Carpenter further inquired:

"The Senator from the 7th District alluded to something called 'caucus rules.' Maybe I've been missing something over the last five years in this body. Is there such a thing as a promulgated set of caucus rules?"

The Chair answered: "Senator Carpenter, that's an inquiry. The Chair would allow it but the vote has already been taken on the issue, but if the Senate...."

Senator Carpenter interjected and stated: "I understand, Mr. President, but there's the main motion in the language as presented."

Senator Cobb then responded and stated: "Mr. President, we've had caucus rules in the past either in writing or by verbal agreement of all the caucus members present. I'm hopeful we'll have some again this year, and given the opportunity to participate in the development of such rules, I'd very much like to do so."

Senator Carpenter remarked: "Thank you for indulging me. You're essentially saying that we do not have a set of promulgated, written caucus rules."

Senator Cobb further stated: "Mr. President, there is not any caucus rules in writing for the 1984 session; however, I am hopeful that given an opportunity, we will. In past sessions we have, either in writing or by verbal agreement of all Senators present."

Senator Carpenter inquired: "Since 1979?"

Senator Cobb then replied: "I believe we had an agreement made in caucus relative to the conduct of operations of the Senate that would constitute a rule of the caucus. I don't believe it's been in writing since 1979, and I've always been an advocate of written caucus rules."

Senator Carpenter answered: "Thank you. I know you have been an advocate, and I agree with you that we have not had it in writing in the last five years."

Senator Cayetano then stated and asked: "Mr. President, as you know we are totally surprised that our amendments have been defeated. Before we vote on the main motion, may we have a short recess?"

At 3:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:05 o'clock p.m.

Senator Cayetano then inquired: "Mr. President, are we having discussion on the motion now?"

The Chair answered: "We're at the main motion where we're prepared to take a vote."

Senator Cayetano stated and further

inquired: "All right. Is discussion appropriate?"

The Chair replied: "Certainly."

Senator Cayetano continued and stated:

"Mr. President, I'm going to vote against the motion, but in doing so I want to express appreciation for the Majority's incorporating many of the reforms that we have proposed. Not all of them are in the language that we have asked for, but I think in context and in principle most of them are in there, and I think that in the long run all of us will find that they would be good for the Senate. I am going to vote 'no' however, because of the three-fifths cloture rule. That is my main objection to the main motion.

"In closing, I'd like to say you informed me this morning, at the beginning of the session, that a communication was made to my office by your staff yesterday to inform us of the 11:00 a.m. caucus this morning. I believe that some of your members showed up at the caucus and none of us showed up. Let me state at the very outset that I checked with my office and apparently there was some miscommunication. Our lack of presence at the caucus was not to insult anyone or indicate an unwillingness to discuss the amendments proposed, but rather the result of that miscommunication. I thought that I would express that to you now, rather than at the beginning of the proposed amendments so that there would be no misunderstanding."

The Chair then finally asked and stated: "Is there any further discussion?"

"Members of the Senate, the motion is to adopt the Rules as proposed."

The motion was put by the Chair and, Roll Call vote having been requested, S.R. No. 9, entitled: "AMENDING THE RULES OF THE SENATE OF THE TWELFTH LEGISLATURE OF THE STATE OF HAWAII." was adopted on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Abercrombie, Carpenter, Cayetano, Fernandes Salling, Henderson, Kawasaki, Soares and 'oguchi).

#### ORDER OF THE DAY

#### REFERRAL OF SENATE BILLS

Senate Bills	Referred to:
No. 1693-84	Committee on Transportation
No. 1694-84	Committee on Consumer Protection and Commerce
No. 1695-84	Committee on Consumer Protection and Commerce
No. 1696-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 1697-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1698-84	Committee on Judiciary
No. 1699-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1700-84	Committee on Tourism
No. 1701-84	Committee on Judiciary
No. 1702-84	Committee on Consumer Protection and Commerce
No. 1703-84	Committee on Legislative Management
No. 1704-84	Committee on Housing and Urban Development
No. 1705-84	Committee on Housing and Urban Development
No. 1706-84	Committee on Transportation, then to the Committee on Ways and Means
No. 1707-84	Committee on Housing and Urban Development
No. 1708-84	Committee on Government Operations and County Relations
No. 1709-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1710-84	Committee on Housing and Urban Development
No. 1711-84	Committee on Housing and Urban Development
No. 1712-84	Committee on Housing and Urban Development
No. 1713-84	Committee on Housing and Urban Development

No. 1714-84	Committee on Tourism	No. 1736-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1715-84	Committee on Judiciary	No. 1737-84	Committee on Judiciary
No. 1716-84	Committee on Consumer Protection and Commerce	No. 1738-84	Committee on Judiciary
No. 1717-84	Committee on Consumer Protection and Commerce	No. 1739-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1718-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means	No. 1740-84	Committee on Consumer Protection and Commerce
No. 1719-84	Committee on Ways and Means	No. 1741-84	Committee on Consumer Protection and Commerce
No. 1720-84	Committee on Transportation, then to the Committee on Ways and Means	No. 1742-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
No. 1721-84	Committee on Transportation	No. 1743-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
No. 1722-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1744-84	Committee on Consumer Protection and Commerce
No. 1723-84	Committee on Human Resources	No. 1745-84	Committee on Consumer Protection and Commerce
No. 1724-84	Committee on Judiciary	No. 1746-84	Committee on Consumer Protection and Commerce
No. 1725-84	Committee on Judiciary	No. 1747-84	Committee on Consumer Protection and Commerce
No. 1726-84	Committee on Judiciary	No. 1748-84	Committee on Consumer Protection and Commerce
No. 1727-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 1749-84	Committee on Judiciary
No. 1728-84	Committee on Judiciary, then to the Committee on Ways and Means	No. 1750-84	Committee on Transportation, then to the Committee on Ways and Means
No. 1729-84	Committee on Judiciary	No. 1751-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1730-84	Committee on Judiciary, then to the Committee on Ways and Means	RE-REFERRAL OF GOVERNOR'S MESSAGES	
No. 1731-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	The President made the following re-referral of Governor's Messages that were received in the Regular Session of 1984:	
No. 1732-84	Committee on Judiciary	Governor's Message	Referred to:
No. 1733-84	Committee on Judiciary	No. 5	Committee on Housing and Urban Development
No. 1734-84	Committee on Judiciary	No. 39	State Conservation Lands Plan to the Committee on
No. 1735-84	Committee on Judiciary		

Economic Development;		No. 135	Committee on Economic Development
State Historic Preservation Plan to the Committee on Tourism; and		No. 136	Committee on Economic Development
State Recreation Plan to the Committee on Tourism		No. 142	Committee on Economic Development
No. 46	Committee on Human Resources	No. 249	Committee on Economic Development
No. 51	Committee on Education	No. 311	Committee on Economic Development
No. 54	Committee on Housing and Urban Development	No. 424	Committee on Tourism, then to the Committee on Ways and Means
No. 80	Committee on Health	No. 426	Committee on Human Resources
No. 82	Committee on Human Resources	No. 430	Committee on Education
No. 85	Committee on Government Operations and County Relations	No. 503	Committee on Housing and Urban Development
No. 96	Committee on Education	No. 606	Committee on Tourism
No. 97	Committee on Health	No. 615	Jointly to the Committee on Tourism and the Committee on Housing and Urban Development
No. 102	Committee on Human Resources		

RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS

The President made the following re-referral of Senate Concurrent Resolutions that were offered on Thursday, February 2, 1984, and on Tuesday, February 7, 1984, respectively:

Senate Concurrent Resolutions	Referred to:
No. 4	Committee on Tourism
No. 7	Committee on Government Operations and County Relations

RE-REFERRAL OF  
SENATE BILLS

The President made the following re-referral of bills that were introduced in the Regular Session of 1983:

Senate Bills	Referred to:
No. 118	Committee on Housing and Urban Development
No. 120	Committee on Housing and Urban Development

No. 654	Committee on Housing and Urban Development
No. 662	Committee on Tourism
No. 692	Committee on Health, then to the Committee on Ways and Means
No. 710	Committee on Health, then to the Committee on Ways and Means
No. 728	Committee on Health, then to the Committee on Ways and Means
No. 754	Committee on Economic Development, then to the Committee on Ways and Means
No. 759	Committee on Tourism, then to the Committee on Ways and Means
No. 766	Committee on Economic Development
No. 802	Committee on Tourism
No. 847	Jointly to the Committee on Tourism and the

	Committee on Housing and Urban Development, then to the Committee on Ways and Means		Committee on Ways and Means
No. 860	Committee on Human Resources	No. 1307	Committee on Government Operations and County Relations
No. 909	Committee on Economic Development	No. 1309	Committee on Housing and Urban Development
No. 913, S.D. 1	Committee on Tourism	No. 1318	Committee on Human Resources
No. 928	Committee on Tourism, then to the Committee on Ways and Means	No. 1343	Committee on Education
No. 946	Committee on Health	No. 1344	Committee on Education
No. 951	Committee on Education	No. 1345	Committee on Education
No. 964	Committee on Economic Development	No. 1346	Committee on Education
No. 986	Committee on Housing and Urban Development	No. 1347	Committee on Economic Development
No. 1017	Committee on Health, then to the Committee on ways and Means	No. 1348	Committee on Economic Development
No. 1023	Committee on Economic Development	No. 1349	Committee on Tourism
No. 1103	Committee on Tourism	No. 1350	Committee on Health
No. 1176	Committee on Health, then to the Committee on Ways and Means	No. 1352	Committee on Tourism
No. 1232	Committee on Human Resources	No. 1398	Committee on Government Operations and County Relations
No. 1260	Committee on Housing and Urban Development	No. 1399	Committee on Government Operations and County Relations
No. 1262	Committee on Economic Development	No. 1400	Committee on Housing and Urban Development
No. 1263	Committee on Housing and Urban Development	No. 1401	Committee on Housing and Urban Development
No. 1278	Committee on Housing and Urban Development	No. 1402	Committee on Housing and Urban Development
No. 1280	Committee on Economic Development	No. 1403	Committee on Housing and Urban Development
No. 1281	Committee on Economic Development, then to the Committee on Consumer Protection and Commerce	No. 1404	Committee on Housing and Urban Development
No. 1296	Committee on Education	No. 1487	Committee on Human Resources
No. 1304	Committee on Economic Development, then to the	No. 1488	Committee on Human Resources
		No. 1489	Committee on Human Resources
		No. 1490	Committee on Human

Resources  
 No. 1491 Committee on Human  
 Resources

The President then made the following re-referral of bills that were introduced on Wednesday, February 1, 1984:

Senate Bills Referred to:  
 No. 1495-84 Committee on Education  
 No. 1510-84 Committee on Government Operations and County Relations  
 No. 1511-84 Committee on Government Operations and County Relations  
 No. 1575-84 Committee on Human Resources  
 No. 1576-84 Committee on Human Resources  
 No. 1600-84 Committee on Tourism, then to the Committee on Ways and Means  
 No. 1604-84 Committee on Health, then to the Committee on Ways and Means  
 No. 1605-84 Committee on Education  
 No. 1609-84 Committee on Human Resources  
 No. 1619-84 Committee on Economic Development

The President then made the following re-referral of a bill that was introduced on Monday, February 6, 1984:

Senate Bill Referred to:  
 No. 1662-84 Committee on Health, then to the Committee on Ways and Means

The President then made the following re-referral of bills that were introduced on Tuesday, February 7, 1984:

Senate Bills Referred to:  
 No. 1682-84 Committee on Housing and Urban Development  
 No. 1686-84 Committee on Government Operations and County Relations

### RE-REFERRAL OF HOUSE BILLS

The President made the following re-referral of House Bills that were received in the Regular Session of 1983:

House Bills Referred to:

No. 73,  
 H.D. 1 Jointly to the  
 Committee on Health and the Com-  
 mittee on Education  
 No. 179,  
 H.D. 2 Committee on Eco-  
 nomic Development  
 No. 233 Committee on Gov-  
 ernment Operations and County  
 Relations  
 No. 249,  
 H.D. 1 Committee on Eco-  
 nomic Development  
 No. 549 Committee on Eco-  
 nomic Development  
 No. 871,  
 H.D. 1 Committee on Eco-  
 nomic Development  
 No. 887,  
 H.D. 2 Committee on Health  
 No. 1120,  
 H.D. 1 Committee on Hous-  
 ing and Urban Development  
 No. 1571,  
 H.D. 2 Committee on Hous-  
 ing and Urban Development

Senator Abercrombie rose and stated:

"Mr. President, a request to the Chair. I take it that Rule 71 is still in force on decorum and address. Inasmuch as the Reapportionment Commission has changed all these numbers and districts around and apparently is going to do it again, and you put forward what your committees are, in order to avoid a situation that just took place in remarks I was making when one of the Senators apparently found cause to rise and interrupt me, I'd like to have on my desk, instead of a vote tally, I would like to have everyone's name, district with their number, and whether or not they are the committee chairmen, and whether or not they are an officer of the body, so that any time any of us are speaking on the floor we will be able to make the correct designation."

The Chair replied: "The Chair will consider your request."

Senator Kawasaki rose on a point of personal privilege and stated as follows:

"Mr. President, in the interest of keeping facts straight involving any issue on the Senate of the State of Hawaii and in fairness to you and the other good friends of mine in this body who happen to be on the other side of this controversy, I'd like to state for the record that there was an erroneous impression given by the evening paper, inadvertently.

"The impression given in the article was that after our failure to reconcile the two groups in the Democrat Majority that there was a complaint registered where the prevailing side under your leadership had not given anyone on our side a chance to serve on the leadership. That was not quite the truth. People didn't quite have all the facts on that point.

"I want to say for the record and to everyone concerned that I appreciated the fact that you, as president, my friend on the right of me, Senator Uwayne, and Senator Kuroda had approached me many times during our long protracted disagreement period, asking me to serve as vice-president of the Senate. I declined the offer for my own reasons, but I did want to correct the record so that erroneous impressions would not prevail."

Senator Abercrombie then stated: "A question for the chairman of the Ways and Means Committee, Mr. President, if he would yield. It has to do with..." "

The Chair interjected: "I'll yield, if the question is addressed to me."

Senator Abercrombie then inquired: "Well, okay. I'll address it to the Ways and Means chairman or perhaps you can indicate. Is there a date upon which recommendations by subject matter committees, vis-a-vis the budget, must be before the Ways and Means Committee? Has that been arrived at now that you have your committees set up?"

The Chair answered: "Yes, I believe there's a timetable that we're still adhering to."

Senator Abercrombie further asked: "We have a timetable, and that is still the one that's operating?"

The Chair then replied: "That's the one that has been signed by the House and the Senate in terms of operation, as well as the Senate's own internal timetable."

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

"Mr. President, I'd like to ask if the chairman of Ways and Means would yield to a question, and maybe I can ask the question before he yields. Basically, we want to know if there has been established a deadline for committee chairs to submit their budget to Ways and Means, and what is that deadline? By when do the subject matter chairs have to submit their budget worksheets to the Ways and Means Committee?"

The Chair asked the Chairman of Ways and Means if he would yield to a question and Senator Yamasaki answered in the affirmative then said: "Mr. President, I'm not too sure that we have established that deadline yet because of the problem we had on the rules."

Senator Toguchi further inquired of the Chair: "Mr. President, can I now interpret that as no deadlines have been set yet as far as...."

The Chair interjected: "The Senate's timetable...."

Senator Toguchi continued: "I'm referring to, as far as when the subject matter committee chair would have to submit...."

The Chair again interjected: "I think the answer is if the Chair gave you that impression, I stand corrected because the Senate timetable, because of the Rules, have not been established yet. It will be by, let's say, Tuesday of next week."

Senator Toguchi responded: "Okay, since there is no deadline as far as we know."

The Chair remarked: "Not that I know of."

At this time, Senator Abercrombie rose on a point of inquiry and stated:

"Mr. President, there's been various announcements for committee hearings and so on. You asked for announcements and I'm at a little bit of a loss because I assume then you're through unless you have an announcement about committees. I would like to know whether that has



been concluded."

The Chair answered: "Yes, the Chair will make the announcement following all the announcements, discussions, points of personal privilege."

Senator Soares also rose on a point of inquiry and stated:

"Mr. President, yesterday afternoon I asked you a question regarding the resolution you had referred to the Human Resources Committee and you told me to ask it today as to when a hearing might be held on the resolution."

The Chair then replied: "Senator Soares, I have referred your question to the chairman of the Human Resources Committee. Perhaps he can answer it better than I can."

Senator Mizuguchi rose and stated:

"Mr. President, I will be more than glad to answer the Minority Floor Leader's question. The resolutions that he referred to, for the information of all Senators, is a resolution urging the State Office of Collective Bargaining and the five public employee unions to return to the bargaining table.

"Let me preface my answer by saying that I believe that all Senators who are in the chamber are very concerned about the strike that seems to be imminent, and we're all concerned about the negative ramifications and effects that a strike may have on the citizens of this state. And I think that all of us here hope that management and labor will return to formal negotiations and be able to reach a settlement.

"However, as chairman of the Human Resources Committee I am not considering placing these two resolutions on the agenda for a hearing. I do this because I have it from good authority that management and the respective public employee unions are now conducting informal discussions pertaining to the negotiations, and they are very close in coming together to assume formal negotiations and continue negotiations to try to avoid a strike. For this reason I believe that any legislative expression at this time is inappropriate and would not be productive.

"Thank you, Mr. President."

Senator Soares then stated:

"Mr. President, responding to the

previous speaker's statement, I do want to make it very clear that it is not a move on my part or the Minority here, to embarrass or to put the chairman in a situation that will be very unfair. I think the main point that we want to make is that in the body of the resolution we were very, very careful to avoid any implication that we wanted to intervene or become involved in the overall process. We do believe that the hope that we build and the basic thrust of the resolution expresses concern on our part that things do happen, that they are rolling along, and I think it's a matter of watching and seeing what happens."

At this time, the Chair made the following announcements:

"The Chair would like to make several announcements. First of all, the Chair would like to remind all Senators that next week Tuesday is the cut-off date for bill introduction. If you have any bills that are ready for introduction, please turn them in sometime this afternoon before you leave the building. We would like to be able to have them numbered and printed over the weekend so as to minimize the last minute rush and logjam on Tuesday.

"With reference to committee assignments and re-referrals, distribution will be made to all of the Senators following the adjournment of this session, and assignment for various committees have been made and will be in your offices probably in about 15 or 20 minutes after the adjournment.

"I think it is appropriate at this time for the Chair to thank all of the Senators for their patience today. It's been a long day. I thought the debate went well. The results may not have been to the satisfaction of the people proposing amendments but they had the chance to say what they wanted. I thought the debate was very properly carried out, and I hope that this sets the tone for all our future discussions on measures of importance to our state."

Senator Kawasaki rose on a point of inquiry: "Mr. President, by your comments just now, are you saying that perhaps we didn't need the change of the cloture rule at all?"

The Chair replied: "I can address that at another time.

"Again, the Chair appreciates the patience and the way in which the Rules debate was carried out."

## ADJOURNMENT

At 3:20 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 13, 1984.

## NINETEENTH DAY

Monday, February 13, 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 Commander Richard C. Hettish, Chaplain, United States Navy, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Eighteenth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 122 to 188) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 122), transmitting a report entitled, "CIP Status Report - 1983 - Financial Summary," dated November 30, 1983, prepared by the Department of Planning and Economic Development, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 123), submitting for consideration and confirmation to the Advisory Committee on Agricultural Products, the nomination of George S. Fujii, term to expire December 31, 1987, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 124), submitting for consideration and confirmation to the Advisory Committee on Flowers and Foliage, the nomination of Michael Goldstein, term to expire December 31, 1987, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 125), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nominations of Asher K. Ota, Ph.D., and Melvin Miranda, terms to expire December 31, 1987, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 126), submitting for consideration and confirmation to the Board of Barbers, the nomination of Gary T. Taogoshi, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and

Commerce.

A message from the Governor (Gov. Msg. No. 127), submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of Edwin N. Fujimoto, D.D.S., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 128), submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of Howard L. Farwell, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 129), submitting for consideration and confirmation to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, the nominations of Donald D. Chapman and Cesar Portugal, terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 130), submitting for consideration and confirmation to the Board of Hearing Aid Dealers and Fitters, the nomination of June Uyehara-Isono, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 131), submitting for consideration and confirmation to the Board of Massage, the nomination of Rex R. Ball, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 132), submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of John K. Uyetake, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 133), submitting for consideration and confirmation to the Board of Examiners in Naturopathy, the nomination of Richard Rovin, N.D., term to expire December 31, 1987, was referred to the Committee on

## Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 134), submitting for consideration and confirmation to the Board of Dispensing Opticians, the nomination of Gloria M. Mayer, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 135), submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Douglas P. Hagen, D.O., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 136), submitting for consideration and confirmation to the Board of Certification of Practicing Psychologists, the nomination of Herbert B. Weaver, Ph.D., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 137), submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of Dorothy D. Craven, Roland F.S. Tam, M.D., and Vickie M.I. Peiler, terms to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 138), submitting for consideration and confirmation to the Board of Directors, Aloha Tower Development Corporation, the nomination of Aaron Levine, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 139), submitting for consideration and confirmation to the Animal Species Advisory Commission, the nominations of Elizabeth Alison Kay, Ph.D., and Tonnie L.C. Casey, terms to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 140), submitting for consideration and confirmation to the Hawaii Fisheries Coordinating Council, the nominations of Alika Cooper, Louis Agard and Winfred Ho, terms to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 141), submitting for consideration and confirmation to the Land Use Commission, the nomination of Richard B.F. Choy, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 142), submitting for consideration and confirmation to the Education Commission of the States, the nomination of John A. Thompson, Ph.D., term to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 143), submitting for consideration and confirmation to the State Foundation on Culture and the Arts, the nomination of Lucille B. Cooper, term to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 144), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nomination of Betty Hemphill, term to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 145), submitting for consideration and confirmation to the Library Advisory Commission, County of Hawaii, the nomination of Hideo Kuniyoshi, term to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 146), submitting for consideration and confirmation to the Library Advisory Commission, County of Maui, the nominations of Kerry Y. Ogawa, Lawrence Kawasaki and Edward Espiritu, Jr., terms to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 147), submitting for consideration and confirmation to the Library Advisory Commission, County of Kauai, the nominations of Leonora Villatora, Hilda D. Cannon and Helen H. Kaneshiro, terms to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 148), submitting for consideration and confirmation to the Board of Public Broadcasting, the nomination of Willa F. Tanaka, term to expire

December 31, 1989, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 149), submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of Victor K. Punua, term to expire December 31, 1987, was referred to the Committee on Government Operations and County Relations.

A message from the Governor (Gov. Msg. No. 150), submitting for consideration and confirmation to the Board of Health, the nominations of Erika Eberly and Rose Ann Poyzer, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 151), submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of Leonard P. Paresa, Sr., Marvin B. Hall and Shaina V. Caporoz, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 152), submitting for consideration and confirmation to the East Honolulu Subarea Health Planning Council, the nomination of John A. Imoto, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 153), submitting for consideration and confirmation to the West Honolulu Subarea Health Planning Council, the nominations of Harry H. Imy and Herita Agmata, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 154), submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nomination of Melvin Y. Nishimoto, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 155), submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of David H. Luehr and Edward Tsukasa, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 156), submitting for consideration and confirmation to the

Waianae Coast Subarea Health Planning Council, the nomination of John J. Volanti, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 157), submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nomination of Richard Johnston, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 158), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, the nomination of Jack H. Houtz, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 159), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Hawaii County Hospital System, the nomination of Roy A. Forbes, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 160), submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nomination of Franklin Sunn, term to expire December 31, 1986, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 161), submitting for consideration and confirmation to the Advisory Commission on Drug Abuse and Controlled Substances, the nominations of Robert Sing Jung Hu and Eugene R. Uemura, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 162), submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of James K. Asato, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 163), submitting for consideration and confirmation to the Environmental Council, the nominations of the following:

John Bose II, term to expire December 31, 1986;

Royce S. Fukunaga, term to expire December 31, 1987;

Kenneth Ishizaki, term to expire December 31, 1985;

Noboru Iwami, term to expire December 31, 1987;

R. Chris Jansen, term to expire December 31, 1985;

Jack Kellner, term to expire December 31, 1987;

Bert Y. Kimura, Ph.D., term to expire December 31, 1985;

George Krasnick, term to expire December 31, 1986;

Wayne P. Law, term to expire December 31, 1986;

Leonard K.P. Leong, term to expire December 31, 1987;

Jacob M. Manegdeg, term to expire December 31, 1987;

Wally Miyahira, term to expire December 31, 1985;

James W. Morrow, term to expire December 31, 1986; and

Cynthia H.H. Thielen, term to expire December 31, 1986,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 164), submitting for consideration and confirmation to the Commission on the Handicapped, the nomination of Charlotte L. Townsend, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 165), submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of Curt T. Tagawa, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 166), submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nomination of Burt K. Tsuchiya, term to expire December 31, 1987, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 167), submitting for

consideration and confirmation to the Hawaiian Homes Commission, the nominations of Melvin D. Kalahiki and Eleanor K. Ahuna, terms to expire December 31, 1987, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 168), submitting for consideration and confirmation to the Hawaii Housing Authority, the nominations of John Spierling and William A. Knutson, terms to expire December 31, 1987, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 169), submitting for consideration and confirmation to the Advisory Council for Children and Youth, the nomination of Bruce Fujimoto, term to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 170), submitting for consideration and confirmation to the Civil Service Commission, the nomination of Edward S. Kushi, Jr., term to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 171), submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, the nomination of Mitsuyoshi Fukuda, term to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 172), submitting for consideration and confirmation to the Policy Advisory Board for Elderly Affairs, the nominations of Leonard E. Mason, Carol Kikkawa-Ward and Shizuko Mukaida, terms to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 173), submitting for consideration and confirmation to the Hawaii Employment Relations Board, the nomination of Renton L.K. Nip, term to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 174), submitting for consideration and confirmation to the Advisory Commission on Manpower and Full Employment, the nomination of Thomas J. Foye, term to expire June 30, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 175), submitting for consideration and confirmation to the Progressive Neighborhoods Task Force, the nominations of Rolland Smith, Louise N. Kong and Philip S. Chun, terms to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 176), submitting for consideration and confirmation to the Board of Trustees, Hawaii Public Employees Health Fund, the nominations of Gordon C. Murakami, Thomas Toguchi and Rev. Christian Tirre, terms to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 177), submitting for consideration and confirmation to the Board of Social Services and Housing, the nominations of Carolina Boland and Barbara Adams, terms to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 178), submitting for consideration and confirmation to the Juvenile Justice Interagency Board, the nominations of the following:

Douglas G. Gibb, term to expire December 31, 1987; and

Mary Lou Barela, term to expire December 31, 1986,

was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 179), submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nomination of Michael M.C. Yee, term to expire December 31, 1987, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 180), submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of Leonilda T. Caires, term to expire December 31, 1987, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 181), submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of Evelyn T. Brand, term to expire December 31, 1987, was referred to the Committee on Judiciary.

A message from the Governor (Gov.

Msg. No. 182), submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nominations of Hiroshi Sakai and Robert S. Toyofuku, terms to expire December 31, 1987, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 183), submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nominations of Hallett Hammatt, Ph.D., and Pauline King, Ph.D., terms to expire January 1, 1988, was referred to the Committee on Tourism.

A message from the Governor (Gov. Msg. No. 184), submitting for consideration and confirmation to the Stadium Authority, the nomination of Edwin K. Hayashi, term to expire December 31, 1987, was referred to the Committee on Tourism.

A message from the Governor (Gov. Msg. No. 185), submitting for consideration and confirmation to the Commission on Transportation, the nomination of Keith I. Oda, term to expire December 31, 1987, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 186), submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District, the nomination of Douglas Beatty, term to expire December 31, 1987, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 187), transmitting a report entitled, "Community Residential Facilities Plan," dated December 1983, prepared by the Department of Health, in response to House Resolution 473 (1983), was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 188), transmitting a report on Land Disposition, Subleases Approved by the Board of Land and Natural Resources, Executive Orders, and Dispositions to Public Utilities, (January 1, 1983 to December 31, 1983), dated January 1984, prepared by the Department of Land and Natural Resources, pursuant to Section 171 (-11, -29, and -95), HRS, was referred to the Committee on Economic Development.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed

First Reading by title, were referred to print and were placed on the calendar for further consideration on Tuesday, February 14, 1984:

## Senate Bills

No. 1782-84 "A BILL FOR AN ACT RELATING TO HONOAPIILANI HIGHWAY, MAUI."

Introduced by: Senators Yamasaki, Machida and Solomon.

No. 1783-84 "A BILL FOR AN ACT RELATING TO INCOME TAXATION."

Introduced by: Senators Yamasaki, Machida, Young, Uwayne, Soares, Mizuguchi, Solomon, Hagino, Holt, A. Kobayashi, Aki and George.

No. 1784-84 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE FEES."

Introduced by: Senators Yamasaki, Machida, Young, Uwayne, Soares, Solomon, Hagino, Holt, A. Kobayashi and Aki.

No. 1785-84 "A BILL FOR AN ACT RELATING TO SUMMER SCHOOL TUITION AND EXPENDITURES."

Introduced by: Senators Yamasaki, Machida, Uwayne, Soares, Solomon, Holt, A. Kobayashi, Aki and George.

No. 1786-84 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Senators Yamasaki, Machida, Young, Uwayne, Hagino, Mizuguchi, Solomon, Holt and Aki.

No. 1787-84 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Senators Yamasaki, Machida, Young, Uwayne, Soares, Mizuguchi, Solomon, Hagino, Holt, A. Kobayashi and Aki.

No. 1788-84 "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING."

Introduced by: Senators Yamasaki, Uwayne, Solomon, Holt, A. Kobayashi and Aki.

No. 1789-84 "A BILL FOR AN ACT RELATING TO AQUATIC LIFE."

Introduced by: Senator Yamasaki,

by request.

No. 1790-84 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW."

Introduced by: Senator Yamasaki, by request.

No. 1791-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Yamasaki, by request.

No. 1792-84 "A BILL FOR AN ACT RELATING TO AIRPORTS."

Introduced by: Senator B. Kobayashi.

No. 1793-84 "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES."

Introduced by: Senator B. Kobayashi.

No. 1794-84 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator B. Kobayashi.

No. 1795-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND AN ADDITION TO THE RUGER THEATER."

Introduced by: Senator B. Kobayashi.

No. 1796-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PESTICIDE HAZARD ASSESSMENT PROJECT."

Introduced by: Senator B. Kobayashi.

No. 1797-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT."

Introduced by: Senators Hagino, Solomon, Aki, Toguchi, Henderson, Fernandes Salling and Chang.

No. 1798-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL PRODUCTS."

Introduced by: Senators Hagino, Solomon, Aki, Henderson, Toguchi, Fernandes Salling and Chang.

No. 1799-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION



FOR THE PROMOTION OF PINE-APPLES."

Introduced by: Senators Hagino, Solomon, Aki, Henderson, Toguchi, Fernandes Salling and Chang.

No. 1800-84 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING PROCESSING ENTERPRISES."

Introduced by: Senators Carpenter, Henderson and Abercrombie.

No. 1801-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE HAWAII PERFORMING ARTS COMPANY."

Introduced by: Senator Abercrombie.

No. 1802-84 "A BILL FOR AN ACT MAKING VARIOUS APPROPRIATIONS."

Introduced by: Senator Abercrombie.

No. 1803-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Abercrombie.

No. 1804-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE WAIANAE UNITED METHODIST CHURCH."

Introduced by: Senator Abercrombie.

No. 1805-84 "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE."

Introduced by: Senator Abercrombie.

No. 1806-84 "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING."

Introduced by: Senator Abercrombie.

No. 1807-84 "A BILL FOR AN ACT RELATING TO HOME WATER FILTRATION DEVICES."

Introduced by: Senator Abercrombie.

No. 1808-84 "A BILL FOR AN

ACT RELATING TO PROPERTY."

Introduced by: Senator Young.

No. 1809-84 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Senator Young.

No. 1810-84 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Senator Young, by request.

No. 1811-84 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Senator Young.

No. 1812-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS."

Introduced by: Senator Young.

No. 1813-84 "A BILL FOR AN ACT RELATING TO PROPERTY."

Introduced by: Senator Young.

No. 1814-84 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senators Fernandes Salling, Toguchi, Kawasaki, Abercrombie, Cayetano and Carpenter.

No. 1815-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senators B. Kobayashi and Cobb.

No. 1816-84 "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT."

Introduced by: Senators Fernandes Salling, Toguchi, Cayetano, Kawasaki, Abercrombie and Carpenter.

No. 1817-84 "A BILL FOR AN ACT RELATING TO THE RIGHT OF NATIVE HAWAIIANS AND NATIVE HAWAIIAN ORGANIZATIONS TO SUE IN AN ACTION RELATING TO NATIVE HAWAIIAN LAND TRUSTS."

Introduced by: Senators Fernandes Salling, Toguchi, Abercrombie, Cayetano and Carpenter.

No. 1818-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Fernandes Salling, Toguchi, Cobb, Kawasaki, Abercrombie and Carpenter.

No. 1819-84 "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE."

Introduced by: Senators Fernandes Salling, Toguchi, Kawasaki, Abercrombie, Carpenter and Cayetano.

No. 1820-84 "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE BICYCLE LAWS."

Introduced by: Senators Kawasaki, Kuroda, Aki, Carpenter, Hagino and Solomon.

No. 1821-84 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Kawasaki, Kuroda, Aki, Carpenter, Hagino, Uwaine and Solomon.

No. 1822-84 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Senator Young.

No. 1823-84 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senators Aki, Chang, Hagino, Machida, B. Kobayashi and Soares.

No. 1824-84 "A BILL FOR AN ACT RELATING TO HUNTING LICENSES."

Introduced by: Senators Aki, Chang, Machida and Soares.

No. 1825-84 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senators Chang and Uwaine.

No. 1826-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Uwaine and Chang.

No. 1827-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senators Uwaine

and Chang.

No. 1828-84 "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION."

Introduced by: Senator Uwaine.

No. 1829-84 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senators George, Henderson, A. Kobayashi and Cobb,

No. 1830-84 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Senators George, Henderson and Soares.

No. 1831-84 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senators George, Soares, A. Kobayashi, Henderson and Ajifu.

No. 1832-84 "A BILL FOR AN ACT RELATING TO A CORRECTIONAL INDUSTRIES ADVISORY BOARD."

Introduced by: Senators George, Ajifu, Soares, Henderson and A. Kobayashi.

No. 1833-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A NEW COMPLEX AT THE HAWAII YOUTH CORRECTIONAL FACILITY, OAHU."

Introduced by: Senators George, Ajifu, Soares, Henderson and A. Kobayashi.

No. 1834-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DIAGNOSTIC SERVICES AT THE HAWAII YOUTH CORRECTIONAL FACILITY."

Introduced by: Senators George, Ajifu, Soares, Henderson and A. Kobayashi

No. 1835-84 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS."

Introduced by: Senator Henderson, by request.

No. 1836-84 "A BILL FOR AN

ACT MAKING AN APPROPRIATION FOR THE HAWAII VISITORS BUREAU."

Introduced by: Senators Henderson, Soares, George, Ajifu and A. Kobayashi.

No. 1837-84 "A BILL FOR AN ACT RELATING TO AIRPORTS."

Introduced by: Senator Henderson, by request.

No. 1838-84 "A BILL FOR AN ACT RELATING TO LITTER."

Introduced by: Senators George, Henderson, Ajifu, Soares and A. Kobayashi.

No. 1839-84 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Senators Henderson, Soares, Carpenter and Solomon.

No. 1840-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Aki.

No. 1841-84 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Wong, by request.

No. 1842-84 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Senator Wong, by request.

No. 1843-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII."

Introduced by: Senator Wong, by request.

No. 1844-84 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND."

Introduced by: Senator Wong, by request.

No. 1845-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING UNIT DETERMINATION."

Introduced by: Senator Wong, by

request.

No. 1846-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Wong.

No. 1847-84 "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE."

Introduced by: Senator Wong.

No. 1848-84 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Wong.

No. 1849-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI COMMUNITY COLLEGE MOLOKAI FARM SCHOOL."

Introduced by: Senator Wong.

No. 1850-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT MANOA."

Introduced by: Senator Wong.

No. 1851-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE POLYNESIAN VOYAGING SOCIETY."

Introduced by: Senator Wong, by request.

No. 1852-84 "A BILL FOR AN ACT RELATING TO THE RELIEF OF A CLAIM AGAINST THE STATE AND PROVIDING FOR AN APPROPRIATION THEREOF."

Introduced by: Senator Wong.

No. 1853-84 "A BILL FOR AN ACT RELATING TO THE RELIEF OF CLAIMS AGAINST THE STATE AND PROVIDING FOR APPROPRIATIONS THEREOF."

Introduced by: Senator Wong.

No. 1854-84 "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES."

Introduced by: Senator Wong.

No. 1855-84 "A BILL FOR AN

- ACT RELATING TO PROFESSIONS AND OCCUPATIONS."  
Introduced by: Senator Wong.
- No. 1856-84 "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE."  
Introduced by: Senator Wong.
- No. 1857-84 "A BILL FOR AN ACT RELATING TO HOUSING."  
Introduced by: Senators Wong, by request, and Yamasaki.  
Introduced by: Senator Wong.
- No. 1865-84 "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES."  
Introduced by: Senators Cobb, Aki, Kuroda, Solomon, Ajifu, A. Kobayashi and Yamasaki.
- No. 1866-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."  
Introduced by: Senators Cobb, Kuroda, Aki, Solomon and Ajifu.
- No. 1867-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1868-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1869-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1870-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1871-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb.
- No. 1872-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1873-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1874-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1875-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1876-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1877-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."  
Introduced by: Senator Cobb, by request.
- No. 1878-84 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII."  
Introduced by: Senator Carpenter.
- No. 1879-84 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."  
Introduced by: Senators Carpenter, Fernandes Salling and Ajifu.
- No. 1880-84 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS."  
Introduced by: Senators Carpenter, Kawasaki, George, Abercrombie, Fernandes Salling and Cayetano.
- No. 1881-84 "A BILL FOR AN ACT RELATING TO VEHICLES."  
Introduced by: Senators Carpenter, A. Kobayashi, Ajifu, George, Soares, Abercrombie, Chang, Solomon, Cayetano and

- Fernandes Salling.
- No. 1882-84 "A BILL FOR AN ACT RELATING TO LUXURY TAXES."  
Introduced by: Senators Carpenter and Fernandes Salling.
- No. 1883-84 "A BILL FOR AN ACT RELATING TO THE CRIME COMMISSION."  
Introduced by: Senators Carpenter, Kawasaki, Ajifu, George, Abercrombie, Soares, Fernandes Salling and Cayetano.
- No. 1884-84 "A BILL FOR AN ACT REGARDING CHAPTER 421C, HAWAII REVISED STATUTES."  
Introduced by: Senator Carpenter, by request.
- No. 1885-84 "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN LAND TRUSTS."  
Introduced by: Senators Carpenter, Henderson, Solomon, Uwaine and Cayetano.
- No. 1886-84 "A BILL FOR AN ACT RELATING TO LAND USE."  
Introduced by: Senators Carpenter, Henderson and Uwaine.
- No. 1887-84 "A BILL FOR AN ACT RELATING TO AN INCOME TAX CREDIT."  
Introduced by: Senators Carpenter, Henderson, Solomon and Uwaine.
- No. 1888-84 "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES."  
Introduced by: Senators Carpenter, Henderson, Uwaine and Cayetano.
- No. 1889-84 "A BILL FOR AN ACT RELATING TO CONSUMER COOPERATIVE ASSOCIATIONS."  
Introduced by: Senator Carpenter, by request.
- No. 1890-84 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."  
Introduced by: Senators Carpenter, Henderson, Solomon,
- Uwaine and Cayetano.
- No. 1891-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."  
Introduced by: Senators Carpenter, Henderson and Solomon.
- No. 1892-84 "A BILL FOR AN ACT RELATING TO HEARINGS."  
Introduced by: Senators Carpenter, by request, Fernandes Salling and Cayetano.
- No. 1893-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."  
Introduced by: Senators Chang, Carpenter, Uwaine, Solomon and Cobb.
- No. 1894-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."  
Introduced by: Senators Chang, Uwaine, Carpenter and Solomon.
- No. 1895-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."  
Introduced by: Senators Chang, Carpenter, Uwaine, Solomon and Kuroda.
- No. 1896-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."  
Introduced by: Senators Chang, Carpenter, Solomon and Kuroda.
- No. 1897-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."  
Introduced by: Senators Chang, Carpenter, Uwaine, Solomon, Kuroda, Cobb and Henderson."
- No. 1898-84 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."  
Introduced by: Senators Chang, Carpenter, Uwaine and Solomon.
- No. 1899-84 "A BILL FOR AN ACT RELATING TO DISCRIMINATION."  
Introduced by: Senators Chang, Solomon, Kuroda and Cobb.
- No. 1900-84 "A BILL FOR AN ACT RELATING TO FRATERNAL BENEFIT SOCIETIES."

- Introduced by: Senators Chang and Solomon.
- No. 1901-84 "A BILL FOR AN ACT RELATING TO VETERAN'S PREFERENCE."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1902-84 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
- Introduced by: Senators Chang, Solomon, Kuroda and Cobb.
- No. 1903-84 "A BILL FOR AN ACT RELATING TO COMMUNITY PROPERTY."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1904-84 "A BILL FOR AN ACT RELATING TO NAMES."
- Introduced by: Senators Chang, Solomon, Kuroda and Cobb.
- No. 1905-84 "A BILL FOR AN ACT RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)."
- Introduced by: Senators Chang, Solomon, Kuroda and Cobb.
- No. 1906-84 "A BILL FOR AN ACT RELATING TO BENEFIT SOCIETIES."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1907-84 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1908-84 "A BILL FOR AN ACT RELATING TO NUMBER AND GENDER."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1909-84 "A BILL FOR AN ACT RELATING TO SEPARATION."
- Introduced by: Senators Chang and Solomon.
- No. 1910-84 "A BILL FOR AN ACT RELATING TO SEPARATE MAINTENANCE."
- Introduced by: Senators Chang and Solomon.
- No. 1911-84 "A BILL FOR AN ACT RELATING TO ENTERING THE MARRIAGE STATE."
- Introduced by: Senators Chang, Solomon and Cobb.
- No. 1912-84 "A BILL FOR AN ACT RELATING TO MARRIAGE."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1913-84 "A BILL FOR AN ACT RELATING TO WOMEN."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1914-84 "A BILL FOR AN ACT RELATING TO SEPARATE PROPERTY."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1915-84 "A BILL FOR AN ACT RELATING TO DISCRIMINATIONS IN REAL PROPERTY."
- Introduced by: Senators Chang, Solomon and Kuroda.
- No. 1916-84 "A BILL FOR AN ACT RELATING TO OFF-TRACK WAGERING."
- Introduced by: Senators Carpenter, Kawasaki, Solomon, Fernandes Salling and Cayetano.
- No. 1917-84 "A BILL FOR AN ACT RELATING TO SENTENCING."
- Introduced by: Senators Carpenter, Kawasaki, A. Kobayashi, Ajifu, Uwaine, Cayetano, Solomon and Fernandes Salling.
- No. 1918-84 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- Introduced by: Senators Holt, Yamasaki, Mizuguchi, Kuroda, Chang, Machida, Carpenter, Cayetano, Solomon and A. Kobayashi.
- No. 1919-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS."
- Introduced by: Senators Holt, Mizuguchi, Kuroda, Chang, Machida, A. Kobayashi, Carpenter and Cayetano.
- No. 1920-84 "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL FACILITIES."

Introduced by: Senators Aki, B. Kobayashi, Cobb, Kuroda, Cayetano and Carpenter.

No. 1921-84 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENT WATER HEATERS."

Introduced by: Senators Aki, B. Kobayashi, Kuroda and Carpenter.

No. 1922-84 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Aki, B. Kobayashi, Soares, Kuroda and Carpenter.

No. 1923-84 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Aki, Soares, Cobb, Kuroda and Carpenter.

No. 1924-84 "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE."

Introduced by: Senators Aki, Abercrombie, Cobb, Chang, Machida and Solomon.

No. 1925-84 "A BILL FOR AN ACT RELATING TO THE TAX INCREMENT FINANCING."

Introduced by: Senator Wong.

No. 1926-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF PHASE II OF THE MOLOKAI AGRICULTURAL PARK."

Introduced by: Senator Wong.

No. 1927-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTING AND ADVERTISING OF THE ISLAND OF MOLOKAI AS A VISITOR DESTINATION AREA."

Introduced by: Senator Wong.

No. 1928-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAWAINUI MARSH, OAHU."

Introduced by: Senator Wong.

No. 1929-84 "A BILL FOR AN ACT RELATING TO DENTAL EDUCATION."

Introduced by: Senators Holt, Carpenter, Solomon and A. Kobayashi.

No. 1930-84 "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUES BE REFUNDED OR CREDITED TO TAXPAYERS."

Introduced by: Senators Holt, Kuroda, Machida, Carpenter, Cayetano, Yamasaki, A. Kobayashi and Solomon.

No. 1931-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COLLEGE OF ENGINEERING, UNIVERSITY OF HAWAII AT MANOA."

Introduced by: Senators Holt, Mizuguchi, Young, Kuroda, Chang, Machida, Cayetano, Yamasaki, A. Kobayashi, Carpenter and Solomon.

No. 1932-84 "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS."

Introduced by: Senators Holt, Mizuguchi, Young, Kuroda, Chang, Machida, Cobb, Carpenter, Cayetano, Yamasaki, A. Kobayashi and Solomon.

No. 1933-84 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Senators Solomon, Kuroda, Holt, Chang, Machida, Henderson, Cobb, A. Kobayashi, Soares, Uwayne, Toguchi, Ajifu, Carpenter, Young, Fernandes Salling, Yamasaki and Aki.

No. 1934-84 "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS."

Introduced by: Senators Solomon, Aki, Kuroda, Holt, Chang, Machida, Fernandes Salling and Yamasaki.

No. 1935-84 "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM."

Introduced by: Senators Solomon, Kuroda, Holt, Cayetano, Chang, Machida, Henderson, Toguchi, Ajifu, A. Kobayashi, Soares, Carpenter, Young, Uwayne,

- Fernandes Salling, Yamasaki and Aki.
- No. 1936-84 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."
- Introduced by: Senators Solomon, Kuroda, Holt, Chang, Uwayne, Fernandes Salling and Aki.
- No. 1937-84 "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND."
- Introduced by: Senators Solomon, Kuroda, Holt, Cayetano, Chang, Machida, Henderson, A. Kobayashi, Carpenter, Soares, Uwayne, Fernandes Salling and Aki.
- No. 1938-84 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."
- Introduced by: Senators Solomon, Kuroda, Holt, Chang, Machida, A. Kobayashi, Soares, Carpenter, Uwayne, Fernandes Salling and Aki.
- No. 1939-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A MATCHING GRANT IN AID TO THE HONOLULU SYMPHONY FOR ENDOWMENT FUND PURPOSES."
- Introduced by: Senators Solomon, Uwayne, A. Kobayashi, Carpenter, Soares, Kuroda, Holt, Henderson, Aki, Toguchi, Cayetano, Chang, Machida and Ajifu.
- No. 1940-84 "A BILL FOR AN ACT RELATING TO FENCES."
- Introduced by: Senators Solomon, Kuroda, Holt, Chang, Henderson, Toguchi, Ajifu, Carpenter, Uwayne, Fernandes Salling, Yamasaki and Aki.
- No. 1941-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CONSUMER EDUCATION PROGRAM ON MILK."
- Introduced by: Senators Solomon, Kuroda, Holt, Machida, Henderson, Toguchi, Ajifu, A. Kobayashi, Soares, Carpenter, Young, Uwayne, Fernandes Salling, Yamasaki and Aki.
- No. 1942-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX LAW."
- Introduced by: Senator Yamasaki, by request.
- No. 1943-84 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Yamasaki, Kuroda, Solomon, Chang and A. Kobayashi.
- No. 1944-84 "A BILL FOR AN ACT RELATING TO REGULATION OF MOTOR VEHICLE REPAIRS."
- Introduced by: Senator Yamasaki.
- No. 1945-84 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX."
- Introduced by: Senators Yamasaki, Aki, B. Kobayashi, Machida, Solomon, Kuroda, A. Kobayashi, Fernandes Salling and Chang.
- No. 1946-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AID TO VICTIMS COORDINATOR PROGRAMS."
- Introduced by: Senators Yamasaki, Kuroda, Solomon and A. Kobayashi.
- No. 1947-84 "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM."
- Introduced by: Senators Yamasaki, Kuroda, Solomon and A. Kobayashi.
- No. 1948-84 "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC."
- Introduced by: Senators Yamasaki, Kuroda, Solomon, Chang and A. Kobayashi.
- No. 1949-84 "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC."
- Introduced by: Senators Yamasaki, Kuroda, Solomon, Chang and A. Kobayashi.
- No. 1950-84 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."
- Introduced by: Senators Yamasaki, Kuroda, Solomon and Chang.
- No. 1951-84 "A BILL FOR AN ACT RELATING TO AGRICULTURE."



Introduced by: Senators Solomon, Henderson, Fernandes Salling, Toguchi, Yamasaki, Carpenter, Hagino, Chang, Kawasaki and Holt.

No. 1952-84 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."

Introduced by: Senators Solomon, Kuroda, Holt, Machida, Henderson, Ajifu, A. Kobayashi, Soares, Uwaine, Fernandes Salling, Yamasaki and Aki.

No. 1953-84 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."

Introduced by: Senators Solomon, Kuroda, Holt, Machida, Henderson, Ajifu, A. Kobayashi, Soares, Uwaine, Fernandes Salling, Yamasaki and Aki.

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills were referred to print and were placed on the calendar for further consideration on Tuesday, February 14, 1984:

#### Senate Bills

No. 1858-84 "A BILL FOR AN ACT RELATING TO STUDENT LOANS, GRANTS, SCHOLARSHIPS, AND TUITION WAIVERS FOR HIGHER EDUCATION."

Introduced by: Senator Wong.

No. 1859-84 "A BILL FOR AN ACT RELATING TO THE STATE POST-SECONDARY EDUCATION COMMISSION."

Introduced by: Senator Wong.

No. 1860-84 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Senator Wong.

No. 1861-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX."

Introduced by: Senator Wong.

No. 1862-84 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Wong.

No. 1863-84 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senator Wong.

No. 1864-84 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senator Wong.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 14), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF HAWAII INSURANCE LAWS," was offered by Senators Cobb, Yamasaki, Young, Kawasaki, B. Kobayashi, Holt, Soares, Machida, Ajifu, Aki and George, and was read by the Clerk.

By unanimous consent, S.C.R. No. 14 was referred to the Committee on Consumer Protection and Commerce.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 20 to 24) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 20), entitled: "SENATE RESOLUTION REQUESTING ALL STATE DEPARTMENTS TO DEVELOP AND SUBMIT TO THE LEGISLATURE AN AFFIRMATIVE ACTION PLAN," was offered by Senators Cayetano, Young, Holt, A. Kobayashi, Fernandes Salling, Aki, Soares, Henderson, George, Uwaine, Machida, Abercrombie and Solomon.

By unanimous consent, S.R. No. 20 was referred to the Committee on Human Resources.

A resolution (S.R. No. 21), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO JULY 1983 REPORT BY HAWAII ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS," was offered by Senators Cayetano, Young, Holt, Ajifu, A. Kobayashi, Fernandes Salling, Henderson, George, Uwaine, Machida, Abercrombie and Solomon.

By unanimous consent, S.R. No. 21 was referred to the Committee on Education.

A resolution (S.R. No. 22), entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO TAKE CERTAIN STEPS REGARDING AFFIRMATIVE ACTION," was offered by Senators Cayetano, Young, Holt, A. Kobayashi, Fernandes Salling, Aki, Soares, Henderson, George, Uwaine, Machida, Abercrombie and Solomon.

By unanimous consent, S.R. No. 22 was referred to the Committee on Human Resources.

A resolution (S.R. No. 23), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO PROVIDE MEDICAID COVERAGE FOR AN EXPERIMENTAL MEDICAL PROCEDURE, INCLUDING THE TRANSPLANT OF AN ORGAN, WHEN THE MEDICAID RECIPIENT HAS A TERMINAL ILLNESS AND THE SOLE OR MOST PROBABLE AVENUE OF CURE OR SIGNIFICANT ALLEVIATION REQUIRES PERFORMANCE OF THE EXPERIMENTAL MEDICAL PROCEDURE," was offered by Senators Cayetano, Holt, Uwaine, A. Kobayashi, Henderson, Fernandes Salling, Mizuguchi, Carpenter, Chang, Aki, Kuroda, Hagino, Ajifu, Kawasaki, Cobb, Toguchi, Young, Machida, Solomon, Soares and Abercrombie.

By unanimous consent, S.R. No. 23 was referred to the Committee on Human Resources.

A resolution (S.R. No. 24), entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF HAWAII INSURANCE LAWS," was offered by Senators Cobb, Yamasaki, Young, Kawasaki, B. Kobayashi, Soares, Holt, Solomon, Machida, Ajifu, Aki and George.

By unanimous consent, S.R. No. 24 was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management.

#### STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 12-84) informing the Senate that Senate Bill Nos. 1752-84 to 1781-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

#### ORDER OF THE DAY

##### MATTER DEFERRED FROM FEBRUARY 10, 1984

Senate Resolution No. 18:

On motion by Senator Young, seconded by Senator Abercrombie and

carried, S.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY 12 TO 19 AS FREE ENTERPRISE/NATIONAL DECA WEEK," was adopted.

#### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Friday, February 10, 1984:

Senate Bills	Referred to:
No. 1752-84	Committee on Human Resources
No. 1753-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1754-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1755-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 1756-84	Committee on Health
No. 1757-84	Committee on Ways and Means
No. 1758-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 1759-84	Committee on Health, then to the Committee on Ways and Means
No. 1760-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1761-84	Committee on Ways and Means
No. 1762-84	Committee on Housing and Urban Development
No. 1763-84	Committee on Housing and Urban Development
No. 1764-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 1765-84	Committee on Higher Education, then to the Committee on Judiciary
No. 1766-84	Jointly to the Committee on Education and the Committee on Transportation
No. 1767-84	Committee on Judiciary

No. 1768-84 ciary	Committee on Judi-
No. 1769-84 ciary	Committee on Judi-
No. 1770-84 and Means	Committee on Ways
No. 1771-84 ciary	Committee on Judi-
No. 1772-84 Health, then to the Ways and Means	Committee on the Committee on
No. 1773-84 ciary	Committee on Judi-
No. 1774-84 ciary	Committee on Judi-
No. 1775-84 and Means	Committee on Ways
No. 1776-84 and Means	Committee on Ways
No. 1777-84 ciary	Committee on Judi-
No. 1778-84 ciary	Committee on Judi-
No. 1779-84 ciary	Committee on Judi-
No. 1780-84	Committee on Con- sumer Protection and Commerce
No. 1781-84	Committee on Con- sumer Protection and Commerce

At this time, the Chair made the following announcement and remarked as follows:

"Members of the Senate, the Chair would like to remind Senators that tomorrow is the last day for bill introduction. There have been a number of inquiries by members of the Senate pertaining to Rule 41 which mandates that the signatures of the Minority Leader and President are required to introduce appropriation measures and short form bills.

"The Chair would like to beg the indulgence of the Senators. We meant to take a look at this particular rule because questions were brought up last year with respect to the rights of Senators to introduce appropriation bills on behalf of their constituents.

"The Chair has asked for cooperation among the Minority Leader, myself and with the group headed by Senator Cayetano to consider allowing appropriation bills and short form bills to be introduced by individual Senators since there is only one day remaining. We are therefore making an exception to the rule.

"If there be no objections, all bills that have appropriations or are short form in nature may be submitted to the Clerk's office by 4:30 p.m. tomorrow."

#### ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 14, 1984, in memory of the late Francis T. Tanaka.

## TWENTIETH DAY

Tuesday, February 14, 1984

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

The Divine Blessing was invoked by the Reverend Don Asman of Manoa Valley Church, after which the Roll was called showing all Senators present with the exception of Senators Chang, B. Kobayashi and Uwaine who were excused.

The Chair announced that he had read and approved the Journal of the Nineteenth Day.

At this time, Senator Kuroda rose to make the following announcement and introduction to the members of the Senate:

"Mr. President, I want to share information with the body that this morning the Governor signed a proclamation announcing the month of March as 'Youth Art Month.' Observing the signing of this proclamation were several people, sitting in the Senate gallery, whom I would like to introduce.

"From St. Andrew's Priory: Mr. and Mrs. Lawrence Yamamura and Carrie Yamamura; Mrs. Annette Lew and Jessica Lew; Mr. Ed Enomoto, art teacher; and Mrs. Lynette Kim, Dean of St. Andrew's Priory Elementary School.

"Mr. Yen Lew, Administrative Assistant to the Senate President, is the father of Jessica Lew, and her valentine."

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 189 to 191) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 189), transmitting the "Report of the Insurance Commissioner of Hawaii, 1983," a Summary of Insurance Business for the Year 1982, prepared by the Insurance Commissioner, Department of Commerce and Consumer Affairs, pursuant to Section 431-45, HRS, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov.

Msg. No. 190), transmitting a report entitled, "Report to the Governor, 1982-83," prepared by the Department of Land and Natural Resources, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 191), transmitting Administration Proposal J-15(84), relating to making an appropriation for the new Hilo Hospital acute care facility, was placed on file.

## HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 4) transmitting House Concurrent Resolution No. 42, which was adopted by the House of Representatives on February 13, 1984, was read by the Clerk and was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING FEBRUARY 12-19, 1984 AS NATIONAL DECA WEEK," was adopted.

## INTRODUCTION OF BILLS

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills passed First Reading by title, were referred to print and were placed on the calendar for further consideration on Wednesday, February 15, 1984:

## Senate Bills

No. 1954-84 "A BILL FOR AN ACT RELATING TO ACUPUNCTURE."

Introduced by: Senator Cobb, by request.

No. 1955-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW."

Introduced by: Senator Cobb, by request.

No. 1956-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."

Introduced by: Senator Cobb, by request.

No. 1957-84 "A BILL FOR AN

ACT RELATING TO MEDICAL MALPRACTICE INSURANCE."

Introduced by: Senator Cobb, by request.

No. 1958-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE EIGHTH SENATORIAL DISTRICT."

Introduced by: Senator A. Kobayashi.

No. 1959-84 "A BILL FOR AN ACT RELATING TO COMPENSATION OF JUVENILES FOR COMMISSION OF CRIMES."

Introduced by: Senator Chang.

No. 1960-84 "A BILL FOR AN ACT RELATING TO MANDATORY SENTENCES FOR CRIMES COMMITTED WITH A FIREARM."

Introduced by: Senator Chang, by request.

No. 1961-84 "A BILL FOR AN ACT RELATING TO SPECTATORS AT ORGANIZED ANIMAL FIGHTS."

Introduced by: Senator Chang, by request.

No. 1962-84 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Senator Chang.

No. 1963-84 "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVESDROPPING."

Introduced by: Senator Chang.

No. 1964-84 "A BILL FOR AN ACT RELATING TO A STATEWIDE CRIME LABORATORY."

Introduced by: Senator Chang.

No. 1965-84 "A BILL FOR AN ACT RELATING TO CAREER CRIMINALS."

Introduced by: Senator Chang.

No. 1966-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO ALLOW FOR JUDICIAL RETENTION ELECTIONS."

Introduced by: Senator Chang.

No. 1967-84 "A BILL FOR AN ACT RELATING TO NUISANCE

ABATEMENT."

Introduced by: Senator Chang.

No. 1968-84 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Chang, by request.

No. 1969-84 "A BILL FOR AN ACT RELATING TO PHYSICAL OR MENTAL DISEASE, DISORDER, OR DEFECT EXCLUDING PENAL RESPONSIBILITY."

Introduced by: Senator Chang.

No. 1970-84 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Senator Chang.

No. 1971-84 "A BILL FOR AN ACT RELATING TO INTIMIDATION OF AN EDUCATIONAL WORKER."

Introduced by: Senator Chang.

No. 1972-84 "A BILL FOR AN ACT RELATING TO APPEALS BY THE STATE IN CRIMINAL CASES."

Introduced by: Senator Chang, by request.

No. 1973-84 "A BILL FOR AN ACT RELATING TO JURY VERDICTS."

Introduced by: Senator Chang.

No. 1974-84 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS."

Introduced by: Senator Chang, by request.

No. 1975-84 "A BILL FOR AN ACT RELATING TO SENTENCING AND PAROLE."

Introduced by: Senator Chang, by request.

No. 1976-84 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Senator Chang.

No. 1977-84 "A BILL FOR AN ACT RELATING TO EXEMPTIONS UNDER THE FIREARMS LAW."

Introduced by: Senator Chang.

No. 1978-84 "A BILL FOR AN

- ACT RELATING TO TAIL LIGHTS ON VEHICLES."  
Introduced by: Senator Chang.
- No. 1979-84 "A BILL FOR AN ACT RELATING TO STYLE OF PROCESS."  
Introduced by: Senator Chang.
- No. 1980-84 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE."  
Introduced by: Senator Chang.
- No. 1981-84 "A BILL FOR AN ACT RELATING TO PEDICABS."  
Introduced by: Senator Chang.
- No. 1982-84 "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS."  
Introduced by: Senator Chang.
- No. 1983-84 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."  
Introduced by: Senator Chang, by request.
- No. 1984-84 "A BILL FOR AN ACT RELATING TO DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED."  
Introduced by: Senator Chang.
- No. 1985-84 "A BILL FOR AN ACT RELATING TO PLACE TO KEEP FIREARMS."  
Introduced by: Senator Chang.
- No. 1986-84 "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE REVOCATION."  
Introduced by: Senator Chang.
- No. 1987-84 "A BILL FOR AN ACT RELATING TO COSTS OF COMMITMENT IN CORRECTIONAL FACILITIES."  
Introduced by: Senator Chang.
- No. 1988-84 "A BILL FOR AN ACT RELATING TO APPEALS FROM THE FAMILY COURT."  
Introduced by: Senator Chang, by request.
- No. 1989-84 "A BILL FOR AN ACT RELATING TO FURLOUGHS."  
Introduced by: Senator Chang, by request.
- No. 1990-84 "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE."  
Introduced by: Senator Chang.
- No. 1991-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."  
Introduced by: Senator Carpenter.
- No. 1992-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."  
Introduced by: Senator Carpenter.
- No. 1993-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM."  
Introduced by: Senator Carpenter.
- No. 1994-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM."  
Introduced by: Senator Carpenter.
- No. 1995-84 "A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE."  
Introduced by: Senator B. Kobayashi.
- No. 1996-84 "A BILL FOR AN ACT RELATING TO FEES."  
Introduced by: Senators Fernandes Salling, Carpenter, Abercrombie, Kawasaki, Toguchi and Cayetano.
- No. 1997-84 "A BILL FOR AN ACT RELATING TO YOUNG ADULT DEFENDANTS."  
Introduced by: Senator Chang.
- No. 1998-84 "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME."  
Introduced by: Senator Chang, by request.
- No. 1999-84 "A BILL FOR AN ACT RELATING TO FORFEITURE OF DRUG ASSETS."  
Introduced by: Senator Chang.
- No. 2000-84 "A BILL FOR AN ACT RELATING TO PROOF OF VENUE."  
Introduced by: Senator Chang.

- Introduced by: Senator Chang, by request.
- No. 2001-84 "A BILL FOR AN ACT RELATING TO JURY VERDICTS."  
Introduced by: Senator Chang.
- No. 2002-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO CRIMINAL TRIAL ASSIGNMENTS."  
Introduced by: Senator Chang.
- No. 2003-84 "A BILL FOR AN ACT RELATING TO POSSESSION OF FIREARMS."  
Introduced by: Senator Chang, by request.
- No. 2004-84 "A BILL FOR AN ACT RELATING TO IMPRISONMENT."  
Introduced by: Senator Chang, by request.
- No. 2005-84 "A BILL FOR AN ACT RELATING TO BRIBERY."  
Introduced by: Senator Chang.
- No. 2006-84 "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES."  
Introduced by: Senator Chang.
- No. 2007-84 "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE BY JUDGES."  
Introduced by: Senator Chang.
- No. 2008-84 "A BILL FOR AN ACT RELATING TO APPEALS BY THE STATE IN CRIMINAL CASES."  
Introduced by: Senator Chang, by request.
- No. 2009-84 "A BILL FOR AN ACT RELATING TO RIGHTS OF VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS."  
Introduced by: Senator Chang.
- No. 2010-84 "A BILL FOR AN ACT RELATING TO EVIDENCE OF INTOXICATION."  
Introduced by: Senator Chang, by request.
- No. 2011-84 "A BILL FOR AN ACT RELATING TO COURT CONGESTION."  
Introduced by: Senator Chang.
- No. 2012-84 "A BILL FOR AN ACT RELATING TO WITNESS IMMUNITY PROCEDURES."  
Introduced by: Senator Chang.
- No. 2013-84 "A BILL FOR AN ACT RELATING TO PRE-SENTENCE DIAGNOSIS."  
Introduced by: Senator Chang.
- No. 2014-84 "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES AGAINST IMPRISONED PERSONS BY CORRECTIONAL WORKERS OR PEACE OFFICERS."  
Introduced by: Senator Chang.
- No. 2015-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT AND OPERATION OF A JUVENILE CAREER CRIMINAL UNIT FOR THE HONOLULU PROSECUTING ATTORNEY."  
Introduced by: Senator Chang.
- No. 2016-84 "A BILL FOR AN ACT RELATING TO REFUSAL TO PROVIDE IDENTIFICATION UNDER THE STATEWIDE TRAFFIC CODE."  
Introduced by: Senator Chang.
- No. 2017-84 "A BILL FOR AN ACT RELATING TO ESTABLISHING A PUBLIC GUARDIANSHIP AGENCY."  
Introduced by: Senator Chang.
- No. 2018-84 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."  
Introduced by: Senator Chang.
- No. 2019-84 "A BILL FOR AN ACT RELATING TO FIREARMS."  
Introduced by: Senator Chang.
- No. 2020-84 "A BILL FOR AN ACT RELATING TO IMPERSONATING A PUBLIC SERVANT."  
Introduced by: Senator Chang.
- No. 2021-84 "A BILL FOR AN ACT RELATING TO THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION."

- Introduced by: Senator Chang.
- No. 2022-84 "A BILL FOR AN ACT RELATING TO MOPEDS."
- Introduced by: Senator Chang.
- No. 2023-84 "A BILL FOR AN ACT RELATING TO ALARM BUSINESSES."
- Introduced by: Senator Chang.
- No. 2024-84 "A BILL FOR AN ACT RELATING TO OFF-TRACK WAGERING."
- Introduced by: Senator Chang.
- No. 2025-84 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
- Introduced by: Senators Chang and Solomon.
- No. 2026-84 "A BILL FOR AN ACT RELATING TO COMPUTER CRIME."
- Introduced by: Senator Chang.
- No. 2027-84 "A BILL FOR AN ACT RELATING TO PAYMENT OF FUTURE DAMAGES BY PUBLIC ENTITIES."
- Introduced by: Senator Kawasaki, by request.
- No. 2028-84 "A BILL FOR AN ACT RELATING TO LIABILITY OF PUBLIC ENTITIES."
- Introduced by: Senator Kawasaki, by request.
- No. 2029-84 "A BILL FOR AN ACT RELATING TO TORT LIABILITY OF COUNTIES."
- Introduced by: Senator Kawasaki, by request.
- No. 2030-84 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT."
- Introduced by: Senator Kawasaki, by request.
- No. 2031-84 "A BILL FOR AN ACT RELATING TO COMPENSATION FOR APPOINTED COUNSEL IN CRIMINAL CASES."
- Introduced by: Senator Kawasaki, by request.
- No. 2032-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE POHAI NANI GOOD SAMARITAN KAHALE HEALTH CARE FACILITY FOR THE ELDERLY."
- Introduced by: Senator Ajifu.
- No. 2033-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 SAMOAN FLAG FESTIVITIES."
- Introduced by: Senator Ajifu.
- No. 2034-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH."
- Introduced by: Senators Ajifu, Henderson, A. Kobayashi, Soares and George.
- No. 2035-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS LOCATED IN THE CITY AND COUNTY OF HONOLULU."
- Introduced by: Senator Ajifu.
- No. 2036-84 "A BILL FOR AN ACT RELATING TO FARM LOANS."
- Introduced by: Senator Carpenter.
- No. 2037-84 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Carpenter.
- No. 2038-84 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."
- Introduced by: Senator Carpenter.
- No. 2039-84 "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS."
- Introduced by: Senators Carpenter and Fernandes Salling.
- No. 2040-84 "A BILL FOR AN ACT RELATING TO CONTRACTORS."
- Introduced by: Senator Carpenter.
- No. 2041-84 "A BILL FOR AN ACT RELATING TO THE REGULATION OF DEALERS IN FARM PRODUCE."
- Introduced by: Senator Carpenter.
- No. 2042-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE."



- Introduced by: Senator Carpenter.
- No. 2043-84 "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION ACT OF 1920."
- Introduced by: Senator Carpenter.
- No. 2044-84 "A BILL FOR AN ACT RELATING TO FISHING."
- Introduced by: Senator Carpenter.
- No. 2045-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS."
- Introduced by: Senator Kuroda.
- No. 2046-84 "A BILL FOR AN ACT RELATING TO WATER RATES."
- Introduced by: Senators Solomon, George, Kuroda, A. Kobayashi, Soares, Holt, Mizuguchi, Toguchi, Yamasaki, Fernandes Salling, Abercrombie, Cayetano, Young, Aki, Carpenter and Hagino.
- No. 2047-84 "A BILL FOR AN ACT RELATING TO OUTDOOR SIGNS."
- Introduced by: Senators Solomon, Kuroda, A. Kobayashi, Holt, Yamasaki, Fernandes Salling, Carpenter, Abercrombie, Cayetano, Soares, Toguchi, Kawasaki, Aki and Hagino.
- No. 2048-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTRASTATE MARINE HIGHWAY SYSTEM."
- Introduced by: Senators Solomon, Kuroda, A. Kobayashi, Soares, Holt, Hagino, Abercrombie, Toguchi, Yamasaki, Young, Aki, Fernandes Salling and Carpenter.
- No. 2049-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT."
- Introduced by: Senators Soares, Henderson, A. Kobayashi, Ajifu and George.
- No. 2050-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS."
- Introduced by: Senators Holt, Henderson, Mizuguchi, Ajifu, A. Kobayashi, Solomon, Kuroda, George, Machida and Yamasaki.
- No. 2051-84 "A BILL FOR AN ACT RELATING TO UNIVERSITY
- OF HAWAII RESEARCH AND TRAINING REVOLVING FUND."
- Introduced by: Senators Holt, A. Kobayashi, Solomon, Kuroda, George and Machida.
- No. 2052-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OPERATION OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, OAHU, FOR 24-HOUR EMERGENCY HEALTH SERVICES."
- Introduced by: Senators Aki, Young and Solomon.
- No. 2053-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE WAIANAE COAST CULTURE AND ARTS PROGRAM."
- Introduced by: Senators Aki, Solomon and B. Kobayashi.
- No. 2054-84 "A BILL FOR AN ACT RELATING TO ALTERNATIVE ENERGY."
- Introduced by: Senator Aki, by request.
- No. 2055-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX LAW."
- Introduced by: Senator Young.
- No. 2056-84 "A BILL FOR AN ACT RELATING TO PILOTAGE."
- Introduced by: Senator Young.
- No. 2057-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."
- Introduced by: Senator Young, by request.
- No. 2058-84 "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS."
- Introduced by: Senator Young, by request.
- No. 2059-84 "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING."
- Introduced by: Senator Ajifu.
- No. 2060-84 "A BILL FOR AN ACT RELATING TO HARBOR SAFETY."
- Introduced by: Senator Ajifu.
- No. 2061-84 "A BILL FOR AN ACT RELATING TO 'OHANA

- ZONING'."
- Introduced by: Senators Ajifu and Toguchi.
- No. 2062-84 "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE."
- Introduced by: Senator Aki.
- No. 2065-84 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- Introduced by: Senators Kuroda, Fernandes, Salling, Soares, Henderson, Aki, Yamasaki, Abercrombie, Hagino, Holt, Cayetano, Toguchi and Carpenter.
- No. 2066-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM PROMOTION."
- Introduced by: Senators Kuroda, Machida, Mizuguchi, Kawasaki, Hagino, Solomon, Holt, A. Kobayashi, Fernandes, Salling, Ajifu, Toguchi, Aki, Cobb and Cayetano.
- No. 2067-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."
- Introduced by: Senator Wong, by request.
- No. 2068-84 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."
- Introduced by: Senator Wong, by request.
- No. 2071-84 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES."
- Introduced by: Senator Wong.
- No. 2072-84 "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."
- Introduced by: Senator Wong.
- No. 2073-84 "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES."
- Introduced by: Senator Wong.
- No. 2081-84 "A BILL FOR AN ACT RELATING TO THE SALE OF BUSINESS OPPORTUNITIES."
- Introduced by: Senators Cobb and Machida.
- No. 2082-84 "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS."
- Introduced by: Senator Aki, by request.
- No. 2083-84 "A BILL FOR AN ACT RELATING TO CAPITAL CRIMES."
- Introduced by: Senators Kawasaki, Kuroda, Carpenter, A. Kobayashi, Soares, Ajifu and Cobb.
- No. 2084-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INSTALLATION OF SECURITY SCREENS AT LUNALILO SCHOOL, OAHU."
- Introduced by: Senator Uwaine.
- No. 2085-84 "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES."
- Introduced by: Senators Cobb, Yamasaki, Kawasaki, Soares, Fernandes, Salling and Carpenter.
- No. 2086-84 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
- Introduced by: Senator Cobb, by request.
- No. 2087-84 "A BILL FOR AN ACT RELATING TO INTEREST."
- Introduced by: Senators Cobb and Machida.
- No. 2088-84 "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES."
- Introduced by: Senators Cobb and Machida.
- No. 2089-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS."
- Introduced by: Senator Fernandes, Salling.
- No. 2090-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COMPENSATION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."
- Introduced by: Senator Fernandes

- Salling.
- No. 2091-84 "A BILL FOR AN ACT MAKING VARIOUS APPROPRIATIONS."
- Introduced by: Senator Fernandes Salling.
- No. 2092-84 "A BILL FOR AN ACT MAKING VARIOUS APPROPRIATIONS TO THE UNIVERSITY OF HAWAII."
- Introduced by: Senators Holt, Yamasaki, Machida, Ajifu, Mizuguchi and Fernandes Salling.
- No. 2093-84 "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS."
- Introduced by: Senators Holt, Yamasaki, Machida, Ajifu, Mizuguchi, Fernandes Salling and Cobb.
- No. 2094-84 "A BILL FOR AN ACT RELATING TO HARBORS."
- Introduced by: Senators Holt, A. Kobayashi, Solomon, Kuroda, George, Machida, Yamasaki, Ajifu, Mizuguchi and Fernandes Salling.
- No. 2095-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND MAKING AN APPROPRIATION FOR HONOLULU HARBOR FACILITIES AND SERVICES, OAHU."
- Introduced by: Senators Holt, A. Kobayashi, Solomon, Kuroda, George, Machida, Yamasaki, Ajifu, Mizuguchi and Fernandes Salling.
- No. 2096-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KUAKINI MEDICAL CENTER, MEDICAL SCHOOL DEVELOPMENT, MANOA CAMPUS, OAHU."
- Introduced by: Senators Holt, Henderson, Mizuguchi, Ajifu, A. Kobayashi, Solomon, Kuroda, George, Yamasaki, Machida and Fernandes Salling.
- No. 2097-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR HONOLULU COMMUNITY COLLEGE, OAHU."
- Introduced by: Senators Holt, Henderson, Mizuguchi, Ajifu, A. Kobayashi, Solomon, Kuroda,
- George, Yamasaki, Machida and Fernandes Salling.
- No. 2098-84 "A BILL FOR AN ACT RELATING TO ETHICS."
- Introduced by: Senator Chang.
- No. 2099-84 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF EXCESS REVENUES."
- Introduced by: Senator Chang.
- No. 2100-84 "A BILL FOR AN ACT RELATING TO DIRECTORY ADVERTISING BY CONTRACTORS."
- Introduced by: Senator Chang.
- No. 2101-84 "A BILL FOR AN ACT RELATING TO PHYSICAL OR MENTAL HEALTH, DISORDER, OR DEFECT EXCLUDING PENAL RESPONSIBILITY."
- Introduced by: Senator Chang.
- No. 2102-84 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."
- Introduced by: Senator Chang.
- No. 2103-84 "A BILL FOR AN ACT RELATING TO FURLOUGHS."
- Introduced by: Senator Chang.
- No. 2104-84 "A BILL FOR AN ACT RELATING TO SPECIAL LAW ENFORCEMENT ASSISTANCE FUND."
- Introduced by: Senator Chang.
- No. 2105-84 "A BILL FOR AN ACT RELATING TO FIREARMS."
- Introduced by: Senator Chang.
- No. 2106-84 "A BILL FOR AN ACT RELATING TO FIREARMS."
- Introduced by: Senator Chang.
- No. 2107-84 "A BILL FOR AN ACT RELATING TO FIREARMS."
- Introduced by: Senator Chang.
- No. 2108-84 "A BILL FOR AN ACT RELATING TO FIREARMS."
- Introduced by: Senator Chang.
- No. 2109-84 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW."

Introduced by: Senators Henderson, Soares, George, A. Kobayashi and Ajifu.

No. 2110-84 "A BILL FOR AN ACT RELATING TO EMPLOYEES."

Introduced by: Senators Henderson, Soares, A. Kobayashi, George and Ajifu.

No. 2111-84 "A BILL FOR AN ACT RELATING TO AGREEMENTS OF SALE."

Introduced by: Senators Henderson, Soares, George, A. Kobayashi and Ajifu.

No. 2113-84 "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR THE NATIONAL GUARD."

Introduced by: Senators Henderson, Carpenter and Solomon.

No. 2114-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF INTEREST ON PUBLIC SERVICE COMPANY TAXATION COURT CASES."

Introduced by: Senators Yamasaki and Henderson.

No. 2115-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANNING, DESIGN, AND CONSTRUCTION OF VARIOUS PROJECTS ON THE ISLAND OF HAWAII."

Introduced by: Senators Henderson, Carpenter and Solomon.

No. 2116-84 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senators Henderson, Soares, A. Kobayashi and Ajifu.

No. 2117-84 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senators Henderson, Soares, A. Kobayashi, George and Ajifu.

No. 2118-84 "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM."

Introduced by: Senators Henderson and Abercrombie.

No. 2119-84 "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH."

Introduced by: Senators Mizuguchi, A. Kobayashi, Yamasaki and

Machida.

No. 2120-84 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Mizuguchi, A. Kobayashi, Yamasaki and Machida.

No. 2121-84 "A BILL FOR AN ACT RELATING TO ART."

Introduced by: Senators Mizuguchi, A. Kobayashi, Yamasaki and Machida.

No. 2122-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATEWIDE EMPLOYMENT CONFERENCE ACTIVITIES."

Introduced by: Senators Mizuguchi, A. Kobayashi, Yamasaki and Machida.

No. 2123-84 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Mizuguchi and Machida.

No. 2124-84 "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS."

Introduced by: Senator Mizuguchi.

No. 2125-84 "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS."

Introduced by: Senators Mizuguchi and Machida.

No. 2126-84 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi.

No. 2127-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Mizuguchi.

No. 2128-84 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Senator Mizuguchi.

No. 2129-84 "A BILL FOR AN ACT RELATING TO MEDICAL CARE PAYMENT."

Introduced by: Senator Mizuguchi.

No. 2131-84 "A BILL FOR AN ACT RELATING TO MOTOR

- VEHICLES."  
Introduced by: Senator Mizuguchi, by request.
- No. 2132-84 "A BILL FOR AN ACT RELATING TO THE CATTLE INDUSTRY."  
Introduced by: Senator Ajifu.
- No. 2133-84 "A BILL FOR AN ACT RELATING TO CAPITOL IMPROVEMENT PROJECTS."  
Introduced by: Senator Cayetano.
- No. 2134-84 "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM."  
Introduced by: Senator Chang.
- No. 2135-84 "A BILL FOR AN ACT RELATING TO PROMOTING INTOXICATING LIQUOR TO A MINOR."  
Introduced by: Senator Chang.
- No. 2136-84 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."  
Introduced by: Senator Chang.
- No. 2137-84 "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES."  
Introduced by: Senator Chang.
- No. 2138-84 "A BILL FOR AN ACT RELATING TO LEGAL AID PROGRAMS."  
Introduced by: Senator Chang.
- No. 2139-84 "A BILL FOR AN ACT RELATING TO INTERIM WATER USE CONTROL."  
Introduced by: Senator Chang.
- No. 2140-84 "A BILL FOR AN ACT RELATING TO COSTS AND FEES."  
Introduced by: Senator Chang.
- No. 2141-84 "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION."  
Introduced by: Senator Chang.
- No. 2142-84 "A BILL FOR AN ACT RELATING TO A PRE-RELEASE FURLOUGH PROGRAM FOR INCARCERATED FEMALES."  
Introduced by: Senator Chang.
- Introduced by: Senator Chang.
- No. 2143-84 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRATIONS."  
Introduced by: Senator Chang.
- No. 2144-84 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."  
Introduced by: Senators George, Soares, Henderson, A. Kobayashi and Ajifu.
- No. 2145-84 "A BILL FOR AN ACT RELATING TO LICENSING."  
Introduced by: Senators George, Henderson, Soares, A. Kobayashi and Ajifu.
- No. 2146-84 "A BILL FOR AN ACT RELATING TO HEALTH."  
Introduced by: Senators George, Soares, Henderson, A. Kobayashi and Ajifu.
- No. 2147-84 "A BILL FOR AN ACT RELATING TO FAMILY COURT."  
Introduced by: Senators George, Henderson, Soares and Ajifu.
- No. 2148-84 "A BILL FOR AN ACT RELATING TO AIRPORTS."  
Introduced by: Senator George.
- No. 2149-84 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW."  
Introduced by: Senator Yamasaki, by request.
- No. 2150-84 "A BILL FOR AN ACT RELATING TO ARBITRATION OF REAL PROPERTY LEASES."  
Introduced by: Senator Young, by request.
- No. 2151-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE MAUI COMMUNITY ARTS AND CULTURAL CENTER, MAUI."  
Introduced by: Senators Yamasaki and Machida.
- No. 2152-84 "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS."  
Introduced by: Senator Carpenter.

No. 2153-84 "A BILL FOR AN ACT RELATING TO HILO HOSPITAL."

Introduced by: Senators Carpenter, Henderson and Fernandes Salling.

No. 2154-84 "A BILL FOR AN ACT RELATING TO CORPORATIONS."

Introduced by: Senators Chang, Carpenter, Aki, Fernandes Salling, Henderson and A. Kobayashi.

No. 2155-84 "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVESDROPPING."

Introduced by: Senators Chang, Carpenter, Aki, Fernandes Salling, Machida, Mizuguchi, Henderson and A. Kobayashi.

No. 2156-84 "A BILL FOR AN ACT RELATING TO CORPORATIONS."

Introduced by: Senators Chang, Yamasaki, Aki, Carpenter and Fernandes Salling.

No. 2157-84 "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS."

Introduced by: Senators Chang, Yamasaki, Carpenter, Aki, Fernandes Salling, Henderson and A. Kobayashi.

No. 2158-84 "A BILL FOR AN ACT RELATING TO CONSOLIDATION AND MERGER OF CORPORATIONS."

Introduced by: Senators Chang, Fernandes Salling, Aki and A. Kobayashi.

No. 2159-84 "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES."

Introduced by: Senators Chang, Carpenter, Yamasaki, Aki, Fernandes Salling, Henderson, A. Kobayashi and Machida.

No. 2160-84 "A BILL FOR AN ACT RELATING TO SECURITIES."

Introduced by: Senators Chang, Carpenter, Yamasaki, Aki, Fernandes Salling and A. Kobayashi.

No. 2162-84 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Toguchi.

No. 2163-84 "A BILL FOR AN ACT RELATING TO KAHUKU HOSPITAL."

Introduced by: Senators Toguchi and Hagino.

No. 2164-84 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS."

Introduced by: Senators Toguchi, Fernandes Salling, Hagino, Cayetano, George, Uwaine, Solomon, Carpenter, Yamasaki, Henderson, Cobb, A. Kobayashi, Aki, Holt, Soares, Abercrombie, Machida, Ajifu and B. Kobayashi.

No. 2165-84 "A BILL FOR AN ACT RELATING TO THE TOURISM SPECIAL FUND."

Introduced by: Senator Uwaine.

No. 2166-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE SIXTH SENATORIAL DISTRICT."

Introduced by: Senator Soares.

No. 2167-84 "A BILL FOR AN ACT RELATING TO WATER RATES."

Introduced by: Senators Hagino and Solomon.

No. 2168-84 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Senator Hagino.

No. 2169-84 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX LAW."

Introduced by: Senators Hagino and Solomon.

No. 2170-84 "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS."

Introduced by: Senator Hagino.

No. 2171-84 "A BILL FOR AN ACT RELATING TO POISONS."

Introduced by: Senators Hagino and Solomon.

No. 2172-84 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX LAW."

Introduced by: Senator Hagino.

No. 2173-84 "A BILL FOR AN

- ACT RELATING TO LIENS."  
Introduced by: Senators Hagino and Solomon.
- No. 2174-84 "A BILL FOR AN ACT MAKING VARIOUS APPROPRIATIONS."  
Introduced by: Senator Hagino.
- No. 2175-84 "A BILL FOR AN ACT RELATING TO CHILD CARE INSTITUTIONS."  
Introduced by: Senator Hagino.
- No. 2176-84 "A BILL FOR AN ACT RELATING TO A E HAWAI'I KAKOU FEE."  
Introduced by: Senator Hagino.
- No. 2177-84 "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY."  
Introduced by: Senator Wong, by request.
- No. 2178-84 "A BILL FOR AN ACT RELATING TO REFERENDUM PROCEEDINGS."  
Introduced by: Senator Wong, by request.
- No. 2179-84 "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."  
Introduced by: Senator Wong, by request.
- No. 2180-84 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."  
Introduced by: Senator Wong, by request.
- No. 2181-84 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."  
Introduced by: Senator Wong, by request.
- No. 2182-84 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."  
Introduced by: Senator Wong, by request.
- No. 2183-84 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."  
Introduced by: Senator Wong, by request.
- No. 2184-84 "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY."  
Introduced by: Senator Wong, by request.
- No. 2185-84 "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS."  
Introduced by: Senators Solomon, Carpenter, Yamasaki and Machida.
- No. 2186-84 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."  
Introduced by: Senators Solomon, Carpenter, Yamasaki and Machida.
- No. 2187-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE HAWAII AGRICULTURAL LEADERSHIP FOUNDATION."  
Introduced by: Senators Solomon, Carpenter, Yamasaki and Machida.
- No. 2188-84 "A BILL FOR AN ACT RELATING TO HISTORIC RESTORATION AND PRESERVATION."  
Introduced by: Senators Solomon, Carpenter and Machida.
- No. 2189-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATE/COUNTY HOSPITALS."  
Introduced by: Senators Solomon, Carpenter, Yamasaki and Machida.
- No. 2190-84 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."  
Introduced by: Senator Fernandes Salling.
- No. 2191-84 "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE."  
Introduced by: Senator Fernandes Salling.
- No. 2192-84 "A BILL FOR AN ACT RELATING TO INTEREST RATES."  
Introduced by: Senator Chang.
- No. 2193-84 "A BILL FOR AN ACT RELATING TO THE REFORM OF CHAPTER 804."

- Introduced by: Senator Chang.
- No. 2194-84 "A BILL FOR AN ACT RELATING TO CORPORATIONS."
- Introduced by: Senator Chang.
- No. 2195-84 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- Introduced by: Senator Mizuguchi.
- No. 2196-84 "A BILL FOR AN ACT RELATING TO REAL ESTATE."
- Introduced by: Senator Mizuguchi.
- No. 2197-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."
- Introduced by: Senator Wong, by request.
- No. 2198-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."
- Introduced by: Senator Wong, by request.
- No. 2199-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."
- Introduced by: Senator Wong, by request.
- No. 2203-84 "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS."
- Introduced by: Senator Wong, by request.
- No. 2205-84 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."
- Introduced by: Senator Wong, by request.
- No. 2206-84 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."
- Introduced by: Senator Wong, by request.
- No. 2207-84 "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING."
- Introduced by: Senator Wong, by request.
- No. 2208-84 "A BILL FOR AN ACT RELATING TO CONGRESSIONAL DISTRICTS."
- Introduced by: Senator Wong, by request.
- No. 2209-84 "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE."
- Introduced by: Senator Wong.
- No. 2210-84 "A BILL FOR AN ACT RELATING TO LEGAL SERVICES PROGRAMS FOR INDIGENT PERSONS."
- Introduced by: Senator Wong.
- No. 2211-84 "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS."
- Introduced by: Senator Wong, by request.
- No. 2212-84 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senator Wong, by request.
- No. 2213-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."
- Introduced by: Senator Wong, by request.
- No. 2214-84 "A BILL FOR AN ACT RELATING TO A PACIFIC-ASIAN SCHOLARSHIP PROGRAM AT THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Wong, by request.
- No. 2215-84 "A BILL FOR AN ACT RELATING TO CIP FOR THE SEVENTH SENATORIAL DISTRICT."
- Introduced by: Senator Cobb.
- No. 2216-84 "A BILL FOR AN ACT RELATING TO CONTRACTOR'S WRITTEN NOTICE."
- Introduced by: Senator Cobb, by request.
- No. 2217-84 "A BILL FOR AN ACT RELATING TO SUBDIVISION LAND SALES AND REAL ESTATE BROKERS AND SALESMEN."
- Introduced by: Senator Cobb.
- No. 2218-84 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENT PROJECTS IN THE COUNTY OF HAWAII."



- Introduced by: Senator Carpenter.
- No. 2219-84 "A BILL FOR AN ACT RELATING TO AFFIRMATIVE ACTION."
- Introduced by: Senators Cayetano, Yamasaki, Machida, Fernandes Salling, Soares and Carpenter.
- No. 2220-84 "A BILL FOR AN ACT RELATING TO ELECTION EXPENSES."
- Introduced by: Senators Cayetano, Fernandes Salling and Carpenter.
- No. 2221-84 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."
- Introduced by: Senators Cayetano, Yamasaki, Machida, Fernandes Salling and Carpenter.
- No. 2222-84 "A BILL FOR AN ACT RELATING TO TAX."
- Introduced by: Senator Cayetano.
- No. 2223-84 "A BILL FOR AN ACT RELATING TO TAX CREDITS."
- Introduced by: Senator Cayetano.
- No. 2224-84 "A BILL FOR AN ACT RELATING TO PESTICIDES."
- Introduced by: Senator Cayetano.
- No. 2225-84 "A BILL FOR AN ACT RELATING TO PESTICIDES."
- Introduced by: Senator Cayetano, by request.
- No. 2226-84 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senator Cayetano.
- No. 2227-84 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE."
- Introduced by: Senator Fernandes Salling.
- No. 2228-84 "A BILL FOR AN ACT RELATING TO HEALTH CARE."
- Introduced by: Senator Machida, by request.
- No. 2229-84 "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES."
- Introduced by: Senators Machida, Kuroda, Carpenter, Yamasaki, B. Kobayashi, Solomon, Young, Ajifu, Henderson, Soares, George, Cayetano, Toguchi, Fernandes Salling, Holt, Aki, A. Kobayashi, Mizuguchi and Hagino.
- No. 2230-84 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC."
- Introduced by: Senators Machida, Kuroda, Carpenter, Yamasaki, B. Kobayashi, Solomon, Young, Ajifu, Henderson, Soares, George, Cayetano, Toguchi, Fernandes Salling, Holt, Uwayne, Aki, A. Kobayashi, Abercrombie, Mizuguchi and Hagino.
- No. 2231-84 "A BILL FOR AN ACT RELATING TO SICK LEAVE BENEFITS."
- Introduced by: Senators Machida, Holt, Yamasaki, Toguchi and Fernandes Salling.
- No. 2232-84 "A BILL FOR AN ACT MAKING A GRANT IN AID TO THE HAWAII VISITORS BUREAU FOR THE ALOHA WEEK CELEBRATION ON MAUI, OCTOBER 20-27, 1984."
- Introduced by: Senators Machida, Ajifu, A. Kobayashi, Henderson, Holt, Soares, George, Fernandes Salling and Toguchi.
- No. 2233-84 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."
- Introduced by: Senators Machida, Ajifu, A. Kobayashi, Henderson, Holt, Soares, Hagino, George, Fernandes Salling and Toguchi.
- No. 2234-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE HAWAII VISITORS' BUREAU FOR THE 1984 MEN'S MOLOKAI TO OAHU CANOE RACE."
- Introduced by: Senators Machida, Holt, Henderson, Soares, George, Fernandes Salling and Toguchi.
- No. 2235-84 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."
- Introduced by: Senators Machida, Abercrombie, Mizuguchi, Cobb,

Yamasaki, Henderson, Soares, Ajifu, A. Kobayashi, Holt and Fernandes Salling.

No. 2236-84 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY MENTAL HEALTH SYSTEM."

Introduced by: Senators Machida, A. Kobayashi, Fernandes Salling, Abercrombie, B. Kobayashi, Mizuguchi, Yamasaki, Toguchi, Henderson, Soares, George, Ajifu and Holt.

No. 2237-84 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senators Machida, A. Kobayashi, Henderson, Holt, Soares, George and Fernandes Salling.

No. 2238-84 "A BILL FOR AN ACT RELATING TO THE DEFENSE OF STATE EMPLOYEES."

Introduced by: Senators Machida, Holt, Henderson, Soares, George and Fernandes Salling.

No. 2239-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Machida, Holt, Yamasaki, B. Kobayashi, Toguchi and Fernandes Salling.

No. 2240-84 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Machida, A. Kobayashi, Henderson, Holt, Soares and Fernandes Salling.

No. 2241-84 "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER."

Introduced by: Senators Machida, Kuroda, Carpenter, Yamasaki, B. Kobayashi, Solomon, Young, Ajifu, Henderson, Soares, Mizuguchi, George, Cayetano, Toguchi, Fernandes Salling, Holt, Uwaine, Aki, A. Kobayashi and Hagino.

No. 2242-84 "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS."

Introduced by: Senators Machida, B. Kobayashi, Ajifu, Mizuguchi, Henderson, Soares, George, A.

Kobayashi, Toguchi, Fernandes Salling, Holt, Uwaine, Aki, Yamasaki and Abercrombie.

No. 2243-84 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Senators Machida, B. Kobayashi, Ajifu, Henderson, Soares, George, Mizuguchi, Toguchi, Holt, Uwaine, Aki, A. Kobayashi, Yamasaki, Abercrombie and Fernandes Salling.

No. 2244-84 "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES."

Introduced by: Senators Machida, Kuroda, Carpenter, Yamasaki, B. Kobayashi, Solomon, Young, Ajifu, Henderson, Soares, George, Cayetano, Toguchi, Fernandes Salling, Holt, Uwaine, Aki, A. Kobayashi and Hagino.

No. 2245-84 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Machida, Kuroda, Fernandes Salling, Carpenter, Yamasaki, Ajifu, Henderson, Aki, B. Kobayashi, Solomon, Young, Soares, Holt, Cayetano, George, A. Kobayashi and Toguchi.

No. 2246-84 "A BILL FOR AN ACT RELATING TO AQUATIC LIFE."

Introduced by: Senator Holt.

No. 2247-84 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Holt.

No. 2248-84 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Holt.

No. 2249-84 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Senator Holt.

No. 2250-84 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR ARTIFICIAL TURF FOR THE UNIVERSITY OF HAWAII BASEBALL STADIUM."

Introduced by: Senator Holt.

No. 2251-84 "A BILL FOR AN ACT RELATING TO RENTAL

## ASSISTANCE."

Introduced by: Senator Holt.

On motion by Senator Cobb, seconded by Senator Soares and carried, the following bills were referred to print and were placed on the calendar for further consideration on Wednesday, February 15, 1984:

## Senate Bills

No. 2063-84 "A BILL FOR AN ACT RELATING TO CORPORATIONS."

Introduced by: Senator Machida.

No. 2064-84 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator Machida.

No. 2069-84 "A BILL FOR AN ACT RELATING TO HEALTH MAINTENANCE ORGANIZATIONS."

Introduced by: Senators Wong and Cobb.

No. 2070-84 "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE."

Introduced by: Senators Wong and Cobb.

No. 2074-84 "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL."

Introduced by: Senator Wong.

No. 2075-84 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator Wong.

No. 2076-84 "A BILL FOR AN ACT RELATING TO THE JUDICIAL SELECTION."

Introduced by: Senator Wong.

No. 2077-84 "A BILL FOR AN ACT RELATING TO PUBLIC INTEREST LAW FIRMS."

Introduced by: Senator Wong.

No. 2078-84 "A BILL FOR AN ACT RELATING TO INVOLUNTARY OUTPATIENT TREATMENT."

Introduced by: Senator Wong.

No. 2079-84 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE."

Introduced by: Senator Wong.

No. 2080-84 "A BILL FOR AN ACT RELATING TO EMPLOYEE RETIREMENT SYSTEM."

Introduced by: Senator Wong.

No. 2112-84 "A BILL FOR AN ACT RELATING TO HOMESTEADS."

Introduced by: Senators Henderson, Carpenter and Solomon.

No. 2130-84 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Mizuguchi.

No. 2161-84 "A BILL FOR AN ACT RELATING TO KAHANA VALLEY."

Introduced by: Senator Toguchi.

No. 2200-84 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Wong, by request.

No. 2201-84 "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES."

Introduced by: Senator Wong, by request.

No. 2202-84 "A BILL FOR AN ACT RELATING TO VOTER EDUCATION."

Introduced by: Senator Wong, by request.

No. 2204-84 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."

Introduced by: Senator Wong, by request.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 15 to 26) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 15), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 15 was referred to the Committee on Agriculture, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 16), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 16 was referred to the Committee on Education, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 17), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE HEALTH PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 17 was referred to the Committee on Health, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 18), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE WATER RESOURCES DEVELOPMENT PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 18 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 19), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE RECREATION PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 19 was referred to the Committee on Tourism, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 20), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE CONSERVATION LANDS PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 20 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 21), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE HISTORIC PRESERVATION PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 21 was referred to the Committee on Tourism, then to the Committee on Economic Development.

A concurrent resolution (S.C.R.

No. 22), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A STATE TOURISM PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 22 was referred to the Committee on Tourism, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 23), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE ENERGY PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 23 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 24), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE HOUSING PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 24 was referred to the Committee on Housing and Urban Development, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 25), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE TRANSPORTATION PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 25 was referred to the Committee on Transportation, then to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 26), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE STATE HIGHER EDUCATION PLAN," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 26 was referred to the Committee on Higher Education, then to the Committee on Economic Development.

#### SENATE RESOLUTION

A resolution (S.R. No. 25), entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A FUNCTIONAL AND IMPLEMENTATION PLAN TO ESTABLISH A DEPARTMENT OF CORRECTIONS," was offered by Senators George, Ajifu, Soares, Henderson and A. Kobayashi, and was read by the Clerk.

By unanimous consent, S.R. No. 25

was referred to the Committee on Judiciary.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 13-84) informing the Senate that Senate Bill Nos. 1782-84 to 1953-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 14-84) recommending that the Senate consent to the nomination of Marie N. Milks as Judge to the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 114.

By unanimous consent, action on Stand. Com. Rep. No. 14-84 and Gov. Msg. No. 114 was deferred until Wednesday, February 15, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 15-84) recommending that the Senate advise and consent to the nomination of Herbert M. Dias as Director of Taxation, in accordance with Gov. Msg. No. 105.

By unanimous consent, action on Stand. Com. Rep. No. 15-84 and Gov. Msg. No. 105 was deferred until Wednesday, February 15, 1984.

#### ORDER OF THE DAY

##### REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Monday, February 13, 1984:

Senate Bills	Referred to:
No. 1782-84	Committee on Transportation, then to the Committee on Ways and Means
No. 1783-84	Committee on Ways and Means
No. 1784-84	Committee on Government Operations and County

##### Relations

No. 1785-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 1786-84	Committee on Ways and Means
No. 1787-84	Committee on Ways and Means
No. 1788-84	Committee on Ways and Means
No. 1789-84	Committee on Economic Development
No. 1790-84	Committee on Ways and Means
No. 1791-84	Committee on Economic Development
No. 1792-84	Committee on Transportation, then to the Committee on Ways and Means
No. 1793-84	Committee on Transportation, then to the Committee on Ways and Means
No. 1794-84	Committee on Transportation, then to the Committee on Ways and Means
No. 1795-84	Committee on Education, then to the Committee on Ways and Means
No. 1796-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 1797-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 1798-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 1799-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 1800-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 1801-84	Committee on Education, then to the Committee on Ways and Means
No. 1802-84	Committee on Ways and Means
No. 1803-84	Committee on Ways and Means
No. 1804-84	Committee on

- Health, then to the Committee on Ways and Means
- No. 1805-84 Committee on Agriculture
- No. 1806-84 Committee on Judiciary
- No. 1807-84 Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
- No. 1808-84 Committee on Housing and Urban Development, then to the Committee on Judiciary
- No. 1809-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1810-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1811-84 Committee on Housing and Urban Development
- No. 1812-84 Committee on Education, then to the Committee on Ways and Means
- No. 1813-84 Committee on Housing and Urban Development, then to the Committee on Judiciary
- No. 1814-84 Committee on Human Resources
- No. 1815-84 Committee on Consumer Protection and Commerce
- No. 1816-84 Committee on Consumer Protection and Commerce
- No. 1817-84 Committee on Housing and Urban Development, then to the Committee on Judiciary
- No. 1818-84 Committee on Human Resources
- No. 1819-84 Committee on Consumer Protection and Commerce
- No. 1820-84 Committee on Transportation
- No. 1821-84 Committee on Consumer Protection and Commerce
- No. 1822-84 Committee on Housing and Urban Development
- No. 1823-84 Committee on Judiciary
- No. 1824-84 Committee on Tourism
- No. 1825-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1826-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1827-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1828-84 Committee on Judiciary, then to the Committee on Ways and Means
- No. 1829-84 Committee on Judiciary
- No. 1830-84 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1831-84 Committee on Judiciary
- No. 1832-84 Committee on Judiciary, then to the Committee on Ways and Means
- No. 1833-84 Committee on Judiciary, then to the Committee on Ways and Means
- No. 1834-84 Committee on Judiciary, then to the Committee on Ways and Means
- No. 1835-84 Committee on Government Operations and County Relations
- No. 1836-84 Committee on Tourism, then to the Committee on Ways and Means
- No. 1837-84 Committee on Transportation, then to the Committee on Ways and Means
- No. 1838-84 Committee on Health, then to the Committee on Ways and Means
- No. 1839-84 Committee on Economic Development, then to the Committee on Ways and Means
- No. 1840-84 Committee on Ways and Means
- No. 1841-84 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1842-84 Committee on Health
- No. 1843-84 Committee on Health, then to the Committee on Ways and Means
- No. 1844-84 Committee on Higher Education, then to the Committee on

Ways and Means	No. 1865-84	Committee on Consumer Protection and Commerce
No. 1845-84 Resources	Committee on Human Resources	No. 1866-84 Committee on Human Resources
No. 1846-84 and Means	Committee on Ways and Means	No. 1867-84 Committee on Consumer Protection and Commerce
No. 1847-84 Health, then to the Committee on Ways and Means	Committee on Health, then to the Committee on Ways and Means	No. 1868-84 Committee on Consumer Protection and Commerce
No. 1848-84 Resources, then to the Committee on Ways and Means	Committee on Human Resources, then to the Committee on Ways and Means	No. 1869-84 Committee on Consumer Protection and Commerce
No. 1849-84 Education, then to the Committee on Ways and Means	Committee on Higher Education, then to the Committee on Ways and Means	No. 1870-84 Committee on Consumer Protection and Commerce
No. 1850-84 Education, then to the Committee on Ways and Means	Committee on Higher Education, then to the Committee on Ways and Means	No. 1871-84 Committee on Consumer Protection and Commerce
No. 1851-84 Education, then to the Committee on Ways and Means	Committee on Education, then to the Committee on Ways and Means	No. 1872-84 Committee on Consumer Protection and Commerce
No. 1852-84 Judiciary, then to the Committee on Ways and Means	Committee on Judiciary, then to the Committee on Ways and Means	No. 1873-84 Committee on Consumer Protection and Commerce
No. 1853-84 Judiciary, then to the Committee on Ways and Means	Committee on Judiciary, then to the Committee on Ways and Means	No. 1874-84 Committee on Consumer Protection and Commerce
No. 1854-84 Judiciary	Committee on Judiciary	No. 1875-84 Committee on Consumer Protection and Commerce
No. 1855-84 Consumer Protection and Commerce	Committee on Consumer Protection and Commerce	No. 1876-84 Committee on Consumer Protection and Commerce
No. 1856-84 Government Operations and County Relations, then to the Committee on Ways and Means	Committee on Government Operations and County Relations, then to the Committee on Ways and Means	No. 1877-84 Committee on Consumer Protection and Commerce
No. 1857-84 Housing and Urban Development, then to the Committee on Ways and Means	Committee on Housing and Urban Development, then to the Committee on Ways and Means	No. 1878-84 Committee on Economic Development
No. 1858-84 Education	Committee on Higher Education	No. 1879-84 Committee on Economic Development, then to the Committee on Ways and Means
No. 1859-84 Education	Committee on Higher Education	No. 1880-84 Committee on Government Operations and County Relations
No. 1860-84 Housing and Urban Development	Committee on Housing and Urban Development	No. 1881-84 Committee on Government Operations and County Relations
No. 1861-84 Economic Development, then to the Committee on Ways and Means	Committee on Economic Development, then to the Committee on Ways and Means	No. 1882-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 1862-84 and Means	Committee on Ways and Means	No. 1883-84 Committee on Judiciary
No. 1863-84 Resources	Committee on Human Resources	No. 1884-84 Committee on Consumer Protection and Commerce
No. 1864-84 Resources	Committee on Human Resources	No. 1885-84 Committee on Housing and Urban Development, then to the Committee on Judiciary
		No. 1886-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1887-84 and Means	Committee on Ways	No. 1910-84 ciary	Committee on Judi-
No. 1888-84	Committee on Eco- nomic Development, then to the Committee on Judiciary	No. 1911-84 ciary	Committee on Judi-
No. 1889-84	Committee on Con- sumer Protection and Commerce	No. 1912-84 ciary	Committee on Judi-
No. 1890-84	Committee on Hous- ing and Urban Development, then to the Committee on Ways and Means	No. 1913-84 ciary	Committee on Judi-
No. 1891-84	Committee on Human Resources	No. 1914-84 ciary	Committee on Judi-
No. 1892-84	Committee on Eco- nomic Development, then to the Committee on Judiciary	No. 1915-84	Committee on Hous- ing and Urban Development
No. 1893-84	Committee on Judi- ciary	No. 1916-84	Committee on Judi- ciary, then to the Committee on Ways and Means
No. 1894-84	Committee on Judi- ciary	No. 1917-84	Committee on Judi- ciary
No. 1895-84	Committee on Judi- ciary	No. 1918-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 1896-84	Committee on Judi- ciary	No. 1919-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 1897-84	Committee on Judi- ciary	No. 1920-84	Committee on Eco- nomic Development
No. 1898-84	Committee on Judi- ciary	No. 1921-84	Committee on Eco- nomic Development
No. 1899-84	Committee on Hous- ing and Urban Development	No. 1922-84	Committee on Eco- nomic Development
No. 1900-84	Committee on Con- sumer Protection and Commerce	No. 1923-84	Committee on Eco- nomic Development
No. 1901-84	Committee on Human Resources	No. 1924-84	Committee on Health, then to the Committee on Ways and Means
No. 1902-84	Committee on Human Resources	No. 1925-84	Committee on Hous- ing and Urban Development, then to the Committee on Ways and Means
No. 1903-84	Committee on Judi- ciary	No. 1926-84	Committee on Agri- culture, then to the Committee on Ways and Means
No. 1904-84	Committee on Judi- ciary	No. 1927-84	Committee on Tour- ism, then to the Committee on Ways and Means
No. 1905-84	Committee on Judi- ciary	No. 1928-84	Committee on Eco- nomic Development, then to the Committee on Ways and Means
No. 1906-84	Committee on Con- sumer Protection and Commerce	No. 1929-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 1907-84	Committee on Judi- ciary	No. 1930-84	Committee on Ways and Means
No. 1908-84	Committee on Judi- ciary		
No. 1909-84	Committee on Judi- ciary		



No. 1931-84 Committee on Higher Education, then to the Committee on Ways and Means

No. 1932-84 Committee on Higher Education, then to the Committee on Ways and Means

No. 1933-84 Committee on Education, then to the Committee on Ways and Means

No. 1934-84 Committee on Education, then to the Committee on Ways and Means

No. 1935-84 Committee on Education, then to the Committee on Ways and Means

No. 1936-84 Committee on Agriculture

No. 1937-84 Committee on Education, then to the Committee on Ways and Means

No. 1938-84 Committee on Education

No. 1939-84 Committee on Education, then to the Committee on Ways and Means

No. 1940-84 Committee on Agriculture

No. 1941-84 Committee on Agriculture, then to the Committee on Ways and Means

No. 1942-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means

No. 1943-84 Committee on Ways and Means

No. 1944-84 Committee on Consumer Protection and Commerce

No. 1945-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1946-84 Committee on Judiciary, then to the Committee on Ways and Means

No. 1947-84 Committee on Judiciary, then to the Committee on Ways and Means

No. 1948-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1949-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1950-84 Committee on Economic Development, then to the Committee on Ways and Means

No. 1951-84 Committee on Agriculture

No. 1952-84 Committee on Agriculture, then to the Committee on Judiciary

No. 1953-84 Committee on Judiciary

Senator Abercrombie then rose to make an inquiry as follows:

"Mr. President, I have an inquiry to make of the chairman of the Ways and Means Committee based on a communication I received yesterday, a copy of budget instructions to the Education Committee. May I ask that you ask the Ways and Means chairman if he would answer a question as follows."

The Chair asked the Ways and Means chairman if he would yield to a question and Senator Yamasaki having answered in the affirmative, Senator Abercrombie asked:

"Mr. President, would you ask the chairman, please, if the Ways and Means Committee has a financial plan developed?"

Senator Yamasaki replied: "Mr. President, we are working on the financial plan."

Senator Abercrombie continued: "I take then that it is not completed but is still in the process of completion. Would that be a correct statement?"

Senator Yamasaki answered: "That is correct."

Senator Abercrombie continued: "Then, Mr. President, would you ask the chairman as to what the rationale was for the subject matter committee budget ceilings? I am referring in particular a case in point, although there's a general application obviously to my question ... in particular, the case in point is the Education Committee."

"Under the subject matter committee budget ceiling, there is listed the Act 301 appropriation for 1984-1985, then there is a minus figure for the supplemental request, and then there are two figures which are denoted in the communication, in the memorandum, as allowances. Would the chairman please elucidate for the members what the word 'allowance'

means, how it was arrived at, and whether it is a tentative figure, pending the completion of the financial plan?"

Senator Yamasaki answered: "Mr. President, I guess my answer would be that it is a tentative figure until the completion of the financial plan."

Senator Abercrombie continued: "Okay. That was the answer to the last question."

"What does the word 'allowance' mean? How is that arrived at, how are those figures arrived, and what does the word 'allowance' mean? It's a term unfamiliar to me."

Senator Yamasaki answered: "I don't think I have the answer for that."

Senator Abercrombie responded: "I'm sorry, I didn't get that."

Senator Yamasaki answered: "I said, I don't think I have the answers for that. Allowance is allowance, but I don't think I can describe it further than that."

Senator Abercrombie responded: "I see, thank you, Mr. President. If that is the case, it reminds me of a situation perhaps when I was a bit younger, my mother and father allowed me an allowance but I guess it was theoretical until you got it."

"I have to assume then that these figures, these allowance figures in this particular instance, grants-in-aid, which include culture and arts activities and other program allowance which in the memorandum indicates the CSAP program and EPSS are tentative, so, may I ask the Education chairman then a question?"

The Chair asked if the chairman would yield to a question and Senator Solomon asked to hear the question.

Senator Abercrombie asked: "Mr. President, the question I have then is, inasmuch as we are now holding budget hearings, among other hearings, hearings on the budget, is it the chairman's understanding that these are tentative figures and that no budget recommendations will be forthcoming till we know more clearly what the budget ceiling is?"

Senator Solomon answered: "Mr. President, in answer to Senator Abercrombie's question, we have scheduled a hearing this afternoon and I know that we can clarify a lot

of the Senator's inquiries. At that time, I am discussing the memorandum that was received from the Ways and Means chairman.

"And, furthermore, as the Senator can see from the agenda, we will be discussing the grants-in-aid situation in detail. As a matter of fact, I have called in the Department of Education, the Board of Education, and Budget and Finance to testify so we can really get some indication as to the kind of strategy that we can develop in answer to his inquiries. Thank you."

Senator Abercrombie responded: "Very good, Mr. President, thank you very much. I thank the chairman, and I don't object at all that she used my name rather than my district."

Senator Abercrombie, on a further point, stated:

"Mr. President, I made a statement, I guess the other day, and perhaps I should have phrased it as a question; I thought that I had; I have not seen the Journal so my memory may be faulty on it but inasmuch as the Majority Floor Leader indicated that the rules call for a particular form of address on the floor, I had requested that we be brought up-to-date on that and to my knowledge it is still not on our desk and so I will reiterate my request, if I in fact made it. If I did not make it, I make it now, that your office provide or the Clerk perhaps provide for the Senators a complete listing of all the Senators on the floor by virtue, and include on that list their district and their title, whether it's in leadership or their committee, to enable us not to refer to one another personally on the floor, thus salving the tender conscience of the Majority Floor Leader."

The Chair responded: "We will have a list prepared with district numbers and areas, names, and titles."

Senator Cobb, in response to the previous speaker, stated:

"Mr. President, referring to the tender conscience and sometimes having been referred to in the abstract or by some Hollywood name, as was the case last session, I first checked with the Lieutenant Governor's office to ensure that the district numbers that we would be known by will not change or would be subject to change, based on the 1984

proposed reapportionment.

"I am informed by that office that the district numbers we have as of the 1982 election will remain the same through the 1984 election and if the proposed plan, the 1984 plan of the State Reapportionment Commission, goes through and is adopted and new numbers are assigned, those numbers will be effective only for the 1984 election and beyond. Based on that information, the front page of the Journal of the Senate for 1983 which contains such a list is being xeroxed and prepared for distribution. I had received their answer just late this morning."

Senator Kawasaki also rose on a point of inquiry and stated:

"Mr. President, apparently, on everybody's mind is the threat of an impending strike and one of the questions that I would have, if I could have the answer in the roundest of answers, perhaps addressed to the chairman of the Ways and Means Committee ... assuming that certain of the public employees go on strike, what is the estimated, in roundest figures again, savings every day, for every day of the strike being on?"

Senator Yamasaki answered: "Mr. President, the only figures I have is that as far as the strike is concerned the last estimate was that, if the teachers go on strike, it would save us a million dollars a day."

Senator Kawasaki continued: "A million dollars just for teachers alone. If the other three organizations do go

on strike then I would estimate the savings to the taxpayers per day of the strike is about in excess of \$2.25 million a day, is that correct?"

Senator Yamasaki answered: "The total cost of personnel amounts to about \$600 million a year so with that you can have some estimate as to what the cost might be per day."

Senator Kawasaki continued: "So, divide that by 365, roughly \$2.25 million a day, at least?"

Senator Yamasaki answered: "That's right."

Senator Kawasaki continued: "So, it's even greater than that, then. There's some hopeful aspects of this problem of an impending strike. Thank you very much."

Senator Cobb added his remarks as follows:

"Mr. President, I sense an alternate financing plan for the state involving a strike contingency."

The Chair then interjected as follows:

"Members of the Senate, just a reminder from the Chair that 4:30 p.m., today, is the cutoff for introduction of bills."

#### ADJOURNMENT

At 11:54 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 15, 1984.

## TWENTY-FIRST DAY

Wednesday, February 15, 1984

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

The Divine Blessing was invoked by Colonel John L. Mann, Chaplain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Chang and Uwaine.

The Chair announced that he had read and approved the Journal of the Twentieth Day.

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

Senator Young introduced Wendy Pestana and Regina Llanto, students of Ilima Intermediate School, Social Studies class, participating in the "Legislative Awareness Program."

Senator Cobb then introduced two executive officers of Central Pacific Bank, Mr. Harold K. Yamanaka, Senior Vice President, and Mr. Paul Yamashige, Vice President of Marketing, and read a portion of the Senate Certificate to Central Pacific Bank on its 30th Anniversary, a copy of which was presented to the honorees.

Senator Solomon introduced Ms. Ilima Williams, a staff member, and her mother Mrs. Margaret Kauka, who were sitting in the Senate gallery. Senator Solomon added: "Mrs. Kauka has been a very outstanding senior citizen and, of course, a strong lobbyist, especially for Hawaiian affairs."

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 192 and 193) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 192), transmitting a report entitled, "State Plan Policy Council Progress Report on Activities Conducted in Furtherance of the

Hawaii State Plan," dated January 1984, from the Planning Division of the Department of Planning and Economic Development, pursuant to Chapter 226, HRS, as amended, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 193), transmitting a report entitled, "The Hawaii Coastal Zone Management Law, an Assessment," dated January 1984, prepared by the Hawaii Coastal Zone Management Program, Department of Planning and Economic Development, in response to Act 126, SLH 1982, was referred to the Committee on Economic Development.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 27 and 28) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 27), entitled: "SENATE CONCURRENT RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Soares, Henderson, A. Kobayashi, Ajifu and George..

By unanimous consent, S.C.R. No. 27 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 28), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHA WELLS," was offered by Senator Cayetano.

By unanimous consent, S.C.R. No. 28 was referred to the Committee on Health.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 26 to 28) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 26), entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Soares, Henderson, A. Kobayashi, Ajifu and George.

By unanimous consent, S.R. No. 26

was referred to the Committee on Economic Development.

A resolution (S.R. No. 27), entitled: "SENATE RESOLUTION REQUESTING THAT THE GOVERNOR OF THE STATE OF HAWAII IMMEDIATELY ESTABLISH AND FUND A STATE COMMISSION FOR THE PRESERVATION OF FORT DERUSSY," was offered by Senators Kawasaki, Kuroda, Carpenter, Ajifu and Cobb.

By unanimous consent, S.R. No. 27 was referred to the Committee on Tourism.

A resolution (S.R. No. 28), entitled: "SENATE RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHAU WELLS," was offered by Senator Cayetano.

By unanimous consent, S.R. No. 28 was referred to the Committee on Health.

#### STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 16-84) informing the Senate that Senate Bill Nos. 1954-84 to 2251-84 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

#### ORDER OF THE DAY

##### ADVISE AND CONSENT

Standing Committee Report No. 14-84 (Gov. Msg. No. 114):

Senator Cayetano moved that Stand. Com. Rep. No. 14-84 be received and placed on file, seconded by Senator Carpenter and carried.

Senator Cayetano then moved that the Senate advise and consent to the nomination of Marie N. Milks as Judge of the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Carpenter.

Senator Cayetano then rose to speak in support of the nomination and stated:

"Mr. President, on behalf of the chairman of the Judiciary Committee,

I would like to have inserted into the record his remarks supporting the confirmation of Judge Milks and would like to incorporate the chairman's remarks as my own."

Senator Chang's remarks are as follows:

"Your Committee on Judiciary respectfully recommends the Senate members to approve the appointment of Judge Marie Nakanishi Milks to the Circuit Court of the First Circuit.

"Judge Milks began her legal career over 10 years ago as a deputy public defender in Honolulu. During that seven years of service with the public defender's office, she litigated over 50 jury trials and supervised the preparation of briefs and appeals to the Hawaii Supreme Court.

"In 1980, Marie Milks was appointed District Court Judge and has served impressively in that capacity, exercising the utmost fairness and integrity. She is currently an acting Circuit Court Judge for the First Circuit.

"Colleagues testifying in support of Judge Milks all expressed their deep respect for her professional ability and judicial demeanor. One supporter captured the sentiment of many when he stated, 'Judge Milks' integrity is impeccable, and her limitless capacity for compassion and understanding, balanced with her commitment to excellence in the administration of law and justice, have made Judge Milks one of the most respected judges in the state.'

"Your Committee welcomes this appointment and is confident that Judge Milks possesses both the experience and characteristics which will make her an excellent Circuit Court judge.

"Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Chang, Machida and Uwaine).

Standing Committee Report No. 15-84 (Gov. Msg. No. 105):

Senator Yamasaki moved that Stand. Com. Rep. No. 15-84 be received and placed on file, seconded by Senator B. Kobayashi and carried.

Senator Yamasaki then moved that the Senate advise and consent to the

nomination of Herbert M. Dias as Director of Taxation, term to expire December 1, 1986, seconded by Senator B. Kobayashi.

Senator Yamasaki spoke in support of the nomination as follows:

"Mr. President, Herbert M. Dias is a lifelong resident of Hawaii, a graduate of St. Louis High School in 1942. He began working for the Department of Taxation on October 20, 1942 and has been with the department since that date, except for two years, from 1944 to 1946, which he spent in the U.S. Army.

"Mr. Dias began as a bookkeeping machine operator and served as inheritance tax assessor, Oahu district tax administrator, and compliance division administrator.

"He intends to carry out the provisions of the tax laws in a fair and impartial manner, to be reasonable but firm.

"I urge this body to cast a unanimous vote on the confirmation of Mr. Dias as Director of Taxation."

Senator Soares also rose to speak in support of the nomination and stated:

"Mr. President, I've known Mr. Dias now for over 30 years, as a very, very close friend and as a family friend, and as a neighbor of mine in Niu Valley. He and his family are outstanding neighborhood residents and well-respected in the community.

"I have known Herbert Dias to be a topnotch career employee of the Department of Taxation, and I am so very proud that the opportunity has come to him, after so many years of working in various capacities in the department with an outstanding record of achievements. I'm very proud this morning to speak on his behalf and urge you all to confirm his appointment."

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

Ayes, 22. Noes, none. Excused, 3 (Chang, Machida and Uwaine).

At this time, the Chair asked Mr. Herbert Dias, who was sitting in the Senate gallery, to stand and be recognized.

Senator Yamasaki then introduced Mr. George Freitas, the former Director of Taxation.

## REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills that were introduced on Tuesday, February 15, 1984:

Senate Bills	Referred to:
No. 1954-84	Committee on Consumer Protection and Commerce
No. 1955-84	Committee on Human Resources
No. 1956-84	Committee on Consumer Protection and Commerce
No. 1957-84	Committee on Consumer Protection and Commerce
No. 1958-84	Committee on Ways and Means
No. 1959-84	Committee on Judiciary
No. 1960-84	Committee on Judiciary
No. 1961-84	Committee on Judiciary
No. 1962-84	Committee on Judiciary
No. 1963-84	Committee on Judiciary
No. 1964-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1965-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 1966-84	Committee on Judiciary
No. 1967-84	Committee on Judiciary
No. 1968-84	Committee on Judiciary
No. 1969-84	Committee on Judiciary
No. 1970-84	Committee on Judiciary
No. 1971-84	Committee on Judiciary
No. 1972-84	Committee on Judiciary
No. 1973-84	Committee on Judiciary

No. 1974-84 ciary	Committee on Judi-	No. 1996-84 ciary, then to Ways and Means	Committee on Judi-
No. 1975-84 ciary	Committee on Judi-	No. 1997-84 ciary	Committee on Judi-
No. 1976-84 ciary	Committee on Judi-	No. 1998-84 ciary	Committee on Judi-
No. 1977-84 ciary	Committee on Judi-	No. 1999-84 ciary	Committee on Judi-
No. 1978-84 portation	Committee on Trans-	No. 2000-84 ciary	Committee on Judi-
No. 1979-84 ciary	Committee on Judi-	No. 2001-84 ciary	Committee on Judi-
No. 1980-84 portation, then Judiciary	Committee on Trans- to the Committee on	No. 2002-84 ciary	Committee on Judi-
No. 1981-84 portation	Committee on Trans-	No. 2003-84 ciary	Committee on Judi-
No. 1982-84 portation	Committee on Trans-	No. 2004-84 ciary	Committee on Judi-
No. 1983-84 portation, then Judiciary	Committee on Trans- to the Committee on	No. 2005-84 ciary	Committee on Judi-
No. 1984-84 portation, then Judiciary	Committee on Trans- to the Committee on	No. 2006-84 ciary	Committee on Judi-
No. 1985-84 ciary	Committee on Judi-	No. 2007-84 ciary	Committee on Judi-
No. 1986-84 ciary	Committee on Judi-	No. 2008-84 ciary	Committee on Judi-
No. 1987-84 ciary, then to Ways and Means	Committee on Judi- to the Committee on	No. 2009-84 ciary, then to Ways and Means	Committee on Judi-
No. 1988-84 ciary	Committee on Judi-	No. 2010-84 portation, then Judiciary	Committee on Trans-
No. 1989-84 ciary	Committee on Judi-	No. 2011-84 ciary	Committee on Judi-
No. 1990-84 ciary	Committee on Judi-	No. 2012-84 ciary	Committee on Judi-
No. 1991-84 Resources	Committee on Human	No. 2013-84 ciary	Committee on Judi-
No. 1992-84 Resources	Committee on Human	No. 2014-84 ciary	Committee on Judi-
No. 1993-84 Resources, then on Ways and Means	Committee on Human to the Committee	No. 2015-84 ciary, then to Ways and Means	Committee on Judi-
No. 1994-84 Resources	Committee on Human	No. 2016-84 portation, then Judiciary	Committee on Trans-
No. 1995-84 Consumer Protection and Commerce	Committee on Con-	No. 2017-84 Resources, then to the Committee	Committee on Human

on Ways and Means		No. 2038-84	Committee on Judiciary
No. 2018-84	Committee on Judiciary	No. 2039-84	Committee on Economic Development
No. 2019-84	Committee on Judiciary	No. 2040-84	Committee on Consumer Protection and Commerce
No. 2020-84	Committee on Judiciary	No. 2041-84	Committee on Agriculture
No. 2021-84	Committee on Judiciary	No. 2042-84	Committee on Agriculture
No. 2022-84	Committee on Judiciary	No. 2043-84	Committee on Housing and Urban Development
No. 2023-84	Committee on Consumer Protection and Commerce	No. 2044-84	Committee on Economic Development
No. 2024-84	Committee on Judiciary, then to the Committee on Ways and Means	No. 2045-84	Committee on Ways and Means
No. 2025-84	Committee on Tourism	No. 2046-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 2026-84	Committee on Judiciary	No. 2047-84	Committee on Transportation
No. 2027-84	Committee on Judiciary	No. 2048-84	Jointly to the Committee on Agriculture and the Committee on Transportation, then to the Committee on Ways and Means
No. 2028-84	Committee on Judiciary	No. 2049-84	Committee on Transportation
No. 2029-84	Committee on Government Operations and County Relations, then to the Committee on Judiciary	No. 2050-84	Committee on Higher Education
No. 2030-84	Committee on Economic Development	No. 2051-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2031-84	Committee on Judiciary, then to the Committee on Ways and Means	No. 2052-84	Committee on Health, then to the Committee on Ways and Means
No. 2032-84	Committee on Health, then to the Committee on Ways and Means	No. 2053-84	Committee on Education, then to the Committee on Ways and Means
No. 2033-84	Committee on Education, then to the Committee on Ways and Means	No. 2054-84	Committee on Economic Development
No. 2034-84	Committee on Agriculture, then to the Committee on Ways and Means	No. 2055-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2035-84	Committee on Ways and Means	No. 2056-84	Committee on Consumer Protection and Commerce
No. 2036-84	Committee on Agriculture, then to the Committee on Ways and Means	No. 2057-84	Committee on Housing and Urban Development
No. 2037-84	Committee on Agriculture.	No. 2058-84	Committee on Housing and Urban Development, then to



	the Committee on Judiciary	No. 2081-84	Committee on Consumer Protection and Commerce
No. 2059-84	Committee on Judiciary	No. 2082-84	Committee on Consumer Protection and Commerce
No. 2060-84	Committee on Tourism, then to the Committee on Ways and Means	No. 2083-84	Committee on Judiciary
No. 2061-84	Committee on Housing and Urban Development	No. 2084-84	Committee on Education, then to the Committee on Ways and Means
No. 2062-84	Committee on Judiciary	No. 2085-84	Committee on Consumer Protection and Commerce
No. 2063-84	Committee on Consumer Protection and Commerce	No. 2086-84	Committee on Economic Development
No. 2064-84	Committee on Transportation	No. 2087-84	Committee on Consumer Protection and Commerce
No. 2065-84	Committee on Government Operations and County Relations	No. 2088-84	Committee on Consumer Protection and Commerce
No. 2066-84	Committee on Tourism, then to the Committee on Ways and Means	No. 2089-84	Committee on Ways and Means
No. 2067-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means	No. 2090-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2068-84	Committee on Transportation, then to the Committee on Judiciary	No. 2091-84	Committee on Health, then to the Committee on Ways and Means
No. 2069-84	Committee on Consumer Protection and Commerce	No. 2092-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2070-84	Committee on Consumer Protection and Commerce	No. 2093-84	Committee on Ways and Means
No. 2071-84	Committee on Judiciary	No. 2094-84	Committee on Transportation
No. 2072-84	Committee on Judiciary	No. 2095-84	Committee on Transportation, then to the Committee on Ways and Means
No. 2073-84	Committee on Judiciary	No. 2096-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2074-84	Committee on Judiciary	No. 2097-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2075-84	Committee on Judiciary	No. 2098-84	Committee on Housing and Urban Development, then to the Committee on Judiciary
No. 2076-84	Committee on Judiciary	No. 2099-84	Committee on Ways and Means
No. 2077-84	Committee on Judiciary	No. 2100-84	Committee on Consumer Protection and Commerce
No. 2078-84	Committee on Judiciary	No. 2101-84	Committee on Judiciary
No. 2079-84	Committee on Judiciary	No. 2102-84	Committee on
No. 2080-84	Committee on Human Resources		

Transportation, then to the Committee on Judiciary	Resources
No. 2103-84 Committee on Judiciary	No. 2124-84 Committee on Government Operations and County Relations
No. 2104-84 Committee on Judiciary, then to the Committee on Ways and Means	No. 2125-84 Committee on Human Resources, then to the Committee on Ways and Means
No. 2105-84 Committee on Judiciary	No. 2126-84 Committee on Human Resources, then to the Committee on Ways and Means
No. 2106-84 Committee on Judiciary	No. 2127-84 Committee on Education, then to the Committee on Ways and Means
No. 2107-84 Committee on Judiciary	No. 2128-84 Committee on Government Operations and County Relations
No. 2108-84 Committee on Judiciary	No. 2129-84 Committee on Human Resources, then to the Committee on Ways and Means
No. 2109-84 Committee on Human Resources	No. 2130-84 Committee on Human Resources
No. 2110-84 Committee on Human Resources	No. 2131-84 Committee on Consumer Protection and Commerce
No. 2111-84 Committee on Consumer Protection and Commerce	No. 2132-84 Committee on Agriculture, then to the Committee on Ways and Means
No. 2112-84 Committee on Housing and Urban Development	No. 2133-84 Committee on Education, then to the Committee on Ways and Means
No. 2113-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means	No. 2134-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2114-84 Committee on Judiciary, then to the Committee on Ways and Means	No. 2135-84 Committee on Judiciary
No. 2115-84 Committee on Ways and Means	No. 2136-84 Committee on Health
No. 2116-84 Committee on Judiciary	No. 2137-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2117-84 Committee on Housing and Urban Development	No. 2138-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2118-84 Committee on Tourism, then to the Committee on Ways and Means	No. 2139-84 Committee on Economic Development, then to the Committee on Ways and Means
No. 2119-84 Committee on Human Resources, then to the Committee on Ways and Means	No. 2140-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2120-84 Committee on Ways and Means	No. 2141-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2121-84 Committee on Education, then to the Committee on Ways and Means	No. 2142-84 Committee on Judiciary, then to the Committee on Ways and Means
No. 2122-84 Committee on Human Resources, then to the Committee on Ways and Means	
No. 2123-84 Committee on Human	

No. 2143-84	Committee on Consumer Protection and Commerce	No. 2164-84	Committee on Judiciary
No. 2144-84	Committee on Transportation, then to the Committee on Judiciary	No. 2165-84	Committee on Tourism, then to the Committee on Ways and Means
No. 2145-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	No. 2166-84	Committee on Ways and Means
No. 2146-84	Committee on Health	No. 2167-84	Committee on Agriculture
No. 2147-84	Committee on Judiciary	No. 2168-84	Committee on Transportation, then to the Committee on Judiciary
No. 2148-84	Committee on Transportation, then to the Committee on Ways and Means	No. 2169-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 2149-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means	No. 2170-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2150-84	Committee on Housing and Urban Development	No. 2171-84	Committee on Health
No. 2151-84	Committee on Education, then to the Committee on Ways and Means	No. 2172-84	Committee on Agriculture, then to the Committee on Ways and Means
No. 2152-84	Committee on Judiciary	No. 2173-84	Committee on Agriculture, then to the Committee on Judiciary
No. 2153-84	Committee on Health, then to the Committee on Ways and Means	No. 2174-84	Committee on Ways and Means
No. 2154-84	Committee on Consumer Protection and Commerce	No. 2175-84	Committee on Human Resources
No. 2155-84	Committee on Judiciary	No. 2176-84	Committee on Tourism, then to the Committee on Ways and Means
No. 2156-84	Committee on Consumer Protection and Commerce	No. 2177-84	Committee on Economic Development
No. 2157-84	Committee on Consumer Protection and Commerce	No. 2178-84	Committee on Judiciary
No. 2158-84	Committee on Consumer Protection and Commerce	No. 2179-84	Committee on Economic Development
No. 2159-84	Committee on Consumer Protection and Commerce	No. 2180-84	Committee on Economic Development
No. 2160-84	Committee on Consumer Protection and Commerce	No. 2181-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 2161-84	Committee on Tourism	No. 2182-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 2162-84	Committee on Ways and Means	No. 2183-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 2163-84	Committee on Health, then to the Committee on Ways and Means	No. 2184-84	Committee on Economic Development

No. 2185-84	Committee on Economic Development	No. 2206-84	Committee on Judiciary
No. 2186-84	Jointly to the Committee on Agriculture and the Committee on Economic Development	No. 2207-84	Committee on Judiciary
No. 2187-84	Committee on Agriculture, then to the Committee on Ways and Means	No. 2208-84	Committee on Judiciary
No. 2188-84	Committee on Tourism	No. 2209-84	Committee on Government Operations and County Relations, then to the Committee on Ways and Means
No. 2189-84	Committee on Health, then to the Committee on Ways and Means	No. 2210-84	Committee on Judiciary, then to the Committee on Ways and Means
No. 2190-84	Committee on Housing and Urban Development	No. 2211-84	Committee on Education, then to the Committee on Ways and Means
No. 2191-84	Committee on Consumer Protection and Commerce	No. 2212-84	Committee on Health
No. 2192-84	Committee on Consumer Protection and Commerce	No. 2213-84	Committee on Human Resources, then to the Committee on Ways and Means
No. 2193-84	Committee on Judiciary	No. 2214-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2194-84	Committee on Consumer Protection and Commerce	No. 2215-84	Committee on Education, then to the Committee on Ways and Means
No. 2195-84	Committee on Government Operations and County Relations, then to the Committee on Ways and Means	No. 2216-84	Committee on Consumer Protection and Commerce
No. 2196-84	Committee on Consumer Protection and Commerce	No. 2217-84	Committee on Consumer Protection and Commerce
No. 2197-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2218-84	Committee on Ways and Means
No. 2198-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2219-84	Committee on Human Resources
No. 2199-84	Committee on Human Resources, then to the Committee on Ways and Means	No. 2220-84	Committee on Judiciary
No. 2200-84	Committee on Judiciary	No. 2221-84	Committee on Economic Development
No. 2201-84	Committee on Judiciary	No. 2222-84	Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means
No. 2202-84	Committee on Judiciary	No. 2223-84	Committee on Economic Development, then to the Committee on Ways and Means
No. 2203-84	Committee on Judiciary	No. 2224-84	Committee on Health, then to the Committee on Ways and Means
No. 2204-84	Committee on Judiciary	No. 2225-84	Committee on Agriculture
No. 2205-84	Committee on Education, then to the Committee on Judiciary	No. 2226-84	Committee on

Agriculture, then to the Committee on Ways and Means	No. 2246-84	Committee on Economic Development
No. 2227-84 Committee on Judiciary	No. 2247-84	Committee on Housing and Urban Development
No. 2228-84 Committee on Health, then to the Committee on Ways and Means	No. 2248-84	Committee on Housing and Urban Development
No. 2229-84 Committee on Health, then to the Committee on Ways and Means	No. 2249-84	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 2230-84 Committee on Health, then to the Committee on Ways and Means	No. 2250-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2231-84 Committee on Human Resources, then to the Committee on Ways and Means	No. 2251-84	Committee on Housing and Urban Development
No. 2232-84 Committee on Tourism, then to the Committee on Ways and Means	At this time, the Chair noted a typographical error on the re-referral of Senate Bill No. 1693-84, and corrected it to read as a joint referral to the Committee on Transportation and the Committee on Consumer Protection and Commerce.	
No. 2233-84 Committee on Health, then to the Committee on Judiciary	<b>RE-REFERRAL OF SENATE BILLS</b>	
No. 2234-84 Committee on Tourism, then to the Committee on Ways and Means	The President made the following re-referral of bills that were introduced in the Regular Session of 1984:	
No. 2235-84 Committee on Human Resources	Senate Bills	Referred to:
No. 2236-84 Committee on Health, then to the Committee on Ways and Means	No. 1693-84	Jointly to the Committee on Transportation and the Committee on Consumer Protection and Commerce
No. 2237-84 Committee on Human Resources, then to the Committee on Ways and Means	No. 1776-84	Committee on Transportation, then to the Committee on Ways and Means
No. 2238-84 Committee on Human Resources, then to the Committee on Judiciary	No. 1796-84	Committee on Higher Education, then to the Committee on Ways and Means
No. 2239-84 Committee on Human Resources, then to the Committee on Ways and Means	No. 1848-84	Committee on Ways and Means
No. 2240-84 Committee on Human Resources, then to the Committee on Ways and Means	No. 1861-84	Committee on Ways and Means
No. 2241-84 Committee on Health, then to the Committee on Ways and Means	No. 1863-84	Committee on Ways and Means
No. 2242-84 Committee on Tourism	No. 1864-84	Committee on Ways and Means
No. 2243-84 Committee on Transportation	At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.	
No. 2244-84 Committee on Health, then to the Committee on Ways and Means	The Senate reconvened at 11:54 o'clock a.m.	
No. 2245-84 Committee on Health	Senator Solomon, Chairman of the	

Committee on Education, then requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Education Committee's hearing notice for Thursday, February 16, 1984, and the President granted the waiver.

Senator Holt, Chairman of the Committee on Higher Education, also requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Higher Education Committee's hearing notice for Thursday, February 16, 1984, and the President granted the waiver.

Then, Senator Abercrombie rose on a point of personal privilege and stated:

"Mr. President, this morning's Honolulu Advertiser has on its page A-3 a very disturbing story.

"You may recall that there have been comments on this floor at previous times about the management of news with particular reference to other areas of the media. This story, Mr. President, indicates 'Fredo out in flap over KGMB promo.' The headline, I'm sorry to say, is a bit cavalier in its essence. The story, however, has much more profound implications.

"It may not be familiar to everyone on this floor but the Channel 9 news has been taken over by a group of people under the spell, if you will, by a man named Frank Magid. Frank Magid's story is well documented in a book I recommend to the members as well as to the print media and other interested media, the book called 'The News-Casters, the News Business as Show Business' by Ron Powers. It is a book which first analyzed in some detail the effect of people like Frank Magid on the First Amendment rights associated with the gathering and dissemination of news in this country.

"Bart Fredo is known, I think, to most of us on this floor, perhaps to some a good deal more than others. He has been an acquaintance of mine, a friend of mine for almost his entire career. So, from that point of view, I suppose, and that covers more than 14 years, if I'm not mistaken, I suppose it can be said that I hold a bias. I do hold a bias but not one in terms of personal friendship. I hold a bias in terms of I think the regard with which he is held in terms of his professional qualifications as a journalist.

"In summary, Mr. President, Mr. Fredo has been fired because he refused to take part in a promotional commercial clearly staging fake by Channel 9 for purposes of indicating that the people at Channel 9 were nice people. This is in line with the kind of approach that Mr. Magid takes as a consultant and it is in line with the kind of activities that apparently Mr. Peterson, who has now taken over Channel 9 news direction, came here recently from the Mainland for the Channel 9 company, apparently, is in line with what they now intend to do.

"Mr. President, I will not read in great detail to you about the Magid organization in what they do to news, but for a community such as ours it is very, very important that we understand what is happening here.

"Frankly, from my point of view, Channel 2 or Channel 4 would be well served if they grabbed Bart Fredo and put him to work because they would have an honest and straightforward journalist working for them.

"He would not participate in this because it is just a start of what will happen to Channel 9 news. It will become what is known as a 'happy talk' station.

"Among other things, what they do, and let me explain a bit about it ... this is Mr. Magid's point of view as indicated in Mr. Powers' book. 'Behavioral psychologists, former news directors, even rock 'n' roll record testors armed with electrodes to measure "galvanic skin responses" have plunged into the lucrative waters. (That is the profit-making waters with news.) Just as the media consultant has played an ever-expanding role in the strategy of political campaigns, so has the news consultant gained increasing influence on the newscasts that cover those candidates. There is perhaps an irony there worth contemplating.'

"Let me go on to indicate that 'The consultant's self-described role is that of a combination elocution coach and cosmetician: he advises on the production values of a newscast, the attractiveness of the set, the "atmosphere" among the "personalities," and the lucidity of the writing....comment on the appearance of this anchorman or that sports-caster.'

"One of the things that is suggested by Mr. Magid is that the writers of newscast avoid starting any

newscast with a stark fact, instead, begin with an invocative line which will catch the ear of the listener. He indicates that, let me give an example: "For example, at one point in the newscheck we (Mr. Magid) monitored there was a lengthy actuality of an attorney explaining all the detail of rape trial procedures. Instead of this institutional bureaucratic approach to issues, imagine getting an actuality from someone who had been through the vigors of an actual rape trial."...Yes, imagine! One can almost see the Magid analyst, fact flushed, rubbing his hands with excitement as he surrenders himself to his rape-trial-rigor reverie....How does such an approach serve journalism?"

"Mr. President, the situation is such that, if the Magid attitude takes over at Channel 9 or any of the other channels, this community will be deprived of the possibility of any actual news. What we will get is simulation and excitement. There will be a minimization of analysis.

"One of the things that Mr. Magid advocates, for example, is the elimination of documentary work. He has a very low opinion of viewers and believes they should be stimulated and excited rather than informed. He believes that giving information is not only boring but it is dysfunctional in terms of profit-making. In other words, the news shall become show business.

"It's one thing to have competition among the various television channels and I welcome that competition. I think that it's the kind of thing that, unfortunately, is not taking place as much as it should take place in the newspapers. But if this attitude takes hold in our community, I think we're going to be very, very ill-served.

"And, so, when you see these phony commercials on Channel 9, I

hope the public will recognize them for what they are...the phony baseball commercial, which is what this is going to be, as if Channel 9 has a baseball team.

"If Bart Fredo wants to play baseball, he can join me and Joe Moore in the Columbia Inn All Stars and we will go out and make fools of ourselves playing everybody we can for charity. They can play those games, if they want.

"People in the media are human beings; they are members of the community and they can join in and do their good work, such as they will. But when the television stations deliberately try to delude the public that somehow journalism is show business and that show business means better journalism, then we are in real trouble in terms of what the First Amendment is all about, in terms of dissemination of the news and what we can learn from it, and what values we should be upholding.

"It is not 'happy talk' and nice people that we are interested in in terms of our news coverage and dissemination. It is people that will go after the facts, present them in a fair and objective manner, and try to inform us as best they can within the bounds of professional journalism so that we are all the beneficiaries.

"Mr. President, it is my view that the Frank Magid's of this country should go back to the holes from whence they came and that they should allow the professional journalists, such as Mr. Fredo, to carry on their activities, such as we have come to expect."

#### ADJOURNMENT

At 12:13 o'clock p.m., on motion by Senator Cobb, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 16, 1984.

## TWENTY-SECOND DAY

Thursday, February 16, 1984

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

The Divine Blessing was invoked by Colonel (Ret.) Stanley Sagert, President, Hawaii Baptist Academy, after which the Roll was called showing all Senators present with the exception of Senators Chang, Fernandes Salling, George, Holt, Kuroda and Uwayne who were excused.

The Chair announced that he had read and approved the Journal of the Twenty-First Day.

At this time, Senator Carpenter made the following introduction to the members of the Senate:

"Mr. President, members of the Senate, it gives me great pleasure to introduce 'Miss Deaf Hawaii' representing the State of Hawaii, who comes from the Island of Kauai, and her name is Angie Molina. She is a Keywanette, represents the Models Club of Hawaii and the Future Farmers of Hawaii. She stands five feet tall, weighs 100 pounds and her talent is hula with the use of sign language. She attends Hawaii Community College and hopes to go to Gallaudet College, major in special education and hopes to become a teacher for the hearing impaired.

Mr. President, I'd like to ask all the members of this body to introduce themselves to Ms. Molina, using the sign language you have on the sheets before you, which means 'I'm pleased to meet you.'"

Senator Carpenter then introduced the honoree and presented her with the Senate Certificate. Accompanying Ms. Molina were Ms. Diane Gerard, an interpreter for the Hawaii Services of the Deaf, and her chaperon, Ms. Viola Sur from the Hawaii School for the Deaf and Blind. Senator Carpenter added that Ms. Sur "is my classmate from the Roosevelt High School Class of 1962."

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

At this time, the Chair invited Ms. Angie Molina to the rostrum.

Ms. Molina addressed the Senators as follows:

"Senator Wong, President of the Senate, and honorary members of the Senate, thank you for honoring me with this certificate. This year has been the most exciting year of my life. As the first Miss Deaf Hawaii of the State of Hawaii, I have felt the warmth and the love of the State of Hawaii. I have met many people in the community, have gone to important civic functions, have gone to fairs and parades and received many things from the state. I will hope that the hearing community becomes more aware that having a handicap, such as a hearing impairment, does not stop a person to strive for excellence. So I promise, in July when I go to Baltimore, Maryland, I will bring the spirit of Aloha that I have felt all through my life here in the Islands. Thank you."

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 194 to 196) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 194), transmitting an Annual Report on Implementation of the State Uniform Controlled Substances Act, prepared by the Department of Health, in response to Section 329-11, HRS, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 195), transmitting the Annual Report, 1982-1983, prepared by the Commission on the Handicapped, Department of Health, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 196), transmitting the 1983 Annual Report of the Department of Planning and Economic Development, was referred to the Committee on Economic Development.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 8) were read by the Clerk and were disposed of as follows:



A communication from the House (Hse. Com. No. 5), transmitting House Bill No. 1632-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1632-84, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 6), transmitting House Bill No. 1682-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1682-84, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 7), transmitting House Bill No. 1723-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1723-84, entitled: "A BILL FOR AN ACT RELATING TO BILLS ACCOMPANYING VOUCHERS," passed First Reading by title and was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 8), transmitting House Bill No. 1725-84, which passed Third Reading in the House of Representatives on February 15, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1725-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

#### SPECIAL COMMITTEE REPORT

Senator Hagino for the Joint Interim Committee to Review the State's Capability to Monitor and Prevent

Contamination of Water Resources by Pesticides, presented a report (Spec. Com. Rep. No. 1), of certain findings and recommendations of the Committee.

Senator Abercrombie then requested that action on Spec. Com. Rep. No. 1 be deferred until Friday, February 17, 1984, and the President, noting that there were no objections, so ordered.

Senator Abercrombie then rose on a point of inquiry:

"Mr. President, I understand, am I correct in understanding, that there is a bit of confusion as to interim period with respect to whether there will be committee hearings on other islands, or there are to be community meetings on other islands. Am I correct that that's being taken up?"

The Chair answered: "Yes, but I don't think there's any confusion."

Senator Abercrombie then stated: "Oh, perhaps I'm misinformed, then. So I will make an inquiry of you. I received an indication that there'd be a committee meeting, Education Committee meeting, on two of the islands."

The Chair replied: "My understanding is that the Education Committee has notified the members of the committee to apply for all the P.O.'s and vouchers through their office, rather than the President's."

Senator Abercrombie further inquired: "My inquiry is that I don't object to that, having done that myself in the past. My question is whether the other islands will have the same opportunity to make a presentation."

The Chair stated: "We've had no other request from any other island."

Senator Abercrombie replied: "Mr. President, I'm not sure if it's up to the islands to do the requesting."

The Chair further stated: "I think some members usually take this period of time during the recess to go back and talk with their constituencies. Occasionally, some committee chairmen request authorization to schedule hearings on the Neighbor Islands. So far there has been only one request and that request has been for a Committee on Education hearing on the Big Island. That's the purpose of allowing the committee to go to the

Big Island."

Senator Abercrombie inquired: "If other islands then request the same opportunity, will they be granted the same consideration?"

The Chair replied: "I don't see why not."

Senator Abercrombie thanked the President.

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

"Mr. President, I think we will be remiss if there was not some comment made on this floor today with respect to the dismissal of the Superintendent of Education at a meeting last night. The reports, Mr. President, I'm sure you are aware of, are somewhat sketchy, but the main elements, I think, are well known. As recently as Tuesday, expressions were made in the Senate Education Committee hearing concerning the latest Auditor's report, which reflects on work that was done in previous years. It would be unfair, in my judgment, Mr. President, to lay the blame for inaction on the part of the DOE and for that matter on the part of the Board, in some instances, at the feet of the present Superintendent alone.

"But for purposes of the record, Mr. President, I want to indicate that I, among others, warned the Superintendent over and over again that the forces of which she spoke as being opposed to her and was quoted as such in the newspaper this morning did indeed exist and were trying to defeat whatever good purposes she had from the very beginning, and that it was in her interest, as well as the interest of the children of the state and their parents and taxpayers, to see that those forces were confronted directly. Unfortunately, the Superintendent chose a different course. She tried to placate those forces. This was an impossible task. No superintendent will succeed unless that superintendent is willing to take on those elements in the DOE and the community that have controlled education and continue to control it today to their benefit against the benefit of the children and their parents.

"I indicated as recently as Tuesday and I might say parenthetically, Mr. President, I had no knowledge nor foreknowledge of what the Board

would do last night. I never discussed it with any of the members nor had I heard anything about it, so my remarks to the Superintendent and her staff at Tuesday's meeting were based entirely upon my own perception of the situation. I indicated at that time and I indicated to the chairman of our committee that in the absence of the Board and the Superintendent taking the kind of internal action that had been recommended by objective analysis of the Auditor and by many groups and individuals, both within and without the DOE, in the absence of such action, it was up to the Legislature to do it. We should have done it last year. We did not.

"In the time since the budget passed last year, we have seen the cuts that some of us predicted; we have seen members of the Board of Education, including one of the members who voted to oust the Superintendent last night, make a representation to the Board exactly the same as recommended by the committee that I headed last year of a 15 percent cut in administration. We have seen an attack on the district resource teachers and other teaching elements, rather than a hard look and reevaluation and reallocation of administrative resources in the DOE, and as a result we find inaction in that area. We find no reallocation of the resources in the DOE, and we find ourselves once again faced with the situation in which we are putting numbers on paper that bear no relation to the actualities of expenditures nor any relation to the necessities of turning out a competent educational work product. We are now absent leadership in the DOE. The Board is seriously divided. The Legislature has warned over and over again what must be done. I think it now our task in the Legislature to do the work that has not been done. I for one will urge and will do my best to present in a fair-minded and objective fashion those elements of restructuring of the DOE in terms of personnel and in terms of expenditure that I think are in the best interest of the children of this state and urge that this Legislature, this year, not avoid its responsibility, rather take up its responsibility and exercise its authority and put forward a budget with specific recommendations and provisos with respect to personnel changes that are long overdue and are more than warranted in terms of the crisis in education that we face in this state. Thank you."

Senator Soares then rose on a point

of personal privilege:

"Mr. President, I witnessed the action last night on television and I will not get into the details as thoroughly as my colleague has. But I must say this. I have never seen a more cruel display of power playing in my career in politics. I don't care who the superintendent was; I don't care what the background was; I do believe that when we have a meeting such as that out in August Ahrens School, out in Ewa, with the press and television cameras rolling, that we literally crucify a person publicly ...the taste with which this was handled, I feel, was the lowest I've ever seen.

"And I admire the courage and the class with which the recipient of this seven-to-six vote handled herself. I feel that the action could have been done in executive session. They

could have discussed the opportunity for her to resign; but to publicly, on television, take this kind of action, I find very distasteful, very disappointing and a lack of class."

The Chair announced:

"Before adjourning, I would like to call to the members' attention the membership roster of the Senate, which has been placed on all of your desks. This roster is for your reference when addressing or referring to your fellow Senators on the floor and it should be kept on the floor."

#### ADJOURNMENT

At 12:02 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 17, 1984.

## TWENTY-THIRD DAY

Friday, February 17, 1984

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

The Divine Blessing was invoked by Sister Rose Lauren Earl, Maryknoll Sister, Saint Catherine Convent, after which the Roll was called showing all Senators present with the exception of Senators Ajifu, Carpenter, A. Kobayashi, Solomon, Uwaine and Yamasaki who were excused.

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

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

Senator Cobb introduced a group of 60 fifth grade students of Kahala Elementary School and their teachers, Ms. Carol Campbell and Ms. Violet Sahara. Senator Cobb added that his son Billy is included in the group.

Senator Cobb also introduced State Senator Jen Tennefos of North Dakota and his wife Jeanie. Senator and Mrs. Tennefos were asked to rise and be recognized.

Senator Machida, on behalf of the Senate, then introduced Ms. Jacqueline Berry, project director, and Charlene Yogi, assistant project director, of the Hawaii Health Fair. Senator Machida then said: "The Hawaii Health Fair, is observing its fourth anniversary from April 8 - 17, 1984. This event will provide to the public free screening tests, referral services, and health education. The kickoff date is next Friday, February 24th, from 9:00 a.m. to 2:00 p.m., in the Capitol rotunda and everyone is encouraged to attend." Ms. Berry and Ms. Yogi were presented with a Senate Certificate by Senator Machida.

Senator Kuroda introduced Mid-Pacific Institute students, Ryan Takeya, Patrick Miyashiro and Kendrick Lee.

Senator Abercrombie added his comments on the introduction of Senator Tennefos and stated:

"Mr. President, I want to add my aloha and welcome to Senator

Tennefos. I had the pleasure of meeting him the other night at the Rainbow Wahine banquet celebrating their NCAA triumph of the women's volleyball team and I, unfortunately, have to report to you and to the rest of the members that in his home state the members of the legislature are paid in just about as crazy a fashion as we are. So we have something in common."

Senator Holt, on behalf of Senator Chang, introduced the group of eight students from Pacific Baptist Academy, accompanied by Principal Kam Ching.

Senator Holt, on behalf of Senator Kawasaki and himself, introduced 60 fourth grade students from Kalihi Uka Elementary School and their teachers, Ms. Alice Takata and Ms. Sandra Vegas.

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

The Senate reconvened at 11:49 o'clock a.m.

## DEPARTMENTAL COMMUNICATION

A communication from the Office of the Auditor (Dept. Com. No. 20), transmitting a report entitled, "Catalog of Legislative Requests Made to the Department of Education During the 1983 Legislative Session and Responses Thereto," Report No. 84-14, February 1984, was read by the Clerk and was referred to the Committee on Education.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 9 to 14) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 9), transmitting House Concurrent Resolution No. 53, which was adopted by the House of Representatives on February 16, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO MANDATORY LEGISLATIVE RECESS," was adopted.

A communication from the House

(Hse. Com. No. 10), transmitting House Bill No. 1630-84, H.D. 1, which passed Third Reading in the House of Representatives on February 16, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1630-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRST AID," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 11), transmitting House Bill No. 1720-84, H.D. 1, which passed Third Reading in the House of Representatives on February 16, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1720-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 12), transmitting House Bill No. 1726-84, H.D. 1, which passed Third Reading in the House of Representatives on February 16, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1726-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS TO ACCOMPANY BIDS," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 13), transmitting House Bill No. 1807-84, H.D. 1, which passed Third Reading in the House of Representatives on February 16, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1807-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 14), transmitting House Bill No. 1827-84, which passed

Third Reading in the House of Representatives on February 16, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1827-84, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### MATTER DEFERRED FROM FEBRUARY 16, 1984

#### Special Committee Report No. 1:

Senator Hagino, co-chairman of the Joint Interim Committee to Review the State's Capability to Monitor and Prevent Contamination of Water Resources by Pesticides, presented Spec. Com. Rep. No. 1.

Senator Abercrombie remarked and inquired as follows:

"Mr. President, before you take action on this report which I understand is to be filed, would the co-chairman of the committee yield to a question or a series of questions, depending on the answer to the first one?"

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

"Thank you.

"Mr. President, would you ask the co-chairman, please, how this report, the Joint Interim Committee to Review the State's Capability, etc., differs in any major respect with the 1969 report and evaluation of the pesticides problems in Hawaii?"

Senator Hagino answered: "Mr. President, offhand, I can't say. I'm not very familiar with the 1969 report."

Senator Abercrombie continued: "Thank you.

"Mr. President, I object to the accepting of this Special Committee Report No. 1. I think that the co-chairman should ask that the committee report be committed back to this joint committee.

"Mr. President, everything that is in this report has already been discussed in greater and better detail

in the aforementioned report by the Department of Agriculture in 1969, entitled 'Evaluation of Pesticide Problems in Hawaii.'

"You have a recommendation, for example, in here that the Environmental Quality Control Commission be empowered to do certain things with respect to pesticides pollution control.

"Mr. President, anybody who's familiar with the Environmental Quality Control Commission knows that that's about as useful as asking Prince Charles if he intends to take the throne. How is it any different from the Hawaii Pesticide Council that was recommended at that time, 14 years ago? How is the reorganization any different from what was recommended all those years ago? What do the refindings and recommendations in this report have to do with solving any of these problems, especially when related to the Environmental Quality Control Commission?

"Can the chairman, for example, tell us what that commission will do when the report itself indicates that it's virtually bereft of resources, that the Environmental Control Commission is bereft of resources? What will it do that is any different from what was presented in testimony by the College of Tropical Agriculture and Human Resources on the role of pesticide use regulation and monitoring where they indicated that the college already provided information and means for other public and private sectors of society to make rational decisions in the area of pesticides and contamination of water resources by pesticides, that information is generated through research and delivered through education, and that the college provided specialized services that required direct backup from research or a necessary part of the education process?

"What is the Environmental Quality Commission going to provide that is not now already provided by the University of Hawaii's Pesticide Hazard Assessment Project, or could not be coordinated through the efforts of the various elements in research now already existent at the University of Hawaii?

"How is the Environmental Quality Control Commission to coordinate, supervise, and/or supercede in any fashion the memorandum of understanding that already exists

between the Hawaii State Departments of Agriculture and Health with respect to misuse of pesticides, damage by pesticides to crops, plants and poultry, livestock, dairy animals, pesticides used in exposure to man, environment and project?

"How is this Environmental Quality Control Commission and what legislation, in connection with it or anything else, be done as a result of the study which I believe is recommended in here, to abrogate or moderate or add to in any significant fashion the agreement to develop the data management system for pesticide usage in the State of Hawaii?

"Now, I didn't serve on this committee, but I followed it and I followed up on what was given in terms of the testimony, and that's available to any Senator here. This is what happens when we want to avoid our responsibility. This is what happens when we want to put off until tomorrow what we should be doing today.

"The questions that I am asking are reasonable questions that should have been asked by the responsible party, that should have been dealt with by the committees that were in charge. The questions that I am asking are unanswered. The questions that I have raised are the kinds of questions that should have been dealt with a long time ago. And if these pieces of paper, these testimonies and exhibits mean anything, they mean that some of the very issues raised in the report itself are already in the process of being dealt with, if in fact they are not merely windowdressing, meant to serve as a kind of salve to the public inquiry, a kind of lotion to be put on the body politic to soothe its anxieties and insecurities with respect to pollution, with respect to water quality, with respect to pesticide control.

"All the elements necessary to have a comprehensive workable policy, with respect to pesticides, pollution, and water quality control are already in place. What is necessary is the will on the part of the Legislature to do something about it. To fard this off on the Environmental Quality Control Commission, which in the report itself is described as not having the capabilities of doing what is requested of it, to recommend yet another study or series of studies, to recommend yet another process of information collection and dissemination, to recommend yet another assessment, to

recommend merely interagency coordination and statutory integration to be put off to another time, when we have masses of information and assessment already available to us for statutory activity, if we had a committee on agriculture, a committee on health, a committee on higher education, a committee on whatever combination, it's your desire or the desire of the leadership or the desire of whoever is in charge of putting a program together, that if it's their desire to do so, we can and should do it now.

"When the report itself states, 'OEQC's capability to function as the designated lead agency in this area, however, has been limited by a lack of resources,' are we not saying in the absence of putting those resources together or ignoring those resources that are already in place and capable of doing the job, we don't intend to do anything about pesticides and pollution control and water quality, except shake our heads, wring our hands, gnash our teeth, and hope that it would go away sometime before the election.

"I have yet to be able to discover, by the way, what an environmental toxicologist is. That apparently is going to solve our problem. Number D on page 11 of the recommendations indicates, 'Under the direction of the Office of Environmental Quality Control, each government agency or department with a responsible role in pesticide usage or water quality should prepare a Pesticides Action Plan which clearly defines its responsibilities, needs, and procedures for preventing or mitigating pesticide-related contamination.'

"Now, I happen to know that these things already exist. I happen to know that they are already capable of being coordinated. And this is the same office which on the previous page has been designated as the lead agency, is characterized by the report as being limited by a lack of resources. There's nothing in this report that indicates that those resources are going to be forthcoming or forthcoming in any manner that will affect the Department of Agriculture, the Department of Health, the University of Hawaii, the Water Resources Research Project at the University, anyone of a number of groups, individuals, projects, institutes, colleges, departments, agencies that are already in existence, already functioning, and presumably already working in an integrated fashion if they had the

leadership. The leadership will not come from this Environmental Quality Control Commission. To say that is to try and deceive the people of this state as to not only what is possible, but what is likely to happen.

"So, Mr. President, with that in mind, I appreciate the fact that the committee or this joint committee and its members tried to come to grips with the problem but I do not believe it is necessary for us to accept an inadequate report. I think it is far better for the committee to say at this juncture that they need to take another look at it to come up with more definitive recommendations, based on the realities that are already before us and the possibilities that already exist within the numerous agencies and individuals and groups I have mentioned, and come back to us before the end of this session with a plan and an approach which will benefit the people of this state, and show credit where credit is due to those people who are already involved in this situation of pollution, pest control, and water quality, and allow us to come before the public at the end of this session with a work product which truly bears the stamp of a considered, well-articulated, plausible approach to this problem."

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Hagino then responded as follows:

"Mr. President, I'd just like to say that this committee did work hard on the report. We spent a lot of time compiling this report and it is an effort to deal with this problem.

"As the good Senator had mentioned, there was a report done in 1969 of which I also said that I was not familiar with. And as he stated, these problems were present at that time and it's an indication that these problems have not been resolved; there have not been any measures done to really address this problem.

"I think that last year when this committee met, we were really trying to come up with some answers to this problem and these are some of the observations and recommendations that we have made in this report. I am hoping that some of the members, as well as myself, will take some of the recommendations and enact them into

meaningful legislation.

"As far as OEQC is concerned, I think we found out that they are understaffed. They have nine people in their office to deal with the whole environmental spectrum. We're not just talking about pesticides; we're talking about other types of pollution that are not limited to the pesticides problem. We felt that, because of situations that occurred this year and the past year, that pesticides was to be a sensitive area and we should allocate more resources to look into this problem and come up with solutions. And I think that's why one of the recommendations is to fund three vacant positions in the OEQC.

"With that, Mr. President, I'm hoping that we will come up with some very good legislation to deal with this problem."

Senator B. Kobayashi, also in response, stated:

"Mr. President, I attended this meeting of the joint committee of the House and Senate to consider adopting this committee report. At that meeting, I asked, why are we coming forth with a set of recommendations which among other things asks for a compilation of studies, conducting of research and creation of data bases, and that could this be now done with present resources. The response was that aside from a few particular areas, specifically OEQC, the intention is that all of these studies request for information for further research can be done with current resources.

"It is, of course, to be noted that OEQC may have slighted themselves in not asking for more resources for indeed as the committee report indicates they are hampered by a lack of resources and how much resources they really would need for a good comprehensive job is not fully understood right now. Nonetheless, the point is that resources of additional nature are needed, could be used, and at first glance, considering monetary limitations, they have asked for a rather modest increase in numbers of staff.

"In two other areas, there are really, shall we say, other agencies where additional resources will be sought before this present Legislature. There are, as you know, at least a number of people walking around these halls which have requested additional monies for the University of Hawaii Pesticide Hazard

Assessment Program, which is asking for at least \$50,000 to \$100,000, monies to be used to be matched with federal funds of approximately \$200,000 to \$250,000. The match is needed in monetary cash of at least \$50,000 to get the federal funds.

"In addition, there are a couple of people who are interested in beefing up our studies, or at least our efforts, in trying to get alternatives to use of pesticides currently used and these, of course, might require great additions of monies. That question is quite sensitive to us because of the long-term and possibly costly effects of this kind of request.

"So, on the whole, I think that this study does address some of our concerns in asking for a clearer definition of who does work. It does go a short way in asking for some funds which are needed to do a better job under the current structure. And it does ask for an investigation of what might be done in the future to reorganize current structures for more efficient allocation of responsibility.

"In this regard, after coming away from the original committee meeting for the approval of this report, somewhat dissatisfied and shall we say skeptical about the report, I did have an opportunity to find out a little bit more about the report and generally feel much more comfortable now about the solvency of the report than I did when I attended the original committee meeting. Thank you."

The President then ordered the Clerk to file Spec. Com. Rep. No. 1.

#### RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of bills that were introduced in the Regular Session of 1983:

Senate Bills	Referred to:
No. 120	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 426	Committee on Human Resources, then to the Committee on Ways and Means
No. 654	Committee on Housing and Urban Development, then to the Committee on Ways and Means
No. 860	Committee on Human Resources, then to the Committee



on Ways and Means

RE-REFERRAL OF  
HOUSE BILL

- No. 951 Committee on Education, then to the Committee on Ways and Means
- No. 986 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1232 Committee on Human Resources, then to the Committee on Ways and Means
- No. 1263 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1296 Committee on Education, then to the Committee on Ways and Means
- No. 1307 Committee on Government Operations and County Relations, then to the Committee on Ways and Means
- No. 1309 Committee on Housing and Urban Development, then to the Committee on Ways and Means
- No. 1318 Committee on Human Resources, then to the Committee on Ways and Means

The President then made the following re-referral of bills that were introduced in the Regular Session of 1984:

Senate Bills Referred to:

- No. 1495-84 Committee on Education, then to the Committee on Ways and Means
- No. 1511-84 Committee on Government Operations and County Relations, then to the Committee on Ways and Means
- No. 1609-84 Committee on Human Resources, then to the Committee on Ways and Means

RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTION

The President made the following re-referral of a concurrent resolution that was offered on February 7, 1984:

Senate  
Concurrent  
Resolution

Referred to:

- No. 7 Committee on Government Operations and County Relations, then to the Committee on Ways and Means

The President made the following re-referral of a House Bill that was received in the Regular Session of 1983:

House Bill Referred to:

- No. 1120 Committee on Housing and Urban Development, then to the Committee on Ways and Means

Senator Abercrombie rose on a point of inquiry and stated:

"Mr. President, based on a memorandum which was received from Senator Yamasaki, the chairman of the Ways and Means Committee, would the vice-chairman of the committee yield to a question?"

The Chair asked if the vice-chairman would yield to a question and Senator B. Kobayashi answered: "Yes, if I can answer it."

Senator Abercrombie then continued: "Thank you very much.

"This memorandum, dated February 16, 1984, to Senator Solomon, chairman of the Committee on Education, from Senator Yamasaki, the subject is a clarification of a subject matter on 'budget instructions on the 1984-85 Executive Supplemental Budget request.' I assume that the vice-chairman is familiar with the budget instructions to the subject matter committees?"

Senator B. Kobayashi answered: "Mr. President, that memo was sent out without my knowledge, and I did not have a chance to read it until it was also received in my office."

Senator Abercrombie continued: "I understand that, but I assume that the vice-chairman is familiar with the budget instructions handed to the subject matter committees, not with this particular memo, but with the budget instructions?"

The Chair interjected: "I think the vice-chairman answered that he was not aware of the instructions or how it came about, and the chairman is...."

Senator Abercrombie interrupted: "I beg your pardon, Mr. President, I don't think that's what the answer was. It has to do with this particular memo. My question to him at this point was not about this

particular memo, but merely to assure myself that he is familiar with the budget instructions which went to the various subject matter committees."

The Chair noted that the vice-chairman had nodded in the affirmative.

Senator Abercrombie continued: "Now, in those instructions to the Education Committee there was, and the vice-chairman may recall, the chairman indicating to me that there was in fact what was called 'a program allowance of \$5 million' for two major educational programs. At the time the chairman indicated an allowance was an allowance, somewhat reminiscent, perhaps, of some poetry that we're familiar with about 'A rose is a rose, is a rose, is a rose,' but nonetheless, in response to inquiries by the chairman of the Education Committee the following was indicated by the chairman on behalf of the committee.

"That \$5 million was indeed allowed. It was called 'the special consideration for these two programs' and I'm now quoting from the memo, 'This special consideration for these two programs was made since the 1984 Legislature provided only one year funding with the fiscal year 1984 appropriation request contingent upon a satisfactory program evaluation.'

"There is a second part to this, and it says, 'Should your committee not recommend funding for both of these programs, then the total \$5 million will be reduced from your ceiling. Other programs may not be substituted, but should be included in priority listing. If your committee decides to fund only one of these programs, either the Comprehensive School Alienation Program or the Early Provisions for School Success, then the unexpended balance of the \$5 million will be deducted from your ceiling.'

"My question to the vice-chairman is, does the...has the Ways and Means Committee established a ceiling for education, or has it not? If it has established a ceiling, what difference does it make to the Ways and Means Committee unless it has specific objections to a program?

"As you can see, I operate in many areas, Mr. President, I can both talk and move plants at the same time."

The Chair responded: "That was my observation."

Senator Abercrombie continued: "There is a very intense force field around me...the force is definitely with me, probably, to the point that I need to repeat the question. The answer was obvious to this point. I also recognize that the plant came from Maui and there may be a message in that for me. It was supposed to be slightly above and behind me, I know. But as you well know, Mr. President, I have one of the harder heads so possibly this was symbolic, rather than wanting to crack the pot."

The Chair then interjected: "Senator Abercrombie, if you wouldn't mind at this juncture, I'm not sure that the members of Ways and Means understand the full import of your question. The chairman isn't here so I would suggest that if it meets with your approval that if we by chance find Senator Yamasaki today we can sit down and discuss this matter further."

Senator Abercrombie answered: "All right, let me then just establish what the inquiry is about. It was not meant to delay anything or to confuse the issue, but rather this. Inasmuch as we are going into a recess and we have to put the budget in from the committee near the end of the month, I guess virtually the last day of the month, it's especially important to establish whether or not the Ways and Means Committee has established a financial plan which takes into account an increase of \$5 million or more for the Education Committee. If that money is available to the Education Committee, my assumption is that it's available to the committee, period.

"To say that you can have it for these programs but not for anything else, and that the money will be subtracted, is exactly the kind of arbitrary adjustment which the Ways and Means chairman indicates we should not make. I would hope that the Ways and Means Committee would likewise listen to its own admonishments to subject matter committees about arbitrary adjustments. If it's possible within the financial plan to have the \$5 million, it should be possible for whatever the committee decides is necessary with respect to advancing public education in the state. If there is a disagreement with that at Ways and Means, that's another subject to be dealt with at another time. But it's crucial to the decision-making in the Education Committee to know precisely what the ceiling is and to know upon what that

ceiling allocation is based. That is not clear from the memo and that was what I am seeking clarification on."

Senator Toguchi then stated as follows:

"Mr. President, I just want to clear up a misunderstanding. It wasn't the force from Senator Abercrombie that knocked the plants over. I accidentally knocked over it myself, so I don't know what force he's talking about.

"But on a serious note, Mr. President, for the record, I'd just like to make a few corrections on what is happening with the Department of Education.

"First of all, I read yesterday's newspaper and, apparently, there was mention by some of our colleagues on the other side that they were upset because the superintendent did not include the EPSS program and the Comprehensive School Alienation Program. I just want to clear up that misunderstanding.

"Mr. President, if I recall correctly, it was the other house, last year, that insisted on taking out those two programs. I think it was a bad strategy move on their part, and I think the comment in the newspaper yesterday was that this individual in the House on the other side was upset because the superintendent did not include those two programs in her budget request.

"Mr. President, it was my understanding after last year's House/Senate conference that the opposite house insisted on removing these programs and that it will be left out until the department submitted evaluations for these two programs. So, Mr. President, I think the superintendent was of the understanding that, pending an evaluation of the two programs, those two items would be left out of the budget.

"On a second point, Mr. President, I really feel that if we continue the practice of pushing out an inflated budget from the Legislature, I think that the future superintendent is going to have the same problems that the past superintendent had during the past year.

"Now, let's look at some of the facts of what I'm talking about. Last year, even though some of us protested, in terms of sending out an inflated budget, the budget went out anyway, and I know some of the

people, in this house and the other house, especially in the other house, subject matter committees, sending out memorandums to their constituents showing on paper what they passed.

"In fact, I also know the Department of Education was very elated, was very happy that the Senator from Manoa was removed as chairman of the Education Committee and I heard remarks that they were very happy that they got everything they wanted in the budget last year.

"I think, several times I pointed out to the superintendent, 'you're going to be the fall guy.' In fact, as late as five days ago the Senator from Manoa and I had a discussion with the superintendent and her deputy and we told her that we see again the same thing happening this year; you're going to be the fall guy again this year. We didn't know about the Board's subsequent action at that time.

"I think that we have to be responsible here in the Legislature. I think what happened last year was that we passed the budget which had in numbers what the department wanted, but we didn't have the money to back up these things in the budget. So what happened last year, we passed the budget; the Legislature looked good; we covered everything.

"At the beginning of last fiscal year in July and August, the Governor came down with restrictions. The Governor was the bad guy. Then, those restrictions in terms of dollar amount was passed down to the board and to the Department of Education. They had to cut and they had to cut again several times. In fact, to show how ridiculous it turned out, it turned out to be \$39 million that they had to cut out of the budget. And I hope this year we don't repeat this practice again.

"I think last year we gave up our responsibilities, both houses, and I hope that this year we can pass a responsible budget. Let's look at the revenues coming in. Let's pass a budget that is realistic. I know last year we had many comments like, 'Well, let's let the administration decide what to reduce.' I've heard that many times and that's how it turned out last year. So, this year let's pass a budget. Let's really look at the numbers, and let's be responsible. And let's not put the future superintendent in the same kind of predicament that we have put the past superintendent in.

"Mr. President, I was not planning to say anything here today, but I think these comments complement Senator Abercrombie's comments. Thank you."

Senator Cobb added this remarks as follows:

"Mr. President, I think the recent action involving the superintendent demonstrates very clearly the difficulty of serving two masters and the impossibility of serving three."

Senator Kawasaki then rose on a point of personal privilege and stated:

"Mr. President, I think that it's only fair that I indulge in this rare occasion of commending the morning newspaper for the public service it rendered yesterday in trying to solicit public reaction to the impending strike. The Advertiser needs to be commended.

"I'm perhaps as guilty as anyone here, perhaps the most guilty one of reprimanding the Advertiser whenever I felt that their newspaper coverage was either biased, unfair, or incomplete.

"The Advertiser, this morning, did a public service in giving the Legislature and the members of the public the results of a poll they had taken relative to the public's attitude toward the impending strike. Apparently, their results showed that the majority in the public sector supported the government's position, which is to say that we've got only so

much money; we can afford only so much in the way of requested pay raises and not a cent more.

"Unfortunately, while the information subsequent to the posing of the question didn't support the government's position, it was pretty adequate. Perhaps they should have also stated that the estimated cost, and when I say estimated it's kind of a rough guess (I suppose we need a main frame computer to really get very valid figures so far as what it would save the taxpayers for everyday of the strike being on is concerned), to say that it would save the taxpayers of the state \$2,600,000 a day for everyday of the strike being on.

"If that information was known to the public when the question was posed to them by the pollsters, I venture to say that public support of the government's position that 'we've got only so much' money, not much more than that, if you wanna go strike, go ahead and strike,' I think the government's position would be overwhelmingly sustained.

"I just wanted to add that information and commend the Advertiser for rendering one of its rare public services."

#### ADJOURNMENT

At 12:38 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 28, 1984.

## TWENTY-FOURTH DAY

Tuesday, February 28, 1984

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

The Divine Blessing was invoked by the Reverend Doug Schneider of the United Church of Christ, Hawaii Conference, after which the Roll was called showing all Senators present with the exception of Senator Machida who was excused.

The Chair announced that he had read and approved the Journal of the Twenty-Third Day.

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

Senator Toguchi introduced 80 students from Kahuku High School, grades 7 through 12, accompanied by their teachers: Susan Lombardi, Alice Anae, June Dayao, Mary Moniz, Cindy Tamashiro, Francine Range, Robert Benson, Murray Anixt, Rose Moreno and Jesse Augustin.

Senator Yamasaki then made the following introduction:

"Mr. President, we have with us this morning a gentleman who has served the Legislature for many years as an economist and whose information has been very helpful to the Ways and Means Committee and, I believe, also to our counterpart in the House. He has announced that he is going to retire and will be moving from Hawaii.

"However, before he does that, I thought it appropriate that we take some time to honor this gentleman who has served this state in many ways and I think it is a great honor to have this gentleman here with us. It is my privilege to introduce to you, Mr. Wesley Hillendahl."

Mr. Hillendahl was presented with a lei by Senator Solomon.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 197 to

213) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 197), transmitting a report entitled, "An Evaluation of Hawaii's Park Dedication Law and Ordinances," prepared by the Pacific Housing Assistance Corporation for the Council on Housing and Construction Industry, in response to House Resolution No. 349, (1981), was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 198), transmitting the Annual Report, 1982-1983, prepared by the State Foundation on Culture and the Arts, pursuant to Chapter 9, HRS, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 199), transmitting the Annual Report of the Executive Office on Aging for the fiscal year, October 1, 1982 through September 30, 1983, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 200), transmitting a report prepared by the Department of Planning and Economic Development on its loan programs entitled, "Four State Loan Programs, 1983 Annual Report," as required under the following statutes:

Section 210-8, HRS, which requires an annual report on the progress made under Chapter 210, the Hawaii Capital Loan Program;

Section 189-26, HRS, which requires an annual report on the progress made under Chapter 189, Part II, the Large Fishing Vessel Purchase, Construction, Renovation, Maintenance and Repair Loan Program;

Section 189-46, HRS, which requires an annual report on the progress made under Chapter 189, Part IV, the Hawaii Small Fishing Vessel Loan Program; and

Section 209-5, HRS, which requires an annual report from the Rehabilitation Coordinator;

was referred to the Committee on Economic Development.

A message from the Governor (Gov.

Msg. No. 201), submitting for consideration and confirmation to the Board of Agriculture, the nomination of Ralph S. Yagi, term to expire December 31, 1987, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 202), submitting for consideration and confirmation to the Advisory Committee on Agricultural Products, the nomination of Mamoru Shimizu, term to expire December 31, 1984, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 203), submitting for consideration and confirmation to the Board of Public Accountancy, the nomination of Perfecto L. Cortez, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 204), submitting for consideration and confirmation to the Contractors License Board, the nominations of Nicholas W. Teves, Jr., Wallace M. Miura and George R. Rodrigues, Jr., terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 205), submitting for consideration and confirmation to the Credit Union Review Board, the nomination of Thomas F. Seu, term to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 206), submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of Herbert K. Endo, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 207), submitting for consideration and confirmation to the Board of Nursing, the nomination of Elizabeth J. Waite, term to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 208), submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of Roland Higashi, term to expire December 31, 1985, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 209), submitting for consideration and confirmation to the Board of Health, the nomination of Elizabeth Kuulei Bell, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 210), submitting for consideration and confirmation to the Board of Radiologic Technologists, the nomination of Alice L. Deppe, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 211), submitting for consideration and confirmation to the Civil Service Commission, the nomination of Ernest M.S. Loo, term to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 212), submitting for consideration and confirmation to the Juvenile Justice Interagency Board, the nomination of Joseph Cardoza, Esq., term to expire December 31, 1986, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 213), submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nominations of Fred Cachola, Jr. and Linda Nishigaya, terms to expire January 1, 1988, was referred to the Committee on Tourism.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 21 and 22) were read by the Clerk and were disposed of as follows:

A communication from the Real Estate Commission, Department of Commerce and Consumer Affairs (Dept. Com. No. 21), transmitting a copy of the report entitled, "Fee Splitting with Brokers from Foreign Countries," was referred to the Committee on Consumer Protection and Commerce.

A communication from the Office of the Administrative Director of the Courts, The Judiciary (Dept. Com. No. 22), transmitting a copy of the report entitled, "The Judiciary, State of Hawaii, Legislative Program, Twelfth Legislature, 1984 Session," was referred to the Committee on Judiciary.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 15 and 16) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 15), transmitting House Bill No. 786, H.D. 1, which passed Third Reading in the House of Representatives on February 17, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 786, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 16), transmitting House Bill No. 1432, H.D. 1, which passed Third Reading in the House of Representatives on February 17, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1432, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACTORY-BUILT HOUSING," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 29 to 32) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 29), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TOWARDS THE CONTINUATION OF THE FEDERAL-STATE COOPERATIVE AGREEMENT ON INTERLINE AGRICULTURAL INSPECTIONS AT NEIGHBOR ISLAND AIRPORTS," was offered by Senators Carpenter, Solomon, Henderson, Kawasaki, Hagino, Young, Holt, Uwayne, Chang, A. Kobayashi, Soares, Ajifu, Fernandes Salling, Aki, Cayetano, Toguchi, Mizuguchi and Cobb.

By unanimous consent, S.C.R. No. 29 was referred to the Committee on Government Operations and County Relations.

A concurrent resolution (S.C.R. No. 30), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED

STATES, SECRETARY OF AGRICULTURE, SECRETARY OF COMMERCE, AND SECRETARY OF TRANSPORTATION TO RESCIND THE ORDER TERMINATING THE FEDERAL-STATE COOPERATIVE AGREEMENT ON INTERLINE AGRICULTURAL INSPECTIONS AT NEIGHBOR ISLAND AIRPORTS," was offered by Senators Carpenter, Solomon, Henderson, Kawasaki, A. Kobayashi, Ajifu, Uwayne, Fernandes Salling, Cayetano, Aki, Hagino, Holt, Mizuguchi, Toguchi and Cobb.

By unanimous consent, S.C.R. No. 30 was referred to the Committee on Government Operations and County Relations.

A concurrent resolution (S.C.R. No. 31), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF WATER HAZARD WARNING MEASURES AT STATE BEACH PARKS," was offered by Senators A. Kobayashi, Chang, Kuroda, Toguchi, Henderson, George, Holt, Young, Soares, Uwayne, Kawasaki, Yamasaki, Cayetano, Hagino, Fernandes Salling, Carpenter, B. Kobayashi, Solomon, Mizuguchi, Ajifu and Machida.

By unanimous consent, S.C.R. No. 31 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 32), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO PROVIDE RELOCATION ASSISTANCE TO BUSINESSES ABOUT TO BE DISPLACED FROM THE SITE OF THE HONOLULU IRON WORKS, AND TO PROVIDE INFORMATION CONCERNING ITS COMMITMENT TO HELP DISPLACED BUSINESSES IN KAKAOKO," was offered by Senators Kawasaki, Young, Abercrombie, Ajifu, Soares, Hagino, Yamasaki, Henderson, Fernandes Salling, Cayetano, Cobb, Carpenter, George, Uwayne and Machida.

By unanimous consent, S.C.R. No. 32, was referred to the Committee on Housing and Urban Development.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 29 to 32) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 29), entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL

DELEGATION TO WORK TOWARDS THE CONTINUATION OF THE FEDERAL-STATE COOPERATIVE AGREEMENT ON INTERLINE AGRICULTURAL INSPECTIONS AT NEIGHBOR ISLAND AIRPORTS," was offered by Senators Carpenter, Solomon, Henderson, Kawasaki, Abercrombie, Hagino, Young, Holt, Uwayne, Chang, A. Kobayashi, Soares, Ajifu, George, Fernandes Salling, Toguchi, Cayetano, Aki, Mizuguchi and Cobb.

By unanimous consent, S.R. No. 29 was referred to the Committee on Government Operations and County Relations.

A resolution (S.R. No. 30), entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, SECRETARY OF AGRICULTURE, SECRETARY OF COMMERCE, AND SECRETARY OF TRANSPORTATION TO RESCIND THE ORDER TERMINATING THE FEDERAL-STATE COOPERATIVE AGREEMENT ON INTERLINE AGRICULTURAL INSPECTIONS AT NEIGHBOR ISLAND AIRPORTS," was offered by Senators Carpenter, Solomon, Henderson, Kawasaki, A. Kobayashi, Ajifu, Uwayne, Fernandes Salling, Cayetano, Aki, Hagino, Holt, Mizuguchi, Toguchi and Cobb.

By unanimous consent, S.R. No. 30 was referred to the Committee on Government Operations and County Relations.

A resolution (S.R. No. 31), entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT OF WATER HAZARD WARNING MEASURES AT STATE BEACH PARKS," was offered by Senators A. Kobayashi, Chang, Kuroda, Toguchi, Henderson, George, Holt, Young, Soares, Uwayne, Kawasaki, Yamasaki, Cayetano, Hagino, Fernandes Salling, Carpenter, B. Kobayashi, Solomon, Mizuguchi, Ajifu and Machida.

By unanimous consent, S.R. No. 31 was referred to the Committee on Tourism.

A resolution (S.R. No. 32), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO PROVIDE RELOCATION ASSISTANCE TO BUSINESSES ABOUT TO BE DISPLACED FROM THE SITE OF THE HONOLULU IRON WORKS, AND TO PROVIDE INFORMATION CONCERNING ITS COMMITMENT TO HELP DISPLACED BUSINESSES IN KAKAAKO," was offered by Senators Kawasaki, Young, Abercrombie, Ajifu, Soares,

Hagino, Yamasaki, Henderson, Fernandes Salling, Cayetano, Cobb, Carpenter, George, Uwayne and Machida.

By unanimous consent, S.R. No. 32 was referred to the Committee on Housing and Urban Development.

#### STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 17-84) recommending that the Senate advise and consent to the nomination of Wayne J. Yamasaki as Director of Transportation, in accordance with Governor's Message No. 104.

By unanimous consent, action on Stand. Com. Rep. No. 17-84 and Gov. Msg. No. 104 was deferred until Wednesday, February 29, 1984.

Senator B. Kobayashi for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 18-84) recommending that S.B. No. 1793-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1793-84, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 19-84) recommending that Senate Bill No. 1447, as amended in S.D. 1, pass First Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1447, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed First Reading and was referred to the Committee on Judiciary.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 20-84) recommending that Senate Bill No. 2108-84, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Cobb,



seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2108-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was recommitted to the Committee on Judiciary.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 21-84) recommending that Senate Bill No. 2105-84, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2105-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was recommitted to the Committee on Judiciary.

#### ORDER OF THE DAY

##### RE-REFERRAL OF SENATE BILLS

The President made the following re-referral of a bill that was introduced on Wednesday, February 1, 1984:

Senate Bill Referred to:

No. 1618-84 Committee on Transportation, then jointly to the Committee on Judiciary and the Committee on Ways and Means

The President then made the following re-referral of bills that were introduced on Thursday, February 9, 1984:

Senate Bill Referred to:

No. 1742-84 Committee on Consumer Protection and Commerce

No. 1743-84 Committee on Consumer Protection and Commerce

No. 1750-84 Committee on Transportation, then jointly to the Committee on Judiciary and the Committee on Ways and Means

At this time, Senator Abercrombie rose on a point of inquiry and stated:

"Mr. President, I have an inquiry of you based on some memos with respect to the Ho'ike system of computers and terminals.

"Mr. President, in December 1983 I

wrote to the Legislative Reference Bureau making some inquiries with respect to the legislative information system access. I have in front of me the Ho'ike Manual which is the Legislative Reference Bureau computer access. In its introduction it says, 'The goal of this Manual is to provide a convenient, usable, and single source aid to those involved in the producing or retrieving of legislative measures information.'

"I presume that includes the Legislature. If I can't retrieve information, if I am not able to give to the public information concerning legislative measures, where they are, etc., based on this manual, which I assume you are familiar with, then I am prevented from doing the work and prevented from communicating with my constituents in a manner which subsequent inquiry on my part indicates is available to the Executive of this state, the Judiciary of this state, the University of Hawaii, City and County of Honolulu, the Department of Labor, the Lieutenant Governor and the Governor's office, and some legislators in this body. I and others, however, are prevented from having it.

"In February of this year I wrote to you, based on a communication from the Legislative Reference Bureau that the computer terminal, not computer, Mr. President, but computer terminal placement was a matter for decision made by the leadership of the House or the Senate. There was an indication at that time that there are 19 terminals under the operational control of the Legislative Reference Bureau placed in various legislative offices for the Regular Session of 1984. There are 64 terminals now under the control of the Legislative Reference Bureau, 45 of them are in the Legislative Reference Bureau.

"I received a memo from your office dated February 21 in reply to my request for a terminal in my office stating: 'I regret to inform you I must deny your request. These terminals are only assigned to key Senate offices at this time. We are not yet prepared to have them placed in all Senate offices.'

"Mr. President, my inquiry of you is, when will you be prepared to have a terminal placed in my office or any other Senator's who wishes to be able to have access to the information that I have cited as available in the Ho'ike system on a basis commensurate with that available to all the other

institutions and individuals that I have named."

The Chair replied:

"I will be most happy to answer you. At the present time we are looking at the cost-benefits of having such a system in the individual offices of all the Senators. For your information, the availability of the information that you are requesting for your constituency can be obtained either in the Judiciary Committee, the Ways and Means Committee, the Minority office, the Majority office, the Clerk's office or the President's office. Or, if you feel that you cannot possibly answer the demands of your constituency, the LRB has, I was told, 40 units available for your use."

Senator Abercrombie then stated: "If they are available for my use, Mr. President, I have already made the inquiries and I can tell you that the hookup to my office will cost \$500."

The Chair replied: "But it's a question of whether or not you provide this equally to every Senator and make this same kind of information available to each Senator. That seems to be the problem."

Senator Abercrombie further stated:

"It's available, Mr. President, to the Executive, it's available to the Judiciary; it's available to the University of Hawaii; it's available to the City and County of Honolulu; it's available to the Department of Labor; it's available to the Lieutenant Governor; it's available to some Senators in this body, and what I'm saying is, for \$500 it ought to be available to my constituents. As for the cost benefit, I can tell you what the cost benefit will be. It means when someone calls me and requests to have information about all the drunk driving bills, for example, or anything else with respect to legislation, I will be able to tell them instantly, on the spot, what it's all about or find out instantly on the spot what it is all about and get back to them.

"As for the cost, it seems to me that if there are already 19 in place and there are 25 Senators, unless there are more than one terminal in some of the areas, we're only talking about \$500."

The Chair further replied: "We're talking about the House and the

Senate, Senator Abercrombie."

Senator Abercrombie further remarked:

"Mr. President, the head of the Legislative Reference Bureau indicates that each house has its own policies with respect to what it does. And even if that is the case, then I make a further inquiry of you, is it your position that for, I presume, the \$500 to the Senator's office wouldn't be any more than \$500 to the Representative's office. Is the idea then to disenable the Legislators from being able to communicate with their constituents as being a cost saving, whereas all these other entities and institutions and individuals are somehow achieving a cost benefit on the positive side?"

The Chair responded:

"Well, one can determine by seeking information... first of all, the information is available, and certainly the information that you want, I'm sure your constituency can wait for two minutes for you to get the information. If you can't get it for them immediately, you can call our office; you can call the LRB; you can call the Majority Office; you can call any one of the offices. Until we have devised an overall, equitable plan to implant all of these processes and information seeking devices in the offices of each individual Senator, we are not prepared to do it on an individual basis at this moment."

Senator Abercrombie queried: "Do you have a time frame for this plan?"

The Chair replied: "Sure, why not? By next year we should have a plan."

Senator Abercrombie further stated: "By next year. So in the meantime in this high tech state, the Legislature will not have available to it a computer terminal. Thank you very much."

The Chair responded: "You're quite welcome. For all the Senators who wish to seek this terminal, my answer would be the same. Your request will be denied until an overall plan for implementation of such a system for the Senate is made available."

Senator Abercrombie further inquired: Mr. President, if I pay \$500 from my pocket, can I have a terminal put in my office?"

The Chair responded: "I don't think the matter is one of individual legislators paying for their own services. I think it's a matter of providing equal kind of access to information for all Senators, so I don't think it has anything to do with \$500."

Senator Abercrombie again inquired: "Mr. President, will you allow me to pay \$500 from my own pocket to have a terminal?"

The Chair replied in the negative and Senator Abercrombie further queried:

"Mr. President, do you have the legal authority to prevent me from going to the Legislative Reference Bureau and giving \$500 to them to put in a terminal in my office in this building?"

The Chair stated: "I don't think I have the legal right to prevent anyone attempting to do anything, but I think in the overall consideration of an overall plan for every member, I would ask you to lay back and see what we can devise for next year."

Senator Abercrombie replied: "I'll think about it."

The Chair thanked Senator Abercrombie.

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

"Mr. President, I understand the Chair's point of view, but for the edification of all of us here, it has never been made clear to me what kind of access I would have, for example, to the terminals in Ways and Means or Judiciary. I think some of us have not gone there because we're not sure those things are available; we don't want to get in the way. Why don't you send us a memo and tell us exactly what is available so that there is no misunderstanding?"

The Chair replied: "I think that's a good suggestion."

Senator Abercrombie rose on another point of inquiry as follows: "Mr. President, is my understanding correct then that any time that my staff or myself is in need of

information available from the Ho'ike system that terminals in the Majority office or Judiciary Committee or Ways and Means Committee will be made available to me?"

The Chair responded: "Yes, I would add just one word of caution to anyone seeking information of the various committees that have this system. Please do it within reason. I mean the committees are backed up in terms of legislation, and we would hope the kinds of information that you want doesn't interfere with the work that is being done in the individual committees. I ask the members of the Senate to bear with the subject matter committees, the Majority Research Office, and for that matter, of all the terminals that are placed in the various offices."

Senator Abercrombie further stated: "Mr. President, for precisely that reason I would like to take \$500 and have the computer terminal put in my office at my expense, and you can reimburse me later when you have your plan...just so that I don't interfere with anybody else's activity."

The Chair replied: "Senator Abercrombie, the answer is no."

Senator Abercrombie remarked: "Senator Wong, I think you're making a big mistake."

The Chair further replied: "Well, I've made mistakes before."

Senator Abercrombie stated: "Yes, but on the other hand you can probably get 14 votes to say you're right."

The Chair responded: "You are correct."

Senator Abercrombie further stated: "So that the other people who don't have terminals are perfectly content not to have them and unable to communicate with their constituents on a timely basis."

#### ADJOURNMENT

At 12:10 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 29, 1984.

## TWENTY-FIFTH DAY

Wednesday, February 29, 1984

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

The Divine Blessing was invoked by Captain Lee M. Thompson, Chaplain, 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 Twenty-Fourth Day.

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

Senator Young introduced Casmiar Yandall and Zachary Gionson, eighth grade students from Ilima Intermediate School, participants of the Legislative Awareness Program of the Social Studies Department.

Senator George then introduced Mr. and Mrs. Bill Borne, her Kailua neighbors, and her husband, Mr. Flave George, who were sitting in the gallery.

Senator Cobb then introduced Dr. George E. Mattimoe of the Division of Measurement Standards, Department of Agriculture, who was recognized and congratulated by the members of the Senate with a Senate Certificate for his nomination as chairman of the National Conference on Weights and Measures for 1985-1986. Senator Cobb read portions of the certificate and added that "Dr. Mattimoe has appeared before the Committee on Consumer Protection and Commerce many times, and has always been in the forefront of advocating the interests of consumers."

Dr. Mattimoe was presented with a lei by Senator Young and the Senate Certificate by Senator Cobb.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 17 to 19) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 17), transmitting House Bill No. 1790-84, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1790-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 18), transmitting House Bill No. 1976-84, which passed Third Reading in the House of Representatives on February 28, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1976-84, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 19), transmitting House Bill No. 1755-84, which passed Third Reading in the House of Representatives on February 28, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1755-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Economic Development.

## STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 22-84) recommending that Senate Bill No. 1578-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1578-84,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING AND COLLECTION OF TAX AT SOURCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 23-84) recommending that Senate Bill No. 1579-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1579-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 24-84) recommending that Senate Bill No. 1580-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1580-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 25-84) recommending that Senate Bill No. 1581-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1581-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 2, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 26-84) recommending that Senate Bill No. 1836-84 pass Second Reading and be referred to the Committee Ways and Means.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1836-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII VISITORS BUREAU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 27-84) recommending that Senate Bill No. 2118-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2118-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 28-84) recommending that Senate Bill No. 1750-84, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1750-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 29-84) recommending that Senate Bill No. 1582-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1582-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Standing Committee Report No. 17-84  
(Gov. Msg. No. 104):

Senator B. Kobayashi moved that Stand. Com. Rep. No. 17-84 be received and placed on file, seconded by Senator Uwaine and carried.

Senator B. Kobayashi then moved that the Senate advise and consent to the nomination of Wayne J. Yamasaki as Director of Transportation, term to expire December 1, 1986, seconded by Senator Uwaine.

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

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

At this time, Senator Mizuguchi, chairman of the Committee on Human Resources, requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the addendum to the agenda of the Senate Human Resources Committee's hearing notice for Thursday, March 1, 1984, and the President granted the waiver.

Senator Abercrombie then asked if the Majority Leader would yield to a question.

The Chair inquired of the Majority Leader and Senator Uwaine having answered in the affirmative, Senator Abercrombie asked as follows:

"Mr. President, because of the lack of information coming from the leadership and the fact that we don't have caucuses, I am forced to deal with questions like this here.

"Some time back, in fact last year, there was the introduction of something called the omnibus bill. Some of us objected at the time. We thought they would be unwieldy, etc., and I think that proved to be the case. It was impossible to put these bills in until the last minute because we're only allowed one bill and that they would be referred to various committees; you had to put all in this single bill.

"The same thing prevails this year; however, there was an announcement that you could put in bills besides the omnibus bill. I notice that they have surfaced as recently as yesterday. We now have 'pork barrel' bills floating all around the Legislature, including 'pork barrel' bills from people who are most vociferous in championing the omnibus bill.

"So, there is a difficulty...a question of understanding, and this is my question to the Majority Leader.

"With respect to the omnibus bill, my understanding is that the omnibus bills have been sent directly to the Ways and Means Committee. My understanding also is that the omnibus bills have not been shredded, that is to say, the items listed in the omnibus bills have not been referred to the various committees but rather that the bills of omnibus nature reside still in the Ways and Means Committee. Can the Majority Leader tell me what is the procedure to be followed by the Senate on the omnibus bills, with respect to them having a public hearing?"

Senator Uwaine answered: "Mr. President, right now I'm unable to answer the question and, if the good Senator gives me a day, I will report back to him."

Senator Abercrombie continued: "Yes, then maybe, perhaps, you can tell me, Mr. President. I take it that you and your leadership are aware of the situation and you do not intend to let the omnibus bills situation just sit. They will be heard or scheduled, at least to put on the agenda within a time frame proper for consideration, will they not?"

The Chair responded: "I would hope so."

Senator Abercrombie continued: "Well, let me ask the Majority Leader a question, then.

"If the President is unable to do more than hope at this moment, can the Majority Leader tell me, does the leadership...has the leadership discussed this situation, and is there any plan for dealing with the omnibus bills in relation to other bills of a 'pork barrel' nature and/or separate appropriations nature?"

Senator Uwaine answered: "Mr. President, it was my assumption that the procedure was going to be very similar to the last procedure that we followed last year; however, upon adjournment of today's session I think our leadership shall get together to determine whether or not the same procedure will be followed."

Senator Abercrombie responded with a thank you and Senator Uwaine continued: "Mr. President, it was my intention to make the announcement tomorrow but since it was brought up

this afternoon by the Senator from Manoa, there will be a Majority caucus on March 2nd at 11:00 o'clock a.m. in the Majority caucus room for the purpose of discussing third reading bills."

At this time, Senator Solomon, chairman of the Committee on Education, requested a waiver of the 48-hour Notice of a Decision-Making Hearing for the subjects listed on the agenda of the Senate Education Committee's hearing notice for Thursday, March 1, 1984, and the President granted the waiver.

Senator Abercrombie then asked: "Mr. President, I have further inquiry of the Majority Leader on another matter. I would like to ask him a question."

The Chair posed the question and Senator Uwayne having answered in the affirmative, Senator Abercrombie continued as follows:

"Mr. President, is it my understanding that today is the day that budget recommendations from subject matter committees are to go to the Ways and Means Committee? Is there a procedure established for the subject matter committees for members to consider the budget? Will there be some opportunity for those of us who are on subject matter committees but are not on Ways and Means to examine or pass some judgment or make commentary or sign off or some such procedure with respect to what budgets are going to the Ways and Means Committee?"

Senator Uwayne, in response, stated: "Mr. President, in response to the Senator from Manoa, presently, there are standards but the standards are developed by each individual chairman, and as has been in past practice, the chairmen by their own determination shall transmit the budget recommendation to Ways and Means via memo or committee report or whatever method they develop."

Senator Abercrombie thanked the Majority Leader and continued: "Mr. President, I have a question then for the chairman of the Ways and Means Committee."

The Chair asked the chairman of the Ways and Means Committee if he would yield to a question and Senator Yamasaki having answered in the affirmative, Senator Abercrombie inquired as follows:

"Mr. President, the reason again I

have to ask this question of the Ways and Means chairman is that there is no information forthcoming but there are rumors afloat; therefore, in order to clarify this situation, I need to ask.

"Has the Ways and Means Committee decided with respect to the budgets, regardless of the manner in which they are submitted, that they will go with the Governor's budget regardless of what the committees may submit to Ways and Means with respect to any item outside the Governor's budget?"

Senator Yamasaki then asked the Chair for a short recess.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

At this time, Senator Kuroda, on behalf of Senator Cayetano and himself, introduced to the members of the Senate a group of students from Pearl City High School -- the OIA championship girls' softball team with their captain, Rachele Rodrigues, and team coach, Robert Galviso; and the Leeward District OIA championship junior varsity baseball team with their tri-captains, Michael DeKneef, Clint Fujii and Bryan Nagamine, and team coach, John Matias, "a son of Hawaii who went successfully into professional baseball and the coach of the Pearl City High School varsity baseball team"; also, Mr. Bino Neves, athletic director of the school and "Hawaii's contribution to Purdue University."

Senator Abercrombie, pursuant to his earlier inquiry, stated: "Mr. President, I believe I had asked the Ways and Means chairman for some clarification with respect to how the subject matter committee recommendations would be handled, with respect to the budget ceiling issued by Ways and Means."

Senator Yamasaki then responded as follows:

"Mr. President, in the discussion with the Senator during the recess I made it clear that the recommendations of the subject matter committees will be received by the Ways and Means Committee and that there will be a review of the recommendations, and if there are any changes made to the recommendations of the subject matter committee, before we make the final decision, we

will consult with the chairman of the subject committee."

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

Senator Abercrombie then thanked the chairman of Ways and Means and continued: "Mr. President, I just have one correction to make, rather than an inquiry at this stage.

"Mr. President, I think that Senator (Ann) Kobayashi from the 8th District would probably appreciate it if when items concerning Palolo and Manoa are mentioned that she be designated Senator from that area, and while I appreciate the nostalgic residue of fanatic loyalty from Manoa

for myself, nonetheless, I represent Tantalus, Makiki, and Downtown at present. Thank you."

The Chair then made the following announcement:

"Members of the Senate, the Chair would like to request that all Senators be available today and tomorrow for the signing of committee reports. Subject matter committee chairmen are requested to please try to get their reports to the Clerk's office by 4:30 p.m., tomorrow."

#### ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Cobb, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 1, 1984.



## TWENTY-SIXTH DAY

Thursday, March 1, 1984

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

The Divine Blessing was invoked by Mr. Bob Anders, Pastor of the First Baptist Church of Nanakuli, after which the Roll was called showing all Senators present with the exception of Senators Chang and Machida who were excused.

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

## DEPARTMENTAL COMMUNICATION

A communication from the Office of the Auditor (Dept. Com. No. 23), transmitting copies of a report entitled, "Evaluation of Job Sharing in the Department of Education: Tenured Employee Pairings and Public Librarians," Report No. 84-15, February 1984, was read by the Clerk and was referred to the Committee on Education.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 20 to 28) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 20), transmitting House Concurrent Resolution No. 15, which was adopted by the House of Representatives on February 29, 1984, was placed on file.

By unanimous consent, H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO MAKE AVAILABLE A SMALL PART OF THE INNER HARBOR AND LAND OF MIDWAY ISLAND TO THE STATE OF HAWAII FOR USE AS A CIVILIAN FISHING BASE," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 21), transmitting House Bill No. 1662-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1662-84, entitled: "A BILL FOR AN ACT RELATING TO

CHILDREN'S MENTAL HEALTH SERVICES," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 22), transmitting House Bill No. 1678-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1678-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 23), transmitting House Bill No. 1777-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1777-84, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 26H, HAWAII REGULATORY LICENSING REFORM ACT," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 24), transmitting House Bill No. 1786-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1786-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 25), transmitting House Bill No. 1788-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1788-84, entitled: "A BILL FOR AN ACT RELATING TO ITINERANT VENDORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 26), transmitting House Bill No. 1799-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1799-84, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 27), transmitting House Bill No. 1818-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1818-84, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 28), transmitting House Bill No. 1854-84, which passed Third Reading in the House of Representatives on February 29, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION," passed First Reading by title and was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 33 and 34) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 33), entitled: "SENATE CONCURRENT RESOLUTION INVESTIGATING THE EVENTS AT HILO HOSPITAL," was offered by Senators Henderson, Carpenter and Solomon.

By unanimous consent, action on

S.C.R. No. 33 was deferred until Friday, March 2, 1984.

A concurrent resolution (S.C.R. No. 34), entitled: "SENATE CONCURRENT RESOLUTION URGING THE RETURN OF THE NORTHERN TERRITORIES TO JAPAN," was offered by Senators Kuroda, Kawasaki, B. Kobayashi, Yamasaki, Chang, Mizuguchi, Uwaine, Ajifu, A. Kobayashi, Aki, Cobb, Cayetano, Fernandes Salling, Soares, Hagino, Young, Toguchi, Solomon, Abercrombie, Machida and Carpenter.

By unanimous consent, action on S.C.R. No. 34 was deferred until Friday, March 2, 1984.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 33 to 39) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 33), entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY FOR THE ESTABLISHMENT OF A CONVENTION CENTER," was offered by Senators Soares, A. Kobayashi, George, Henderson and Ajifu.

By unanimous consent, action on S.R. No. 33 was deferred until Friday, March 2, 1984.

A resolution (S.R. No. 34), entitled: "SENATE RESOLUTION INVESTIGATING THE EVENTS AT HILO HOSPITAL," was offered by Senators Henderson, Carpenter and Solomon.

By unanimous consent, action on S.R. No. 34 was deferred until Friday, March 2, 1984.

A resolution (S.R. No. 35), entitled: "SENATE RESOLUTION URGING THE RETURN OF THE NORTHERN TERRITORIES TO JAPAN," was offered by Senators Kuroda, Kawasaki, B. Kobayashi, Yamasaki, Mizuguchi, Uwaine, Ajifu, A. Kobayashi, Aki, Fernandes Salling, Cobb, Chang, Soares, Hagino, Young, Abercrombie, Toguchi, Solomon, Machida, Carpenter and Cayetano.

By unanimous consent, action on S.R. No. 35 was deferred until Friday, March 2, 1984.

A resolution (S.R. No. 36), entitled: "SENATE RESOLUTION REQUESTING THE DOE TO ESTABLISH A NEW PUBLIC LIBRARY FOR

KAILUA-KONA AS SOON AS POSSIBLE," was offered by Senators Henderson, Solomon, Carpenter, Abercrombie, A. Kobayashi, Aki, Kuroda, Cayetano, Toguchi, Mizuguchi and Young.

By unanimous consent, action on S.R. No. 36 was deferred until Friday, March 2, 1984.

A resolution (S.R. No. 37), entitled: "SENATE RESOLUTION REQUESTING HONOLULU COMMUNITY COLLEGE TO IMPLEMENT A PILOT PROGRAM ON NON-CREDIT COURSES FOR SMALL BUSINESS," was offered by Senators Holt, Chang, Abercrombie, Kuroda, Aki, Cobb, Uwayne, A. Kobayashi, Machida, Ajifu, Mizuguchi, George, Carpenter, Hagino, Solomon, Henderson, Yamasaki, Young, Fernandes Salling, Toguchi and Cayetano.

By unanimous consent, action on S.R. No. 37 was deferred until Friday, March 2, 1984.

A resolution (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 offered by Senators Holt, A. Kobayashi, Mizuguchi, Solomon, Young, Yamasaki, Cayetano, Toguchi, Abercrombie, Uwayne, Henderson, Aki, Cobb, Kuroda, Machida, George, Kawasaki, Chang, Carpenter, Fernandes Salling and Ajifu.

By unanimous consent, action on S.R. No. 38 was deferred until Friday, March 2, 1984.

A resolution (S.R. No. 39), entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII WITH THE ASSISTANCE OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO EXPEDITIOUSLY IMPLEMENT A PROGRAM TO BUY USED BOOKS DIRECTLY FROM AND TO INSURE A REASONABLE PRICE FOR STUDENTS," was offered by Senators Holt, A. Kobayashi, Mizuguchi, Hagino, Solomon, Young, Yamasaki, Cayetano, Toguchi, Abercrombie, Uwayne, Henderson, Aki, Cobb, Kuroda, Machida, George, Kawasaki, Chang, Carpenter, Fernandes Salling and Ajifu.

By unanimous consent, action on

S.R. No. 39 was deferred until Friday, March 2, 1984.

#### STANDING COMMITTEE REPORTS

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 30-84) recommending that Senate Bill No. 1493-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1493-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 31-84) recommending that Senate Bill No. 1520-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1520-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRANSITION TO WORK SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 32-84) recommending that Senate Bill No. 1524-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1524-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand., Com. Rep. No. 33-84) recommending that Senate Bill No. 1525-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

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

was adopted and S.B. No. 1525-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 34-84) recommending that Senate Bill No. 928, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 928, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIKING TRAILS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 35-84) recommending that Senate Bill No. 1927-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1927-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTING AND ADVERTISING OF THE ISLAND OF MOLOKAI AS A VISITOR DESTINATION AREA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 36-84) recommending that Senate Bill No. 1546-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1546-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Young and Cobb, for the Committee on Housing and Urban Development and the Committee on Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 37-84) recommending that Senate Bill No. 1564-84, as amended

in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.B. No. 1564-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACTORY BUILT HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 38-84) recommending that Senate Bill No. 1847-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1847-84, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 39-84) recommending that Senate Bill No. 1532-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1532-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 40-84) recommending that Senate Bill No. 1533-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1533-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading

and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 41-84) recommending that Senate Bill No. 1536-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1536-84, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the majority of the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 42-84) recommending that Senate Bill No. 1570-84 pass Second Reading and 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 S.B. No. 1570-84, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 43-84) recommending that Senate Bill No. 1572-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1572-84, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 44-84) recommending that Senate Bill No. 1573-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1573-84, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN

AND MORTGAGE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 45-84) recommending that Senate Bill No. 2098-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2098-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was referred to the Committee on Judiciary.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 46-84) recommending that Senate Bill No. 1583-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1583-84, S. D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 47-84) recommending that Senate Bill No. 2091-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2091-84, S. D. 1, entitled: "A BILL FOR AN ACT MAKING VARIOUS APPROPRIATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### MISCELLANEOUS COMMUNICATION

A communication from the Chairman of the Association of Depositors of Manoa Finance and Great Hawaiian Legal Fund, dated March 1, 1984 (Misc. Com. No. 4), entitled: "An Appeal to 1984 State Legislature Now in Session to Take Immediate Action to Enforce the 1977 Law to Pay

\$10,000 Guarantee to Manoa Finance and Great Hawaiian Depositors," was read by the Clerk and was placed on file.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

At this time, Senator Abercrombie rose and stated:

"Mr. President, in the way of an announcement, may I solicit the members' attention to the fact that at this time there is quite a large group of people in the rotunda who are having a rally today, representing those people who had funds deposited with Manoa Finance and Great Hawaiian. They are here seeking to have the Thrift Guaranty Corporation meet their \$10,000 obligation, commonly known as the guarantee, and they would certainly appreciate the opportunity to speak with the members here to seek their support in turn for their quest to have Thrift Guaranty Corporation make good on the guarantee.

"Many of these people are in their 70's and 80's. Life savings were involved in this and I hope that the members would take just a few minutes to go out and express their concern."

Senator Kawasaki rose on a point of personal privilege and stated:

"Mr. President, I'd like to correct, for the record, a very erroneous impression which, if it wasn't for the fact that I consider it an inadvertent error, I consider highly insulting. An article that appeared in the "Honolulu" magazine, written by Mr. Richard Borreca, stating that I was once the Executive Director of the HGEA. I plead guilty to having served as a director, not as the executive, paid director.

"As a director of HGEA in the years 1958 to 1960, we moved to bring about quite a bit of reforms in the organization, including bringing in nine new directors, completely overturning at that time what was the statewide directorship. We instituted a number of reforms. As a matter of record, if anybody is interested, I'd be glad to recite some of these reforms.

"To say that I was the executive director is highly insulting to me. I would not take that position for half-a-million dollars per year, and if HGEA doesn't believe me, try me.

"Also, I was a little concerned because the article apparently created an inference that a lot of us here, including myself, are beholden to the organization, that we're controlled and they dictate to us what our action should be here. Now, this is far from the truth. The HGEA has never in the past; and never will in the future, dictate to me what my action should be here. I'd like that fact to be established."

At this time, the President made an announcement as follows:

"The Chair would like to ask all Senators to remain in the building for the good part of the day in order to be available to sign committee reports. Secondly, the Chair would also like to remind the chairmen of the respective committees that the reports are due on the Clerk's desk by 4:30 p.m., today.

"And, with reference to the caucus for the Majority tomorrow morning, please bring the bills that are to be voted upon."

#### ADJOURNMENT

At 11:50 o'clock a.m., on motion by Senator Cobb and seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m, Friday, March 2, 1984.

## TWENTY-SEVENTH DAY

Friday, March 2, 1984

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

The Divine Blessing was invoked by Brother John McCluskey, S.M., Kieffer Marianist Community, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Twenty-Sixth Day.

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

Senator Holt introduced a group of 125 second grade students from Kalihi-Kai Elementary School, accompanied by their teachers: Ms. Mildred Tokushige, Ms. Dagmar Uehara, Ms. Yvonne Kemp, Ms. Elsie Kobayashi and Ms. Ayako Shimizu.

Senator Kuroda then introduced Mr. Aaron Mahi, Bandmaster of the Royal Hawaiian Band, and stated as follows:

"Mr. President and members of the Senate, the Royal Hawaiian Band with the support of the Hawaii State Legislature, through the Hawaii Visitors Bureau, and the Friends of the Royal Hawaiian Band toured Europe in 1983 performing in 15 concerts before 17,000 people and over 24 million people viewed the performances on television.

"A report prepared on that trip reads: 'Wherever the Royal Hawaiian Band played there was, first, astonishment, quickly followed by delight that Hawaii was capable of so much culture. The prevailing European view of the Islands clearly have been that Hawaii was either quite unreal or else characterized by the type of sentimentality inspired by Hollywood.

The formal opening of the anthems, the high musical standards of the band, the impressive Hula Kahiko, the singing and dancing, all combined to render a performance unforgettable to those who had the opportunity to attend.

There can be little doubt that the Royal Hawaiian Band with a format such as was presented is one of the best instruments to promote the State

of Hawaii not only touristically but also culturally.

It has become clear that in the minds of those who witnessed the concerts or watched the performance on television, it placed Hawaii once again in its proper perspective to a continent which in the 19th century seemed to have been more closely linked. The band is at the center of all that is good about Hawaii and is ready to play a role in state, national and international levels.'

"In Germany, Mr. President, the schellenbaum was presented to Mr. Mahi. A schellenbaum is a bell tree which is awarded in Germany to bands of royal heritage. The schellenbaum that was presented to Mr. Mahi is a duplicate of a replica of one presented to King Kalakaua in 1881 by Kaiser Wilhelm II. It was destroyed during the revolutionary period in Hawaii but the Friends of the Royal Hawaiian Band and the German Benevolent Society provided the funds to produce this replica. I have a picture of the schellenbaum. The schellenbaum itself is too heavy for Mr. Mahi to bring it here."

Mr. Mahi was then asked to rise and be recognized and was presented with a Senate Certificate by Senator Kuroda and a lei by Senator Young.

Senator Kuroda also introduced Mr. Kurt Herrmann, guest of Mr. Mahi, and stated:

"Mr. President, Mr. Herrmann is the music director of the City of Heiterbach. Heiterbach is in Schwarzwald which is more commonly known as the Black Forest.

"Mr. Herrmann has been visiting Hawaii for the past four years, befriended Mr. Mahi, and when he learned that Mr. Mahi will be taking the Royal Hawaiian Band to Europe, Mr. Herrmann made many contacts for him. Mr. Mahi and the band were astounded when they approached Heiterbach and were greeted by 3,000 people. Truly, Mr. Herrmann is a friend of Hawaii."

Mr. Herrmann rose to be recognized and was presented with a lei by Senator Solomon.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

Senator Toguchi then introduced a group of students from BYU, Hawaii Campus -- Trudy Mailo, Jeannie Aiolutotea, Mele Cocker, Ana Hafoka, Elmer Mauga and Joseph Wong, accompanied by their teacher, Ms. Shirley Furuto.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 39) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 29), transmitting House Concurrent Resolution No. 41, H.D. 1, which was adopted by the House of Representatives on March 1, 1984, was placed on file.

By unanimous consent, H.C.R. No. 41, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE ACQUISITION OF MAKENA BIG BEACH, MAUI," was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 30), transmitting House Bill No. 787, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 787, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 31), transmitting House Bill No. 788, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 788, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 32), transmitting House Bill No. 789, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 789, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 33), transmitting House Bill No. 1740-84, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1740-84, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 34), transmitting House Bill No. 1766-84, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1766-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 35), transmitting House Bill No. 1851-84, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1851-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 36), transmitting House Bill No. 1863-84, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1863-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed First



Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 37), transmitting House Bill No. 1926-84, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1926-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 38), transmitting House Bill No. 1985-84, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1985-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 39), transmitting House Bill No. 2012-84, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2012-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 35), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TAX REVIEW COMMISSION TO EXAMINE MEASURES TO ENCOURAGE THE FLOW OF VENTURE CAPITAL INTO HAWAII," was offered by Senators Henderson, Soares, A. Kobayashi, Ajifu and George, and was read by the Clerk.

By unanimous consent, S.C.R. No. 35 was referred to the Committee on Ways and Means.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 40 and 41) were read by the

Clerk and were disposed of as follows:

A resolution (S.R. No. 40), entitled: "SENATE RESOLUTION URGING THE IMMEDIATE RELEASE OF FUNDS FOR THE CONSTRUCTION OF THE AHUKINI CUTOFF ROAD PROJECT," was offered by Senator Fernandes Salling.

By unanimous consent, S.R. No. 40 was referred to the Committee on Transportation.

A resolution (S.R. No. 41), entitled: "SENATE RESOLUTION REQUESTING THE STATE TAX REVIEW COMMISSION TO EXAMINE MEASURES TO ENCOURAGE THE FLOW OF VENTURE CAPITAL INTO HAWAII," was offered by Senators Henderson, Soares, A. Kobayashi, Ajifu and George.

By unanimous consent, S.R. No. 41 was referred to the Committee on Ways and Means, then to the Committee on Legislative Management.

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

The Senate reconvened at 11:59 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 48-84) recommending that Senate Bill No. 2230-84 pass Second Reading and be referred to the Committee on Ways and Means.

Senator Cobb moved that the report of the Committee be adopted and that S.B. No. 2230-84 pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure and stated:

"Mr. President, I want to register a 'no' vote on this committee report as well as Stand. Com. Rep. Nos. 51, 55, 77, 79, 81, 92, 96, 119, 126, 127, 136, 137, and 139.

"Mr. President, I'm voting 'no' on these bills even on second reading because I generally find the subject matter and the contents of these bills to be such that I could not, in good conscience, vote for these bills.

"I'm particularly concerned about the revenue bonds that some of the medical institutions are asking for us to approve.

"As I predicted years ago when the very first request such as this came to us that it was going to open a Pandora's box of requests in the future, and that is exactly what has taken place.

"These special purpose revenue bonds for the hospitals, for the utilities, ostensibly were advocated by the proponents on the grounds that this might incur savings to these organizations and these savings would be passed on to the consumers, ultimately. Well, after several years of having passed these revenue bonds, we find that, really, savings didn't get passed on to the consumers at all; that this is just a gimmick for these organizations to take advantage of the fact that they would save in non-payment of taxes and the benefits did not accrue to the public as they had claimed it would some day.

"For this reason, I find that I cannot, even on second reading, vote for these bills. I will be a party to the discussions that will take place in Ways and Means on these bills."

The Chair then asked if there were "any further objections by members of the Senate with reference to the bills on lateral movement?"

Noting that there were no further objections, the Chair ordered the Clerk to record a 'no' vote for Senator Kawasaki on Stand. Com. Rep. Nos. 48-84, 51-84, 55-84, 77-84, 79-84, 81-84, 92-84, 96-84, 119-84, 126-84, 127-84, 136-84, 137-84, and 139-84; for Senator Abercrombie on Stand. Com. Rep. No. 92-84.

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 48-84 was adopted and S.B. No. 2230-84, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 49-84) recommending that Senate Bill No. 1514-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.B. No. 1514-84, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 50-84) recommending that Senate Bill No. 1600-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1600-84, entitled: "A BILL FOR AN ACT RELATING TO LIFE-SAVING SERVICES FOR STATE PARKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 51-84) recommending that Senate Bill No. 2229-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2229-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 52-84) recommending that Senate Bill No. 2032-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2032-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE POHAI NANI GOOD SAMARITAN KAUHALE HEALTH CARE FACILITY FOR THE ELDERLY," passed Second Reading and was

referred to the Committee on Ways and Means.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 53-84) recommending that Senate Bill No. 2209-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2209-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 54-84) recommending that Senate Bill No. 1668-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee Transportation.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1668-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to the Committee on Transportation.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 55-84) recommending that Senate Bill No. 2241-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2241-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 56-84) recommending that Senate Bill No. 2052-84 pass Second Reading and be referred to

the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2052-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OPERATION OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, OAHU, FOR 24-HOUR EMERGENCY HEALTH SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 57-84) recommending that Senate Bill No. 1843-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1843-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 58-84) recommending that Senate Bill No. 2189-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator and carried, the report of the Committee was adopted and S.B. No. 2189-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATE/COUNTY HOSPITALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 59-84) recommending that Senate Bill No. 2236-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2236-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY MENTAL HEALTH SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 60-84)

recommending that Senate Bill No. 1670-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1670-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF INTERPRETERS FOR HEARING-IMPAIRED INDIVIDUALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 61-84) recommending that Senate Bill No. 1736-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1736-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL SALARY COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 62-84) recommending that Senate Bill No. 2137-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2137-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 63-84) recommending that Senate Bill No. 2141-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2141-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 64-84) recommending that Senate Bill No. 1706-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1706-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 65-84) recommending that Senate Bill No. 1638-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 1638-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 66-84) recommending that Senate Bill No. 535, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 67-84) recommending that Senate Bill No. 2031-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2031-84, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO COMPENSATION FOR APPOINTED COUNSEL IN CRIMINAL CASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 68-84) recommending that Senate Bill No. 1730-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1730-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 69-84) recommending that Senate Bill No. 1947-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1947-84, entitled: "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 70-84) recommending that Senate Bill No. 2142-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2142-84, entitled: "A BILL FOR AN ACT RELATING TO A PRE-RELEASE FURLOUGH PROGRAM FOR INCARCERATED FEMALES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 71-84) recommending that Senate Bill No. 1946-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.B. No. 1946-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AID TO VICTIMS COORDINATOR PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 72-84) recommending that Senate Bill No. 2149-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 2149-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LAW," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 73-84) recommending that Senate Bill No. 1551-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1551-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 74-84) recommending that Senate Bill No. 1541-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1541-84, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 75-84) recommending that Senate Bill No. 1759-84 pass Second Reading and be referred to

the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1759-84, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 76-84) recommending that Senate Bill No. 1504-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1504-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," passed Second Reading and was referred to the Committee on Judiciary.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 77-84) recommending that Senate Bill No. 1950-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 1950-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes 1 (Kawasaki).

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 78-84) recommending that Senate Bill No. 1879-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 1879-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 79-84) recommending that Senate Bill No. 1948-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 1948-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 80-84) recommending that Senate Bill No. 1839-84 pass Second Reading and 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 S.B. No. 1839-84, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 81-84) recommending that Senate Bill No. 1949-84 pass Second Reading and 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.B. No. 1949-84, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 82-84)

recommending that Senate Bill No. 1503-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1503-84, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 83-84) recommending that Senate Bill No. 1888-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 1888-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 84-84) recommending that Senate Bill No. 1928-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1928-84, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAWAINUI MARSH, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 85-84) recommending that Senate Bill No. 1760-84 pass Second Reading and 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 S.B. No. 1760-84, entitled: "A BILL FOR AN ACT RELATING TO BINGO," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 86-84) recommending that Senate Bill No. 1764-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1764-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS AT THE UNIVERSITY OF HAWAII FOR THE HAWAII NATIONAL GUARD AND MILITARY RESERVISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 87-84) recommending that Senate Bill No. 1765-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1765-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 88-84) recommending that Senate Bill No. 1785-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1785-84, entitled: "A BILL FOR AN ACT RELATING TO SUMMER SCHOOL TUITION AND EXPENDITURES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 89-84) recommending that Senate Bill No. 1844-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1844-84, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 90-84) recommending that Senate Bill No. 1796-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1796-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PESTICIDE HAZARD ASSESSMENT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 91-84) recommending that Senate Bill No. 1850-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1850-84, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT MANOA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 92-84) recommending that Senate Bill No. 1918-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator Abercrombie asked for a ruling of the Chair as follows:

"Mr. President, I want a ruling from you on a possible conflict on Stand. Com. Rep. 92-84, Senate Bill 1918, relating to the University of Hawaii. I'm submitting my name to the regents of the University of Hawaii."

The Chair ruled that Senator Abercrombie was not in conflict.

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

"Mr. President, I would like to speak against moving 92-84 (S.B. No. 1918-84) on second reading to indicate to you why I want to register a 'no' vote. The reason being that while I understand the chairman's rationale for making the figure in the bill, I nonetheless feel that it was clearly established at the committee hearing and, I think, agreed to by the regents and no arguments to the contrary, that from a constitutional point of view and from a policy point of view, it should be the prerogative of the Board of Regents to set the salary for the president, regardless of what that amount might be or not be, and that the regents agreed at our hearing that whatever the amount was, it would have to be paid to whoever is president out of the funding given to the University of Hawaii as a system-wide institution; that is to say, the regents, should they establish a salary above that which is currently in place, for example, would not come to the Legislature and ask for extra funds to accomplish that, but rather they reallocate their funds within their budget ceiling, their operating budget ceiling to accommodate that salary figure.

"That being the case, it would seem to me that the argument against doing that resides here in the Legislature; that is to say, that some members of the Legislature may feel that they want to set the salary and that somehow the setting of the salary diminishes the autonomy of the Legislature as opposed to increasing the autonomy of the Board of Regents. I don't see the logic of that argument. It's a policy matter.

"It seems to me, especially in the light of the constitutional amendments in 1978, a policy matter clearly within the purview of the Board of Regents, and does no violence in any way, shape, or form to the capacity of the Legislature to control the budget process as such or to retain a check and balance in terms of policy autonomy in those areas that the Legislature is not only capable of dealing with but is obligated to do so under the law as written in the Constitution; therefore, I wish to register a 'no' vote on Senate Bill 1918."

The motion was put by the Chair and Stand. Com. Rep. No. 92-84 was adopted and S.B. No. 1918-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and



was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

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

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 93-84) recommending that Senate Bill No. 1929-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1929-84, entitled: "A BILL FOR AN ACT RELATING TO DENTAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 94-84) recommending that Senate Bill No. 2181-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2181-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 95-84) recommending that Senate Bill No. 1931-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1931-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COLLEGE OF ENGINEERING, UNIVERSITY OF HAWAII AT MANOA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 96-84) recommending that Senate Bill No. 2096-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and, Roll Call vote having been requested, S.B. No. 2096-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KUAKINI MEDICAL CENTER, MEDICAL SCHOOL DEVELOPMENT, MANOA CAMPUS, OAHU," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 97-84) recommending that Senate Bill No. 2097-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2097-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR HONOLULU COMMUNITY COLLEGE, OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 98-84) recommending that Senate Bill No. 1795-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1795-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND AN ADDITION TO THE RUGER THEATER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 99-84) recommending that Senate Bill No. 1801-84 pass Second Reading and be referred to the Committee on Ways and Means.

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

was adopted and S.B. No. 1801-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO THE HAWAII PERFORMING ARTS COMPANY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 100-84) recommending that Senate Bill No. 1809-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1809-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 101-84) recommending that Senate Bill No. 1925-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1925-84, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 102-84) recommending that Senate Bill No. 1890-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1890-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 103-84) recommending that Senate Bill No. 2249-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways

and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2249-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 104-84) recommending that Senate Bill No. 1810-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1810-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 105-84) recommending that Senate Bill No. 1885-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1885-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN LAND TRUSTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 106-84) recommending that Senate Bill No. 2067-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2067-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 107-84) recommending that Senate Bill No. 1718-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1718-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 108-84) recommending that Senate Bill No. 1935-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1935-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 109-84) recommending that Senate Bill No. 1526-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1526-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 110-84) recommending that Senate Bill No. 2240-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2240-84,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 111-84) recommending that Senate Bill No. 1522-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 1522-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 112-84) recommending that Senate Bill No. 2182-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2182-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 113-84) recommending that Senate Bill No. 1691-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1691-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN'S TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 114-84) recommending that Senate Bill No. 2183-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2183-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 115-84) recommending that Senate Bill No. 2125-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2125-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 116-84) recommending that Senate Bill No. 2126-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2126-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 117-84) recommending that Senate Bill No. 2213-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2213-84, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 118-84) recommending that Senate Bill No. 2119-84, as amended

in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2119-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 119-84) recommending that Senate Bill No. 108 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 108, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 120-84) recommending that Senate Bill No. 1841-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1841-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 121-84) recommending that Senate Bill No. 2199-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2199-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 122-84) recommending that Senate Bill No. 1926-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1926-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF PHASE II OF THE MOLOKAI AGRICULTURAL PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 123-84) recommending that Senate Bill No. 2046-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2046-84, entitled: "A BILL FOR AN ACT RELATING TO WATER RATES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 124-84) recommending that Senate Bill No. 1799-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1799-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF PINEAPPLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 125-84) recommending that Senate Bill No. 1798-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.B. No. 1798-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 126-84) recommending that Senate Bill No. 1800-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1800-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING PROCESSING ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 127-84) recommending that Senate Bill No. 1797-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1797-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Hagino, for the majority of the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 128-84) recommending that Senate Bill No. 1502-84, as amended in S.D. 1, pass Second Reading and 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 S.B. No. 1502-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed Second Reading and was referred to the Committee on

## Ways and Means.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 129-84) recommending that Senate Bill No. 2087-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 2087-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 130-84) recommending that Senate Bill No. 1553-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1553-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 5, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 131-84) recommending that the Senate consent to the nomination of Edwin H. Honda as Judge of the First Circuit Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 116.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 131-84 and Gov. Msg. No. 116 was deferred until Monday, March 5, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 132-84) recommending that Senate Bill No. 1677-84 pass Second Reading and be referred to the Committee on Ways and Means.

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

was adopted and S.B. No. 1677-84, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 133-84) recommending that Senate Bill No. 1115, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 134-84) recommending that Senate Bill No. 107, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 107, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 135-84) recommending that Senate Bill No. 2133-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2133-84, entitled: "A BILL FOR AN ACT RELATING TO CAPITOL IMPROVEMENT PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 136-84) recommending that Senate Bill No. 1939-84, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1939-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A MATCHING GRANT IN AID TO THE HONOLULU SYMPHONY FOR ENDOWMENT FUND PURPOSES," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 137-84) recommending that Senate Bill No. 2033-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2033-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 SAMOAN FLAG FESTIVITIES," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 138-84) recommending that Senate Bill No. 1937-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1937-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 139-84) recommending that Senate Bill No. 1851-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1851-84,

S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE POLYNESIAN VOYAGING SOCIETY," passed Second Reading and was referred to the Committee on Ways and Means on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 140-84) recommending that Senate Bill No. 2205-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2205-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 141-84) recommending that Senate Bill No. 1932-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1932-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 142-84) recommending that Senate Bill No. 2092-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2092-84, entitled: "A BILL FOR AN ACT MAKING VARIOUS APPROPRIATIONS TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 143-84) recommending that Senate Bill No. 2244-84, as amended in S.D. 1, pass Second

Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2244-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 144-84) recommending that Senate Bill No. 2127-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2127-84, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 145-84) recommending that Senate Bill No. 2215-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2215-84, entitled: "A BILL FOR AN ACT RELATING TO CIP FOR THE SEVENTH SENATORIAL DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the majority of the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 146-84) recommending that Senate Bill No. 1813-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 1813-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY," passed Second Reading and was referred to the Committee on Judiciary.

#### ORDER OF THE DAY

#### THIRD READING

Standing Committee Report No. 22-84 (S.B. No. 1578-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Henderson and carried, Stand. Com. Rep. No. 22-84 was adopted and S.B. No. 1578-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING AND COLLECTION OF TAX AT SOURCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Standing Committee Report No. 23-84 (S.B. No. 1579-84, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 23-84 be adopted and S.B. No. 1579-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Henderson.

Senator Cayetano rose to speak against the measure and stated:

"Mr. President, my initial impression of this bill was that I was going to support it but reading it more carefully, I'm going to vote against this bill primarily because, in reading the bill itself, the requirements for penalty being imposed under this bill do not require any evidence of intentional act.

"What I'm concerned about is that there are many people who live in this state who, because of lack of education or because they may come from foreign countries, have difficulty with the English language and these people who may take it upon themselves to fill out tax returns may not be able to fully understand the returns and, in that sense, information put in those returns may not meet the requirements of, let me quote from the bill, 'substantial correctness' and some of these other requirements.

"I think, in general, this is a good bill but it seems to be one which does not require any kind of intentional act and one which makes the fact that the information presented in the tax return does not meet the standard of 'substantial correctness' a violation in and of itself."

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.



The Senate reconvened at 12:35 o'clock p.m.

Senator Cayetano then continued: "Mr. President, I want to disclaim responsibility for that long recess. It was not caused by my question?"

The Chair answered that it was not and Senator Cayetano continued: "With respect to my earlier account of the bill, I think I have convinced some people here that there is an apparent problem and that that problem will be addressed as the bill proceeds, so I'm going to change my vote.

"Of course, the real reason for changing my vote is that Senator Yamasaki has convinced me that this bill was designed to create employment for attorneys. (Laughter.)"

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

"Mr. President, if you will notice, I signed the committee report 'with reservations' and for the very same reasons outlined by Senator Cayetano, whatever district he represents. I would hope that the corrections could be made. In any case, I would like to have my vote recorded 'no' on this."

Senator Carpenter also against the measure said: "Mr. President, if this bill is to allow frivolous suits by frivolous attorneys in support of clients who purport to file frivolous tax returns then, Mr. President, please cast my vote as 'no.'"

Senator Yamasaki, in support of the measure, stated: "Mr. President, I have received the messages on the concern expressed by individuals of the Senate and would like to inform the Chair that we will be looking into the words to see whether there needs to be further clarification. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 23-84 was adopted and S.B. No. 1579-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Carpenter and Kawasaki). Excused, 3 (Ajifu, Soares and Toguchi).

Standing Committee Report No. 24-84

(S.B. No. 1580-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Henderson and carried, Stand. Com. Rep. No. 24-84 was adopted and S.B. No. 1580-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ajifu, Soares and Toguchi).

Standing Committee Report No. 25-84 (S.B. No. 1581-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Henderson and carried, Stand. Com. Rep. No. 25-84 was adopted and S.B. No. 1581-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ajifu, Soares and Toguchi).

#### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, March 1, 1984:

Senate  
Concurrent  
Resolutions Referred to:

No. 33 Committee on Health

No. 34 Committee on Government Operations and County Relations

#### REFERRAL OF SENATE RESOLUTIONS

The President then made the following committee assignments of resolutions that were offered on Thursday, March 1, 1984:

Senate  
Resolutions Referred to:

No. 33 Committee on Tourism

No. 34 Committee on Health, then to the Committee on Legislative Management

No. 35 Committee on Government Operations and County Relations

No. 36	Committee on Education
No. 37	Committee on Higher Education
No. 38	Committee on Higher Education
No. 39	Committee on Higher Education

RE-REFERRAL OF  
SENATE BILL

The President re-referred Senate Bill No. 524 which was introduced in the Regular Session of 1983 jointly to the Committee on Transportation and the Committee on Judiciary.

Senator Abercrombie then rose on a point of personal privilege and stated as follows:

"Mr. President, first, just in a little bit more lighthearted fashion, if you look on the front page of today's Advertiser, I think we can save Senator Yamasaki's committee a lot of money with respect to promoting Hawaii. We see on that front page a picture of, what in more refined circles is referred to, the derriere of a citizen of Buffalo, New York, a city with which I have had some contact many, many years ago, and you will see what it is that they have to deal with at the present time.

"I think it said that the amount of snow there was two feet and rising, as of yesterday. Of course, that's just in 24 hours. I'm sure it will get worse.

"Mr. President, I do have a serious note. Something that bothers me very, very deeply because of all the publicity that has been attendant upon it, the firing of the Superintendent of Schools Thompson.

"We now have an acting superintendent of education, and I stress 'acting superintendent.' The new superintendent has by no means been confirmed, if my understanding of the proceedings of the board is correct. And I am extremely agitated about the position that the new acting superintendent is taking with the Board of Education, vis-a-vis the legislative budget process we are undergoing right now.

"At the board meeting yesterday, the acting superintendent, Mr. Hatanaka, stated that the department is suffering heavy budget cuts at the Legislature and is quoted as saying,

'...and yet we're expected to perform miracles.'

"Mr. President, if this is the approach the acting superintendent is going to take, we're going to have serious problems with him right from the beginning.

"We went through a very traumatic session last year. We went through a very traumatic and difficult organizing process this time. We're in the midst of an extremely difficult and urgent process in defining what the supplementary budget appropriations and allocations are going to be. We have been working very hard under a lot of strain, some of which has manifested itself publicly as well as privately with respect to our budget deliberations.

"The members have tried to do their best to deal with the ceiling that has been established by Ways and Means Committee under the clear expectation that we are going to try and act responsibly here with respect to the revenues that can be generated in the state in the coming year. We've had serious discussions with the Ways and Means chairman as well as the chairman of the Education Committee; gone at great length to deal with the budget on a realistic basis.

"Now, one of the causes of the difficulties that we've had had been arguments over what the numbers are going to be. If Mr. Hatanaka wants to see a set of fictitious numbers come over in order to satisfy some kind of necessity of presenting numbers on paper, rather than actual capacity to fund programs in the schools, then he can take that attitude.

"The plain fact of the matter...and Mr. Hatanaka has attended these sessions; these sessions have been open...is that we have gone into that budget and looked for savings. That was the mandate from the Ways and Means Committee and that's the way the Education Committee is trying to handle it.

"We have found that there were over-inflated figures utilized in the Department of Education. We have found it with respect to inflationary projections for food costs. We have found it with electricity costs. These are not program costs. These are costs being examined by the Education Committee to see to it that we can fund the programs that Mr. Hatanaka is supposed to administer.

"Where does he think that we're going to find the money for the Early Provisions for School Success Program for our kindergarten children so that they can get under a good start? Where does he think we're going to find the money in order to fund the Alternative Learning Program for those children who are already in the schools, having trouble and need an alternative way of dealing with their schooling and their educational process?

"We have put these programs back into the budget on a basis that they will be funded, to make the best possible good-faith effort with respect to the initial appropriation recommendations to see to it that children and teachers and programs are protected first, and not the rhetorical devices of superintendents or any other administrators.

"The only miracle that I expect to see out of the Department of Education is that it take seriously the admonition of the Senate Education Committee that it reallocate its own resources, especially at the administrative end, something which is not an original idea with this Legislature but has been buttressed

and backed up by the Legislative Auditor not only once but twice, formally, over the last decade, without anything being done by the DOE administration.

"So, before Mr. Hatanaka starts talking about miracles being performed and heavy budget cuts from the Legislature, I suggest that he take a good, long, hard look at his department and see whether or not the fact is that this Legislature has dealt with this particular recommendation, coming in with responsible needs to be met, unless we are going to go back into that fictitious and phony situation where we provide numbers in order to provide satisfaction, but we don't provide the actual dollars in order to provide the programs that are necessary for good education.

"Thank you."

#### ADJOURNMENT

At 12:47 o'clock p.m., on motion by Senator Cobb, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 5, 1984.

## TWENTY-EIGHTH DAY

Monday, March 5, 1984

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

The Divine Blessing was invoked by Mr. Richard Wood of the First Church of Christ Scientist, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Twenty-Seventh Day.

Senator Kuroda made the following introduction to the members of the Senate:

"Mr. President, it gives me great pleasure this morning to introduce to this honorable body a visitor from the almost-next-door jurisdiction of Guam, U.S.A.

"We have with us Mr. Steven Ungpingco, legal counsel to the Honorable Ricardo Bordallo, Governor of Guam. Mr. Ungpingco is in Honolulu on his way back to Guam after attending a United Nations meeting in Samoa.

"Mr. President, accompanying Steve are two individuals who shared a residence with Mr. Ungpingco when they were all struggling law students at the University of San Francisco, our own Majority researcher, Oren Iwanaga, and our former Ways and Means chief clerk, now Director of Governmental Affairs, the Chamber of Commerce of Hawaii, Al Konishi."

At this time, the Chair introduced Councilman George Akahane and Mr. Albert Jeremiah, Jr., his senior advisor, who were sitting in the gallery.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 214), informing the Senate of the withdrawal of the nomination of Bruce Fujimoto to the Advisory Council for Children and Youth, term to expire December 31, 1987, under Gov. Msg. No. 169, was read by the Clerk and placed on file.

In compliance with Gov. Msg. No. 214, the nomination listed under Gov. Msg. No. 169 was returned.

## DEPARTMENTAL COMMUNICATION

A communication from the Hawaii Public Employment Relations Board (Dept. Com. No. 24) transmitting copies of HPERB Informational Bulletin No. 21, showing the number of public employees in each of the 13 collective bargaining units established by Section 89-6(a), HRS, was read by the Clerk and was referred to the Committee on Human Resources.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 40 to 46) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 40), transmitting House Bill No. 797, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 797, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 41), transmitting House Bill No. 1752-84, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1752-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 42), transmitting House Bill No. 1815-84, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1815-84, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed First Reading by title and was referred to the

Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 43), transmitting House Bill No. 1819-84, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1819-84, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 44), transmitting House Bill No. 1846-84, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1846-84, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PROPERTY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 45), transmitting House Bill No. 2053-84, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2053-84, entitled: "A BILL FOR AN ACT RELATING TO THE REAL ESTATE RECOVERY FUND," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 46), transmitting House Bill No. 2093-84, which passed Third Reading in the House of Representatives on March 2, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2093-84, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed First Reading by title and was referred to the Committee on Government Operations and County Relations.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions

(S.C.R. Nos. 36 to 40) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 36), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO MAKE AVAILABLE A SMALL PART OF THE INNER HARBOR AND LAND OF MIDWAY ISLAND TO THE STATE OF HAWAII FOR USE AS A CIVILIAN FISHING BASE," was offered by Senators Carpenter, Toguchi, Yamasaki, Hagino, Young, Henderson, Solomon, Holt, Cayetano, Kuroda, Fernandes Salling, Kawasaki, Aki, Ajifu and A. Kobayashi.

By unanimous consent, S.C.R. No. 36 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 37), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF CURRENT FISHERY POLICIES AND LONG-TERM IMPACT OF FISHING," was offered by Senators Carpenter, Toguchi, Yamasaki, Hagino, Young, Henderson, Solomon, Cayetano, Kuroda, Holt, Fernandes Salling, Kawasaki, Aki, Ajifu and A. Kobayashi.

By unanimous consent, S.C.R. No. 37 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 38), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII MEDICAL ASSOCIATION AND THE CANCER COMMISSION TO DEVELOP GUIDELINES REGARDING TREATMENT OF TERMINALLY ILL PATIENTS," was offered by Senators Carpenter, Toguchi, Yamasaki, Hagino, Young, Henderson, Solomon, Cayetano, Kuroda, Holt, Fernandes Salling, Aki, Ajifu and A. Kobayashi.

By unanimous consent, S.C.R. No. 38 was referred to the Committee on Health.

A concurrent resolution (S.C.R. No. 39), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE BIG ISLAND OCEAN RECREATION AND TOURISM PROJECT," was offered by Senators Carpenter, Fernandes Salling, Holt, Kawasaki, Aki, Ajifu, A. Kobayashi, Yamasaki, Toguchi, Kuroda and Cayetano.

By unanimous consent, S.C.R. No. 39 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 40), entitled: "SENATE CONCURRENT RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Carpenter, Holt, Fernandes Salling, Kawasaki, Aki, Ajifu, Yamasaki, Kuroda, Cayetano and Toguchi.

By unanimous consent, S.C.R. No. 40 was referred to the Committee on Economic Development.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 42 to 47) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 42), entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES NAVY TO MAKE AVAILABLE A SMALL PART OF THE INNER HARBOR AND LAND OF MIDWAY ISLAND TO THE STATE OF HAWAII FOR USE AS A CIVILIAN FISHING BASE," was offered by Senators Carpenter, Toguchi, Yamasaki, Hagino, Young, Henderson, Solomon, Holt, Cayetano, Kuroda, Fernandes Salling, Kawasaki, Aki, Ajifu and A. Kobayashi.

By unanimous consent, S.R. No. 42 was referred to the Committee on Economic Development.

A resolution (S.R. No. 43), entitled: "SENATE RESOLUTION REQUESTING AN ANALYSIS OF CURRENT FISHERY POLICIES AND LONG-TERM IMPACT OF FISHING," was offered by Senators Carpenter, Toguchi, Yamasaki, Hagino, Young, Henderson, Solomon, Cayetano, Kuroda, Holt, Fernandes Salling, Kawasaki, Aki, Ajifu and A. Kobayashi.

By unanimous consent, S.R. No. 43 was referred to the Committee on Economic Development.

A resolution (S.R. No. 44), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII MEDICAL ASSOCIATION AND THE CANCER COMMISSION TO DEVELOP GUIDELINES REGARDING TREATMENT OF TERMINALLY ILL PATIENTS," was offered by Senators Carpenter, Toguchi, Yamasaki, Hagino, Young, Henderson, Solomon, Cayetano, Kuroda, Holt, Fernandes Salling, Aki, Ajifu and A. Kobayashi.

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

A resolution (S.R. No. 45), entitled: "SENATE RESOLUTION REQUESTING A STATUS REPORT ON THE BIG ISLAND OCEAN RECREATION AND TOURISM PROJECT," was offered by Senators Carpenter, Fernandes Salling, Holt, Kawasaki, Aki, Ajifu, A. Kobayashi, Yamasaki, Toguchi, Kuroda and Cayetano.

By unanimous consent, S.R. No. 45 was referred to the Committee on Tourism.

A resolution (S.R. No. 46), entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senators Carpenter, Fernandes Salling, Holt, Toguchi, Aki, Yamasaki, Ajifu, Kuroda and Cayetano.

By unanimous consent, S.R. No. 46 was referred to the Committee on Economic Development.

A resolution (S.R. No. 47), entitled: "SENATE RESOLUTION URGING THE RELOCATION OF THE UNIVERSITY OF HAWAII'S INSTITUTE OF ASTRONOMY FROM THE MANOA CAMPUS TO THE HILO CAMPUS," was offered by Senators Carpenter, Toguchi, Hagino, Young, Henderson, Solomon, Cayetano, Kuroda, Holt, Fernandes Salling, Kawasaki, Aki and A. Kobayashi.

By unanimous consent, S.R. No. 47 was referred to the Committee on Higher Education.

#### STANDING COMMITTEE REPORT

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 147-84) recommending that Senate Bill No. 2049-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2049-84, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 7, 1984.

#### ORDER OF THE DAY

##### THIRD READING

Senate Bill No. 1532-84, S.D.1:

By unanimous consent, action on S.B. No. 1532-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Tuesday, March 6, 1984.

Senate Bill No. 1572-84:

By unanimous consent, action on S.B. No. 1572-84, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Tuesday, March 6, 1984.

Senate Bill No. 2087-84, S.D.1:

By unanimous consent, action on S.B. No. 2087-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," was deferred until Tuesday, March 6, 1984.

Senate Bill No. 1553-84, S.D.1:

On motion by Senator Cobb, seconded by Senator Carpenter and carried, S.B. No. 1553-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Abercrombie, Kawasaki and Uwaine).

#### ADVISE AND CONSENT

Standing Committee Report No. 131-84 (Gov. Msg. No. 116):

Senator Chang moved that Stand. Com. Rep. No. 131-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate consent to the nomination of Edwin H. Honda as Judge to the Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Cayetano.

At this time, Senator Chang rose to speak in support of Judge Honda as follows:

"Mr. President, your Committee on Judiciary respectfully recommends that the Senate confirm the appointment of Judge Edwin H. Honda to the Circuit Court of the First Circuit.

"Judge Honda has been a member of the Hawaii Bar since 1951. He spent

the first 15 years of his legal career in private practice where he gained trial experience in civil cases. From 1968 to 1974, Judge Honda served in an administrative capacity as the Director of the Regulatory Agencies. In 1975, Edwin Honda was appointed District Court Judge.

"During the past five years, he has spent over half of his time on temporary assignment to the Circuit Court. The abundant testimonies the committee received affirm Judge Honda's integrity, conscientiousness, and professional competence throughout his lengthy career.

"We believe that Judge Honda's legal and judicial experiences have provided him with the requisite judicial temperament to serve most effectively as a Circuit Court Judge. Thank you."

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

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

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

#### RE-REFERRAL OF SENATE BILL

The President made the following re-referral of a Senate Bill that was introduced on February 14, 1984:

Senate Bill Referred to:

No. 2060-84                      Committee on  
Tourism

At this time, Senator Carpenter rose on a point of personal privilege as follows:

"Mr. President, I just want to enter into the record of the Senate Journal that the Governor, as I understand it, is either on his way or already on the Big Island today to discuss with the community the untimely firing or forced resignation, if you will, of Mr. John Hankins who was the administrator of the Hilo Hospital. I want to put on the record that I commend the Governor for fulfilling his commitment to speak with the community, relating to their concerns, and I also want to note that as of yesterday there were some 20,000 individuals, primarily in the

community of Hilo, who have galvanized, basically, in support of a petition to reinstate Mr. Hankins.

"I think that one of the things that should be pointed out is that we have a resolution before this body, speaking to that concern, and there will be, perhaps, several others.

"One of the things that I think is very important is that, while we understand it is certainly the Governor's prerogative through his department heads to make changes in the cabinet as he may deem necessary, that in this particular case, this gentleman has distinguished himself in the very short space of eight months to essentially galvanize the community within the Hilo Hospital, to take forces that were divisive at that point in time where it appeared politically impalatable for the Governor to continue his previous administration and, basically, turned it around to a viable entity wherein all of the individuals concerned with the operation of Hilo Hospital have now almost united together in support of Mr. Hankins and his mission, which is to provide the people of the County of Hawaii, and particularly the area of Hilo, the best possible hospital services under the state aegis.

"Mr. President, I recognize that in the past year or two we have had several investigations in the Senate, one related to the heptachlor in milk crisis, one related to the investigation of prison activities in 1981, wherein no one within the state administration was fired in circumstances, I believe, to be greatly more important than the so-called philosophical differences expressed by Mr. Charles Clark in the firing of Mr. Hankins.

"I just wanted to state that for the record, Mr. President. I hope this body will give due consideration to the resolutions that are and will be before this body related to this particular episode and as it may relate also to the expenditures of the new Hilo Hospital which is about six months away from complete readiness to be used in the state system. Thank you very much."

Senator Cayetano also rose on a point of personal privilege as follows

"Mr. President, before going to my point, as a follow-up to Senator Carpenter's remarks, I understand that since this gentleman has amassed 20,000 signatures, the Democratic party is thinking about running him

for the Senate in District 2 -- as a Republican.

"Mr. President, the point I wish to speak about is contained in an article published in the Honolulu Star Bulletin on Saturday, March 3, 1984, and the headline reads: 'Ariyoshi: State Will Wring Resources to Finance Pact.'

"By way of introduction to my remarks and some questions that I'd like to pose later, let me quote from the beginning of the article: 'Governor George Ariyoshi last night met privately with Democratic members of the State House of Representatives to brief them on the new two-year contract covering Hawaii's more than 40,000 state and county workers.

"Earlier in the day Ariyoshi told reporters that the state can cover its share of the new contract -- which will cost the state an estimated \$34 million -- "by squeezing and wringing" the resources it now has.'

"Mr. President, I've been a bit concerned about the Senate's position with respect to our finances. As a member of the Human Resources Committee, I was told by the chairman when we passed the budget recommendations over to Ways and Means that the instructions from Ways and Means were that we should pass over our recommendations without any feeling but indicate our priorities, and I think the chairman of the Human Resources Committee made the right decision in terms of not listing our priorities because, if you don't have a feeling, there is really no sense in listing your priorities as setting priorities include, I think, consideration and adjustment of monetary considerations. I have several questions, therefore, which I would like to pose to the chairman of the Ways and Means Committee, if he would yield."

The Chair inquired: "Mr. Chairman, would you yield to a question?"

Senator Yamasaki replied: "Mr. President, if it's a question pertaining to the budget, I do not think that I will yield at this time."

Senator Cayetano inquired: "Mr. President, it is a question pertaining to the budget. It is a question...let me state the question. After the Senator hears the question, then he can decide whether he wants to answer it or not. First of all, has the Senate completed its financial plan? And if so, will members of



the Senate who are not members of the Ways and Means Committee be given a briefing on the plan? Does he care to answer that question?"

Senator Yamasaki responded: "The financial plan that we have right now is a tentative one. You know that the Council on Revenues will meet again and I expect to have some statement from them. Also, we are looking at the tax collections for the month of February and March, and then we will have a better, complete picture of our resources."

Senator Cayetano further inquired: "But, do we have a financial plan based on the latest Council on Revenues' projections?"

Senator Yamasaki then replied: "Yes, Mr. President, we have a tentative plan and we have explained that to the members of the Ways and Means Committee."

Senator Cayetano further inquired: "Will the Ways and Means staff be available to brief non-Ways and Means members on that financial plan?"

Senator Yamasaki responded: "Not at this point, Mr. President."

Senator Cayetano then stated: "Then a question to you, Mr. President, if you will yield. The question is this. Apparently, the Governor and the members of the House, at least the Democratic members of the House, thought that the latest collective bargaining package that was agreed to by the state and the public workers' unions was important enough or had an impact, significant enough, on the budget to require a meeting."

"Has the Senate leadership been considering such a meeting with the Governor so that we can be apprised of how this collective bargaining package will impact, if any, on the state's finances?"

The Chair replied: "In terms of the Senate leadership, the answer is yes. We are considering meeting with the Governor."

Senator Cayetano inquired: "Is there any timetable in terms of meeting with the Governor?"

The Chair replied in the negative and Senator Cayetano further inquired: "Will this meeting be just confined to the leadership or will Democratic members of the Senate be invited?"

The Chair responded: "That decision hasn't been made, but for the moment it will be confined to the leadership."

Senator Cayetano further inquired: "One last question to the chairman of the Ways and Means Committee. Let me preface my remarks, Mr. President, by stating that the reason I bring this up on the floor is I think all of these points I'm raising should be a matter of record, and that is the only reason I'm bringing it up on the floor."

"I could very well talk to the Ways and Means chairman, personally, on these matters, but I think the questions that I'm raising are significant or at least of some interest to the other members of this Senate. The Governor has stated in the Star Bulletin, that the new contract will be covered, and again I quote the Governor, 'by squeezing and wringing' the resources it now has."

"My question to the Ways and Means chairman is, is the Ways and Means Committee prepared to consider any bills or suggestions to raise additional revenue for the state?"

Senator Yamasaki replied: "Mr. President, as we all know we have a vehicle over at the House which raises some revenues."

Senator Cayetano further inquired: "May I ask the chairman what vehicle is that, ...unless he's referring to the...oh, the same one, okay. (laughter)"

"I believe that vehicle is dead and buried and long gone, Mr. President. Are there any vehicles or bills in the Senate, in the Ways and Means committee, which the committee will consider pushing out to raise additional revenue to fund not only the collective bargaining package, but also to avoid, in the Governor's words, the 'squeezing and wringing' of the state's resources to fund our different programs?"

Senator Yamasaki then replied: "I don't think that we have any plans to consider any other additional revenue measures, except for possibly some fees."

Senator Cayetano continued:

"I close, then, by voicing my concern about this, Mr. President. I believe that there has been some confusion about the impact of the repeal of the exemption on rum as it

affects the case that is now before the United States Supreme Court.

"We had a meeting with the attorney for the state, a Mr. Dexter, and in Mr. Dexter's words, and Senator Henderson can correct me if I misstate his words. Mr. Dexter said, 'If you want to protect your revenues, repeal the exemption.' Repealing the exemption, Mr. President, would make readily available to the state approximately \$2 million or so a month.

"What I think the confusion is about in the case that is before the Supreme Court, is that there are not too many Senators who realize that what is before the court is only the exemption on okolehao and fruit wine. The laws setting both exemptions have expired. The rum exemption is not before the Court and, therefore, will not be decided in June.

"The point I'm trying to make is that we have an opportunity to safeguard our revenues by repealing the rum exemption. At the present time, the liquor distributors who are opposed to paying the tax are paying the taxes collected after the exemption on okolehao and fruit wine expired. They are paying those taxes under protest because of the rum exemption. Basically, they are saying, 'As long as the rum exemption is on the books, we pay under protest; you have to put that money in escrow.' And that is the point, I think, that many do not understand.

"I talked to the House Majority Leader today. They have a bill which they've informed me will be coming over. And, even he did not understand that the rum exemption was not before the Court. I would hope that the Senate leadership would meet on this point. I'll be glad to sit down and give the benefit of my opinion since I sat with Senator Henderson and spoke to the attorney who argued our case before the United States Supreme Court for the benefit of our point of view, if it matters any. But, I'd hope that the Senate leadership takes this point under serious consideration because if the \$89 million or so that is now in escrow, which was collected under the fruit wine and okolehao exemption...if the Supreme Court of the United States determines that those revenues were collected under two exemptions which are unconstitutional, then, there is a great probability that the revenues collected after those exemptions expired will also be

unconstitutional because of the rum exemption.

"The attorney for the state, Mr. President, informed us that a case could be made for the okolehao and fruit wine exemption as being products which were indigenous to Hawaii, but the point he raises is that no such case can be made for rum because rum is made in Bermuda, the Honduras, and all over the world. It is not unique to Hawaii. And, that is the problem.

"I would hate for us to be responsible for losing revenues of \$2 million a month until such time as that exemption can be repealed. If we do not repeal that exemption in this session, and the Court declares the other two exemptions unconstitutional, what will happen is that the Governor will have to call us back into special session or we will have to wait until we get into the next regular session to repeal the law.

"So, I make these remarks because I think this is a very, very serious problem. I think that there is some confusion about the facts involving this problem. I think that the Senate leadership should concern itself very soon about it."

Senator Yamasaki then rose and responded as follows:

"Mr. President, in response to the remarks made by the Senator from the 20th District, the statement made by Mr. Dexter to the four of us, Senator Henderson, myself, Senator Cayetano and Senator Aki...I think that he qualified the statement in regard to the statement made by the Senator from the 20th District on the repeal of the rum provisions. He said that this was his personal opinion; so it could be that other attorneys would have other opinions, likewise. And, certainly I think that we ought to, according to the advice of the Attorney General's office, not repeal the rum provisions because it may prejudice our case before the Supreme Court, and any kind of inclination that the Supreme Court might have in regard to our state's position may affect the outcome of the case.

"And, as you know we have 90-95 million dollars in escrow, and if we were to repeal the rum provisions, it amounts to approximately 24-25 million dollars. However, we must also take into consideration that out of the \$95 million that is in escrow, interest has accumulated and that interest has gone into the general fund, and we

are using that interest money through non-tax revenue resources. And, if we should lose the \$95 million, we also have to pay back the interest that we are now using, so the net effect of this is \$10 million, approximately. So, I would not like to jeopardize the state's position of \$95 million plus approximately \$16 million in interest.

"This is my position as far as the state's position on the liquor tax is concerned, I think that we should take the position that we should protect the interest of the state so that we can have a decision made by the Supreme Court not influenced by any action made in this session."

Senator Henderson then rose in response as follows:

"Mr. President, I'd like to respond to the chairman of Ways and Means' remarks. At that meeting that Senator Cayetano, Senator Aki, Senator Yamasaki and I attended, it was very clear that Mr. Dexter was recommending that we repeal the exemption. There was no question in my mind.

"He said it was his personal opinion, that anything that was discriminatory in our tax laws ought to be repealed because he said that there's a good chance that the Supreme Court is going to hold in favor of the liquor wholesalers. There's no question that after talking to Mr. Dexter that very day, I talked to Mr. Bigelow who argued the case for Paradise Liquor and for McKesson. They have about \$60 million of the \$89-or-90 million that's in escrow; and it was his opinion that the state, if we were to look out for our own interest, should repeal the exemption right now.

"I think that what Senator Cayetano said is correct, that we pass a bill repealing the exemption. There's no question that we will be picking up in excess of \$2 million a month. If we did it right now, we can look forward to, say, collections for April and May and June would be over \$6 million, so we have a clear claim to the money of about \$30 million for the biennium.

"So, I think if we really want to look out for the interest of the state, as far as our interests are concerned, as far as our budgetary concerns are, we should certainly take Senator Cayetano's advice and repeal the exemption.

"In talking with the Attorney

General's representative, Mr. Honda, I gathered from him that he felt that if we did take such action, there'd be a very, very small chance that the Supreme Court would even take into consideration our action; that it looked like the Supreme Court has received all the testimony they are going to take on the case. They should be making their decision very shortly. I think that in our own interest we ought to repeal the exemption. Thank you."

Senator Cayetano further stated:

"Mr. President, in response, I'd like to add to the remarks made by Senator Henderson. As I said, apparently there's some confusion about this matter. I don't think either Senator Henderson or I are confused. Mr. Dexter, an attorney who was hired by the state, has a great deal of experience in appellate matters, has argued many times before the United States Supreme Court, a specialty which many lawyers do not engage in. Mr. Dexter (I wish I had recorded the conversation but we didn't) clearly made the point that if you want to protect, and I'm going to quote him, and Senator Henderson and maybe Senator Aki can correct me if my quote is wrong. He said, 'If you want to protect your revenues, repeal the exemption.'

"And he also made this point and I think that I agree with this point. He said that the Supreme Court of the United States has upheld subsidies and so if we want to help the local industry, if we want to help the two rum companies that are making rum in the State of Hawaii, then perhaps what we should do is give them a subsidy which matches the amount they would save on the exemption.

"Then we accomplish two things; we help the rum industry and we protect our revenues. Repealing this one exemption has no bearing on the ninety-something-million dollars that's before the Supreme Court at the present time. I have never appeared before the United States Supreme Court but I have some knowledge about what goes before the court on appeal and what goes before the court is what's in the record.

"Mr. Dexter, himself, said that the parties upholding the state on this matter tried to bring the rum exemption into the argument, but they were precluded from doing so because the matter was not before the

Court. What is before the Court is the okolehao and fruit wine exemption, and that's the only thing that's before the Court."

Senator Yamasaki then responded:

"Mr. President, I might also add that there are 31 states in our nation that have some kind of protective measure to protect their liquor industry, and this is the reason why I think that the Supreme Court will also weigh all these things before such an important decision is made. Should they reverse our position, then it may affect other states that have protective measures. That is the reason why I think it is important for us to consider these things before we do anything that might affect our position before the Court. As you know, a lawyer will advise his client, and I have been faced with that also, that if you have a case under litigation in the Court that you do not do anything that might prejudice your case before the Court. Thank you."

Senator Cobb rose and stated:

"Mr. President, on this very point, at the risk of practicing law without a license as frequently mentioned by the former House Finance chairman, I find it ironic that the predictability of a court decision is really one of the most unpredictable things in the law.

"I can recall three years ago when we had what was called a primary source bill before your Committee on Consumer Protection and Commerce and before both houses of the Legislature, and we learned that the matter was on appeal before the Supreme Court of the United States and both sides were confident of victory. Basically, as we conducted a hearing on the primary source law it became very apparent that some elements of the law were discriminatory in favor of large, licensed wholesalers to the detriment of small wholesalers who could not compete with the certification process or the approval process of liquor manufacturers. In that case, the Supreme Court was faced with a very clear choice between the equal protection clause of the 14th Amendment of the Constitution and the State preemption clause on liquor of the 21st Amendment to the Constitution. The so-called repeal of prohibition was contained in the actual wording, 'the regulation of liquor is left solely to the states.' The net effect of the decision of the Supreme Court upholding the primary source law somewhat surprised me because in effect

the Court said, 'You can have a law that is discriminatory because the states have the sole and exclusive jurisdiction on matters of liquor.'

"I see a similar situation obtaining in the case now before the Court and I would not hazard to make a prediction, based on that past experience, as to what the decision of the Court might be. I do agree that we should take a very serious look, however, at whether or not this whole question ought to be acted on.

"I'm glad that three other Senators, or possibly four, were present at the meeting. I wish I had been included. At the same time, I have reservations myself about, one, when the decision is going to take place; two, the predictability of the decision; and three, the fallout of ramifications from it. Thank you."

Senator Cayetano then stated:

"Mr. President, I suggest that you call Mr. Dexter himself. Mr. Dexter is the attorney that's going to represent the state. The chairman of the Ways and Means Committee talked about following the attorney's advice; well, he is the attorney for the state.

"I suggest you call him yourself and pose two questions, the same questions that I posed to him. The first question that I posed to him was, if we repeal the rum exemption, would the liquor companies have any ground to continue to pay under protest. The answer he gave me was, no; no, because there is no grounds to argue discrimination. And the second question was, if we repeal the rum exemption, will it endanger the state's case on appeal; and the answer he gave was, highly unlikely that it would.

"Now, hearing Senator Yamasaki's recollection of what Mr. Dexter said to us at that meeting, I sometimes wonder whether I was in the same room because I think my interpretation of what was said is very different. I think it would be very easy for the Senate leadership to arrange a conference call with Mr. Dexter to find out exactly what he said."

Senator Kawasaki rose on a point of inquiry as follows:

"Mr. President, what started out as a question of personal privilege got to be almost a full-scale discussion of whether to repeal the liquor exemption bill or not. But, I think

the fiscal impact of that decision to repeal or not to repeal is important enough that perhaps a serious caucus should be called by you of the entire Senate, not only the Majority but the entire Senate, with Mr. Dexter and other people who are knowledgeable about this issue. It is entirely in order. I think the money impact is so great that perhaps this is one of those very important issues we should discuss and not try to debate it on the floor here with perhaps cursory information on the subject."

The Chair interjected: "If there is no further discussion on the subject, the Chair would like to note that it is quite perplexed with the present use of personal privilege. I think it has gone too much afar. There's nothing on the floor to be debated or discussed. The discussion is not germane to the proceedings today. The Chair has allowed in all instances a wide latitude in allowing what may be called a privileged motion.

"The Chair would like to be as liberal as possible in the interpretation of personal privilege and I am in agreement with Senator Kawasaki that it has gone astray. I would like to caution members of the Senate in the future to restrict the use of personal privilege to what is before the body. I am considering very seriously the need to more closely define what a personal privilege is.

"There are other bodies that have put a very strong restriction on what is considered to be a personal privilege, that personal privilege applies only when a personal injury is made to a member of the body while on the floor. To me, personally, I think that's too restrictive. I think people ought to say what they feel, but I think it should be done in a certain context.

And again, I must caution all of the Senators that the Chair will continue to be liberal on the question of personal privilege but I hope that it will not carry over to excess, such as what was done today. I would like to leave those limits as broad as possible, in the sense that is debate is in good taste and it doesn't refer to personal kinds of things, the Chair is most reluctant to limit...I mean, really, the Chair would favor open discussion, but I think I would like to caution, for the third time, the Senators to keep such discussion within certain confines of decorum."

Senator Kawasaki stated further:

"Mr. President, lest my point of inquiry is misconstrued, I think Senator Cayetano is to be commended for having brought up this issue. I think the concerns that he expressed are perfectly legitimate. It's important enough for each of us to consider it. What I wanted was some direction or some indication by you that this issue is important enough for us to have a caucus on. And the fact that this discussion ensued after a point of personal privilege was made, perhaps, was a minor violation of the Rules, certainly, but it was important enough that I just wanted to make sure that some subsequent discussion on this issue will take place under your direction.

"But, I do not want my point of inquiry to be construed as a criticism of Senator Cayetano having used the personal privilege motion. He is to be commended for having brought this matter to our attention. It's important enough, I trust, that you will call a caucus for this. And, if we have to, in violation of Senate Rules whatever they are, on a point of personal privilege bring important issues like this to the entire body, then perhaps we're justified in doing that...to hell with the rules."

The Chair replied:

"Well, that might be true, but I think we've got to maintain decorum as speaks to what is germane to the discussion before the body. It is possible to talk about all kinds of subject matters and the Chair has allowed that, in the past, to take place notably when a member has been aggrieved by people outside of the Legislature, certainly. And if this provides avenues of recourse to change people's opinions of us, that's fine. However, when it comes to personal privilege, there might be need for some narrowing down of this when it starts getting too wide and too broad.

"I think we've got to maintain decorum here with reference to, at least, what is being said on the floor. I have not laid down, as such, strict rules for limitations on discussion here in the Senate, as you all know. But perhaps we may have a caucus to discuss the whole question of personal privilege and what it constitutes, and whether or not we should continue with broad-ranging discussions like today's."

Senator Abercrombie then rose on a point of personal privilege as follows:

"Mr. President, I believe you indicated that if a member is aggrieved, especially if it takes place on the floor, that he or she should at least have the opportunity to make that known. My grievance is about the remarks made just previously by the Senator from the 14th District. Inasmuch as these numbers are new to us, I will indicate that that's Senator Kawasaki; he may not remember the numbers because of the changes. I think this is my third session and third set of changes with numbers, and another one to come up this year in the election. I do make the point that I think the Senator was speaking in an alliterative fashion with respect to his dismissal of the Rules and did not mean it in a literal fashion in any sense.

"My point, Mr. President, is to take us back to the beginning of this discussion to the point raised by the Senator from the 20th District, which was an article in the paper purporting to be the record of a conversation that took place between members of the House of Representatives and the Governor, and the implications of that conversation for the financial package that will be represented as being the Senate's position in the inclusion of monetary items within that budget and policy decisions to be made from that.

"That's where the original series of questions came. I think it was well within the bounds as you just indicated that you would like to see us pursue. The fact that the conversation then took place between various members on the floor as a result of that, I think, was ancillary, but nonetheless pertinent, to the question that was raised quite legitimately. So, I have no argument with your position. I think that the Senator from the 14th District's admonition with respect to a caucus is also in order. The reasons may be subject to some scrutiny by yourself, as you indicated, but I think an examination of the minutes of today's meeting, when they appear from the Senate Clerk, will indicate that the raising of the point, and the manner of its being raised, and the context within which it was discussed are well within the bounds that you have just indicated."

The Chair responded:

"For the Senator from the 11th District's information, it would be the Chair's, feeling that there are certain questions that can be answered through discussions on a private

basis, rather than using the floor of the Senate to convey a question on a confrontational basis.

"I think it is well within the scope of all of us being representatives of the people to address each other formally on the floor. Also I'm certainly aware that we could speak with each other on a private basis about what concerns us, but often-times that overflows out to the floor of the Senate.

"I would like to suggest that should questions come out dealing with differences of opinion, that discussions be held, for example, with the leadership. For example, the Senate leadership -- along with Senator Yamasaki -- is quite prepared to discuss any questions dealing with the liquor tax issue.

"I just think that on the floor of the Senate, the business of the Senate has been printed in an orderly fashion, and anything that comes in outside of the printed order of business of the Senate, is really not germane. And, certainly, all of you in this body know full well that latitude is given quite a bit to free discussion, and I intend to continue that practice. I am hopeful that perhaps in the future we can do more honest talking with each other rather than taking to the floor of the Senate on a confrontational basis with reference to specific questions."

Senator Cayetano then rose and stated: "Mr. President, I think your remarks are well taken. I also hope, though, that we not be overly concerned with form over substance."

The Chair replied: "Well, I think we have to keep the operations of the body moving. It's my responsibility to see that it flows along and to see that all Senators are given equal opportunity to speak on the various issues. I want to be as fair as possible to all members of the Senate, which includes the Minority as well as the Majority. On this point, the Chair will take under consideration the question that's been raised this morning and an answer will be forthcoming."

Senator Kawasaki stated: "I didn't quite understand what you just said."

The Chair responded: "I said, the Chair will take under advisement the suggestion made by you, Senator Kawasaki, and other members of the Senate, to perhaps have a caucus to discuss the whole issue. However, I

must caution all of you that the leadership was planning to speak with the Governor and the Attorney General and the people who are handling the case in trying to make some rhyme or reason as to what is taking place. But that meeting has not occurred. As you know, the Governor has just come home over the weekend, so we have not had an opportunity to speak with him. We have notified him that we would like to set up some kind of meeting with him."

Senator Kawasaki interjected: "And specifically, the subject of the liquor tax exemption is one of the items..."

The Chair replied: "I think it's one of the many items that we want to discuss with the Governor."

Senator Kawasaki further stated: "In full realization that decking deadline is Friday, if we are to do anything about repealing this exemption, then I think a caucus is imperative."

The Chair answered: "I think the Governor is presently in Hilo but he should be back tomorrow."

Senator Kawasaki then stated: "I would like to have this itinerant Governor come back for this very important issue, if possible."

The Chair responded: "I'm sure the Governor feels that the issue in Hilo is also important."

At this time, Senator Kawasaki rose on a point of inquiry as follows: "Mr. President, I rise on a point of inquiry directed to the chairman of the Judiciary Committee."

Senator Chang replied: "May I hear the question, Mr. President?"

Senator Kawasaki then inquired: "I have been receiving inquiries from people wanting to know whether the capital punishment bill or the series of bills involving the newspaper monopoly is going to be held on hearing; are hearings scheduled for them? I didn't know the answer and perhaps the chairman of the Judiciary Committee could apprise us of his decision."

Senator Chang further replied: "Mr. President, these particular subjects have been previously heard by the Committee on Judiciary and in the interest of considering all matters that have been introduced to the Senate for consideration, these subjects will not be further heard

during this session."

Senator Kawasaki further inquired: "Mr. President, then are we to follow here in the Senate the basic policy that bills introduced in the past that have had hearings held in prior years will not hold hearings on bills in every committee?"

The Chair then inquired: "Is that addressed to the Chair or..."

Senator Cobb then responded as follows:

"Mr. President, in partial response to that question, I've always made it clear as a matter of policy that if in the first two years of a biennium, we hear an issue and decide upon it pro or con, that's it for the biennium unless there are compelling circumstances for change.

"And I've had very little argument from members of my committee on that particular policy because I think it's a fair one. It lays it out that if a bill is held in the first year of a biennium, it's held for two years; if it's passed in the first year of a biennium to the House, it's up for consideration in that body again."

Senator Kawasaki then asked: "Since when was this rule adopted by the Senate here?"

The Chair replied: "I don't think, Senator Kawasaki, it's a matter of a rule. I think it varies from individual chairman to chairman, but generally speaking, that has been the general way of treating measures."

Senator Kawasaki then stated: "Fine, except that we have to give due consideration to the fact that issues change regarding the same bills over the course of time, sometimes as much as in a matter of a few months. And I think the basic policy consonant with the views expressed by the Senator from the 7th district perhaps may not be the wisest thing for us to do."

The Chair further replied: "Well, I think the chairman of the Judiciary Committee has answered your inquiry. As I understand the answer, it is that the measure that you mentioned will not be heard this year."

Senator Kawasaki further stated: "I will so inform inquiries that came to my office, but I will also say this does not reflect credit upon either the Judiciary Committee or its chairman."

## ADJOURNMENT

At 12:35 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 6, 1984.



## TWENTY-NINTH DAY

Tuesday, March 6, 1984

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

The Divine Blessing was invoked by the Reverend Samuel Saffery of Liliuokalani Church, after which the Roll was called showing all Senators present.

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

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

Senator Kuroda introduced Mr. Glenn Muggelberg and Mr. Dale Miller and stated:

"Mr. President, it's an honor, as a former member of the Lions Club, to introduce visiting dignitaries of another service organization.

"We have visiting with us on the floor District Governor of Kiwanis International, representing the California-Nevada-Hawaii District, Mr. Glenn E. Muggelberg and his wife, Millie. The Kiwanis International has a division in Hawaii called District 22 and he is visiting with the various clubs here.

"The Kiwanis International celebrated its 69th Anniversary on January 21st and here with us on the floor, also, is Lt. Governor Dale Miller, a resident of Honolulu, representing District 22, which includes the Kiwanis Clubs located in Hawaii, Maui, Kauai and Oahu."

Mr. and Mrs. Muggelberg and Mr. Miller were asked to rise and be recognized. Senator B. Kobayashi presented Mrs. Muggelberg with a lei and Senator Kuroda presented a Senate Certificate to the gentlemen.

Senator Chang then introduced his second 'shadow' for the session, from the Coastal Zone Management Program and the Marine Options Program, Mr. Raymond Tabata who was sitting in the gallery.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50

o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 47 to 54) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 47), transmitting House Bill No. 1847-84, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1847-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BENEFIT SOCIETIES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 48), transmitting House Bill No. 1635-84, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1635-84, entitled: "A BILL FOR AN ACT RELATING TO LITTER," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 49), transmitting House Bill No. 1721-84, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1721-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 50), transmitting House Bill No. 1722-84, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1722-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed First

Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 51), transmitting House Bill No. 1852-84, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1852-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 52), transmitting House Bill No. 1842-84, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1842-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE MAINTENANCE," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 53), transmitting House Bill No. 79, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 79, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 54), transmitting House Bill No. 1838-84, which passed Third Reading in the House of Representatives on March 5, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1838-84, entitled: "A BILL FOR AN ACT RELATING TO ENTERING THE MARRIAGE STATE," passed First Reading by title and was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions

(S.C.R. Nos. 41 and 42) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 41), entitled: "SENATE CONCURRENT RESOLUTION CALLING FOR AN INVESTIGATION OF HIGH HOSPITAL COSTS," was offered by Senators Kawasaki, Carpenter, Abercrombie, Cayetano, Young, Holt, Henderson, Soares, Fernandes Salling and A. Kobayashi.

By unanimous consent, S.C.R. No. 41 was referred to the Committee on Health.

A concurrent resolution (S.C.R. No. 42), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO REINSTATE MR. JOHN HANKINS AS HILO HOSPITAL ADMINISTRATOR," was offered by Senators Carpenter and Henderson.

By unanimous consent, S.C.R. No. 42 was referred to the Committee on Health.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 48 and 49) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 48), entitled: "SENATE RESOLUTION REQUESTING A STUDY CONCERNING HIGH OCCUPANCY VEHICLES AT HONOLULU INTERNATIONAL AIRPORT," was offered by Senators Soares, Henderson, George, A. Kobayashi and Ajifu.

By unanimous consent, S.R. No. 48 was referred to the Committee on Transportation.

A resolution (S.R. No. 49), entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO REINSTATE MR. JOHN HANKINS AS HILO HOSPITAL ADMINISTRATOR," was offered by Senators Carpenter and Henderson.

By unanimous consent, S.R. No. 49 was referred to the Committee on Health.

#### STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 148-84) recommending that Senate Bill No. 1450, as amended in S.D. 1, pass First Reading and be re-referred to

the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed First Reading and was re-referred to the Committee on Judiciary.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 149-84) recommending that Senate Bill No. 1747-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 1747-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 8, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 150-84) recommending that Senate Bill No. 2242-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2242-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 8, 1984.

#### ORDER OF THE DAY

#### THIRD READING

#### MATTERS DEFERRED FROM MARCH 5, 1984

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

Senate Bill No. 1532-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1532-84, S.D. 1, entitled: "A BILL FOR AN ACT

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

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

Senate Bill No. 1572-84:

By unanimous consent, action on S.B. No. 1572-84, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Wednesday, March 7, 1984.

Senate Bill No. 2087-84, S.D. 1:

Senator Cobb moved that S.B. No. 2087-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure and stated:

"Mr. President, in my judgment, of all the bills that will cross our desks this session, perhaps, this is the most objectionable one.

"Back a few years ago, we, in recognition of the fact that industrial loan companies that were committed to loan commitments at low rates of interest, much lower than the cost of money available to them, recognizing this emergency at a time when we experienced what is known as the panic year of 1980 where the prime interest went as high as 21 percent, recognized the plight of industrial loan companies so we raised the usury ceiling of what was 18 percent to a full 6 percentage points -- 24 percent. This was excessive, in my judgment, but be that as it may, a majority vote here carried a proposition that we raise the usury ceiling to 24 percent.

"Also at that time, because of problems encountered by the industrial loan companies, at their behest, we enacted a law that created Thrift Guaranty Corporation to help some of these industrial loan companies in dire financial circumstances. Well, those were past years.

"The daily newspapers only a few days ago pointed out the fact that the lending institutions, including industrial loan companies, savings and loan companies, and the banks, I suppose more particularly the banks, are enjoying prosperity today. Their growth in the way of loans, in

assets, net profit is quite good.

"In this improved climate it just seems to me that we should not be passing the bill before us.

"I would suggest this committee, of which I am also a member, should look into the possibility of helping to bring about some permanent relief to that category of our population, because of their financial circumstances, those citizens who are forced to go to industrial loan companies because of necessity, to pay 18 percent interest on their loans, as high as 24 percent in some cases if these institutions wanted to charge them that much...I think we'd better look into their plight and perhaps make amendments to our lending laws so that we could help bring about some relief to this sector of our borrowing population. This bill does not address their plight.

"This bill is quite complicated. For one thing what it does, which is good, is to put a ceiling on what people entering into agreements of sale would pay in the way of interest when agreement of sale contracts expire and there is a renegotiated agreement of sale. This bill provides that the owner of that agreement of sale cannot then charge the borrower more than 2 percent of what the underlying mortgage interest rate was. This is fine. But, contained in this bill, ironically, is also the provision that we delete the 'drop dead' clause which brings back interest rates back to what it was in 1980 -- 24 percent ceiling for industrial loan company loans and 18 percent for commercial loans permanently, thereby removing all usury ceilings.

"The bill also states, in the committee report, that without the deletion of the 'drop dead' clause which drops dead in June of next year, after next year's session, that some of these lending institutions would be faced with hardships because they have to worry about long-term commitments in the way of long-term loans.

"The question I have is, how have these institutions gotten by in these years that we did have the 'drop dead' clause taking effect in June of next year? It just seems to me that there is no imperative need...I'm not convinced that we to delete the 'drop dead' clause now.

"This bill is, admittedly, an industry bill. In the course of questioning during the committee

hearings I inquired whether this was not a bill formulated and developed by people primarily representing the industry, the lending institutions. This fact was admitted. Also, it was stated that one member from the regulatory agencies was present and they sort of gave a passive approval of the bill on the point of the structure and administration of the bill.

"The committee report contains quite a few claims, one of which is that, generally, most states in the nation are doing away with usury ceilings. I find this to be patently untrue. I've asked the reference bureau to get me the very latest possible data on what usury ceilings are in 50 of the states in the nation. I did that again this morning to make sure that the data they submitted to me before our caucus discussion was the very latest, and contrary to what the committee report claims that generally we are doing away with usury laws, usury laws which were part of our national scene and our local scene for literally a century, perhaps...we are not doing away with usury laws, it is true that some states perhaps five or six states have done away with usury laws...states like Nevada, Utah, New Hampshire, a few others, but contrary to this committee report we still do maintain usury ceilings in many states and I will not take the time of this body to recite the list of states that have usury ceilings, some ceilings much lower than what we have in this state.

"So, the committee report in my judgment is not factual. But, to cut a long story short, I think by the enactment of this bill we are not helping to protect that segment of our population which needs help the most. I'm not too concerned about the commercial loans where big businesses borrow money from the Bank of Hawaii or other banks and what they have to pay in interest does not particularly interest me because they are in a position to handle those loans for the period of time that they borrow these big amounts of money. It is the ordinary taxpayer-consumer who's got to, of necessity, go to these industrial loan companies and who are forced to pay 18 percent interest. And then if their loan expires and they are not able to pay up even that 18 percent loan, at the expiration of that loan, is going to be charged 24 percent. This only compounds his hardship.

"It just seems to me that we have time enough to study this situation a

little more carefully. Certainly, we do not need to delete the 'drop dead' clause. I would suggest, in the interim, that the committee or a subcommittee that you might appoint, really look into how we can bring about relief to the lower income category of consumers, the consumers that need to borrow money, even at 18 percent, of necessity, look into our existing laws to find whether we can improve these laws by amendments that will help to bring them a little more relief.

"My concern also centers on the fact that while the borrowers are by law today allowed to be charged up to 24 percent interest, I find that the existing rates of interest paid to depositors, people who put money into these institutions, they are really treated very well. As a matter of fact, I find out that on a certificate of deposit, the best return I could get for an organization that I represent as a trustee, the best return of interest that I could get on certificates of deposit for 90 days was 9½ percent. The bank that paid this amount probably lends this same money out at about 18 percent to borrowers. The spread is what is beginning to worry me. It just seems to me the 'nature of the beast' is that the lending institutions will charge borrowers whatever they can get away with and they will pay depositors, to let them use their money, as little as possible.

"In this kind of climate, perhaps of necessity, the Legislature has to look into this whole issue of credit availability, borrower costs, what depositors will be paid. With deregulation, notwithstanding the predictions made by many people, there have been abuses that have come about. Certainly, I think we should not prematurely.

"For those reasons, I speak against passage of the bill."

Senator Fernandes Salling also rose to speak against the measure and stated:

"Mr. President, many of us may not be aware that the regulation of interest originated approximately 5,000 years ago when the charging of any interest was prohibited.

"Today, only unconscionable interest rates are prohibited by usury statutes and although usury once referred to the charging of any interest, the term has evolved to mean only the charging of excessive

interest. A valid construction of usury statutes requires an understanding of the social purposes that underlie them. At least two goals are commonly advanced by general usury laws. One is the fixing of interest itself and, two, the protection of borrowers from excessive rates of interest.

"Despite the shift from strict prohibition to the explicit approval of interest charging, the moral opposition to interest charges persists. One reason for this is the recognition that inequalities in bargaining power create a need to protect individuals from oppressive bargains. For instance, a substantial number of small loans are used by consumers for emergency situations and such borrowers are willing to pay extremely high interest rates to obtain the credit.

"Usury laws minimize the extent to which lenders can take advantage of desperate or inexperienced borrowers by setting a maximum conscionable limit on interest rates, a safety net, so to speak. This situation is similar to adhesion contracts in the area of installment sales. The borrower in that case has no room to negotiate and is forced to agree to the terms and conditions of the seller's contract. The similarity here is that a person who goes to a bank to make a loan is presented with a contract; he has no room to negotiate if he wants the funds; he must agree to the terms, the conditions, and the interest rate being charged by the lender.

"By spelling out in statute a lower interest ceiling, we are affording this person some measure of protection against those who are in the position of dictating the terms of the contract.

"Since 1980 when the ceiling was increased to 24 percent, surveys have shown that the interest rates for savings and loans institutions averaged about 18 percent and only once in 1981 did it go as high as 19 percent. This being the case, why is it necessary for us to set such a high ceiling as 24 percent and almost invite or tempt, if you will, these financial institutions to increase their rates and thereby destroying any protection we may be able to afford the small borrower?

"The committee report states that there is a trend in the nation to reduce, or to do away with the ceilings. Well, then, if this is the rationale for us to pass a measure

such as this, perhaps we should use this rationale also to reinstate the death penalty clause in the state. Not that I am an advocate of the death penalty clause.

"Also, the committee report states that it must institute this 'drop dead' clause this year although it was to be looked at next year, and it goes on to state that the reason for this is because we have budget considerations to review, we have the state plans, we have tax revisions, and other pressing issues.

"The point I think that we should try to make is that we are dealing with individual rights here as opposed to the concerns of the large financial institutions and as such I don't think that we should be rushing into passing this measure this year. That we should, perhaps, consider looking at it next year when it would be up for consideration.

"I think this is something that concerns most people, most consumers, and I ask you to consider very carefully the passage of this bill. We are dealing here with individual rights as opposed to the concerns and the needs of large financial institutions and as such I think we should weigh the facts in favor of the individual.

"Thank you."

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

"Mr. President, very briefly, I think a little background is important.

"In 1980, the Federal Congress passed a measure that in effect gave the states three years in which to take action of their own on the question of usury. Otherwise, the states would be preempted by the federal law, which in effect repealed all provisions and all ceilings on usury; and the only protection that would have then been existent would have been Federal Regulation Z which sets out loan standards and computation of charges as well as disclosure requirements.

"Hawaii was one of the first states in 1980 to take advantage of the federal law and said no, we choose to reject the federal law of totally no ceilings and no control and instead reimpose our own ceilings. And that was done. The five-year 'drop dead' was put on at that time to sunset effective June 30, 1985.

"In terms of what most states are doing, the evidence presented before the committee showed that most states are repealing usury ceilings on commercial loans and raising them on consumer loans, not as a function of deliberately increasing interest rates, but rather to allow the marketplace forces to work.

"The State of New York, for example, has repealed all interest rates and, in effect, they have adopted the federal position. We didn't go that far in Hawaii. We felt that we should maintain a 24 percent rate for industrial loans and an 18 percent rate for other financial institutions under Chapter 476.

"I think, Mr. President, the clearest thing this bill recognizes is, the cost of money is a national phenomenon, not a state one, and that money market rates and the cost of money are set nationally, not locally; that money is entirely free-flowing; and if a state has unrealistically low or restrictive interest ceilings, capital is denied that state or it flows out of it or lenders who are foreign to that state would then be making a loan under the auspices of their own state laws or federal laws.

"In short, Mr. President, the experience on usury over the last four years has demonstrated that the free market works. The only abuse that I have really discovered in the four years of monitoring this has been in the area of agreements of sale and, as alluded to earlier, that area is addressed in the bill. There was evidence, Mr. President, of long-term loan commitments being made primarily on variable rates that would go far beyond the June 30, 1985 cutoff, and if the cutoff rates were then lower than the cost of money, either the loan activity would stop or would have to be renegotiated or capital would be denied.

"Mr. President, there's some rather dramatic evidence about the rise and fall of the prime rate in the cost of money and I would like to share, in summary form, that information with the members of the Senate.

"The fastest increase in the prime rate occurred from August 23, 1980 to December 19, 1980, a period of 121 days in which the prime rate rose 11½ percent. The fastest decrease occurred from April 17 to July 23, 1980, a period of 98 days in which the prime rate decreased 9 percent from 20 to 11. All that indicates,

Mr. President, is that the prime rate is very clearly subject to high degrees of fluctuation, largely in periods when we are not in session and not able to address the problem.

"Allusion was made, also, to this being an industry bill. This bill and the whole subject of usury was addressed by a group including members of the Department of Commerce and Consumer Affairs last year. In fact, the area of industrial loans as well as the overall area of usury was so addressed per request of the committee because we wanted to have clear evidence, one way or another, as to how well it either was working or was not working and what changes would be necessary.

"Mr. President, I think it's very clear in the committee report that, if we have an unrealistically low ceiling in terms of today's cost of money, it's the small borrowers who won't be able to get the loans. And in a companion bill, 1747, which incorporates the protections of Regulation Z, the computation of interest is very strict; the points application charges and other fees are computed as interest under Regulation Z, so that there would be a lower rate to the consumer.

"The essence of this bill, Mr. President, is that the free market works in an environment where we have had this ceiling of 24 percent and 18 percent, respectively, since 1980. Under the 24 percent ceiling, today's rates, given the lower cost of money in the national marketplace, are between 15 and 17 percent.

"Therefore, Mr. President, in view of the fact that it has worked, I would ask the members' support. Thank you."

Senator Cayetano then asked if the chairman would yield to a question.

The Chair posed the question and Senator Cobb asked to hear the question.

Senator Cayetano stated and inquired as follows:

"Mr. President, before I give the question, let me just state that I haven't made up my mind on how I'm going to vote on this bill.

"I find very little to disagree with the chairman in terms of his remarks regarding the impact of the Federal Government on loans and interest rates in the state. However, in

looking at the committee report I have some reservations about the reason given for acting on this bill this year instead of addressing it next session because as I read the bill the 'drop dead' deadline is in 1985, is that correct? Would the chairman explain the reason behind that portion of the bill?"

Senator Cobb answered: "Mr. President, basically, it's not only a question of us addressing a variety of other major issues not next year, but the more important reason, as I've stated previously but will elaborate on, is that there are a number of large long-term loan commitments involving construction on developments and other projects that are being made even now for a period that would considerably exceed June 30, 1985. And even though the law is silent on the question of variable loans, nevertheless, on a number of those loans, particularly on the basis of commercial loans, transactions are being made.

"If the June 30, 1985 'drop dead' went into effect the concern of both the lenders and the borrowers is that then they would either be cut off or forced to a lower rate, and if the lower rate exceeded the cost of money they would both be operating at a loss. It's been this concern that's been expressed to my committee, as well as to me personally, and is the reason I'm willing to take a look at it this year and take action on it.

"I hope that responds to the question."

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

"Mr. President, the answers to this discussion by the way, or a good portion of the discussion, took place in the caucus and it's too bad that some members, the majority of the members, were not able to attend then. I think the discussion back and forth would have been fruitful for everybody in determining how to vote.

"As one of the previous speakers indicated, this is a complicated bill. I daresay, however, it's not as complicated as the industrial loan bill that will be before us this Thursday. I certainly hope, when we have a caucus on that, that people will come and will read it inasmuch as the industrial loan company area is such a disaster in this state and before we vote these things through we should know what we're voting on.

"I certainly hope everybody that walks out of here today, if they intend to vote for this bill, can tell the people who will be affected by it exactly what it does and what the consequences are. In this particular instance, I understand what the chairman's argument is.

"The problem is one of philosophy. Inasmuch as the votes on this bill for the most part are going to be determined by the Democratic Majority in this body, I urge all the members of the Majority to consider what it is in fact they are voting for. If we are to follow the logic of the chairman we should be removing all the interest rate restrictions.

"I am familiar with the activities of the senate president in the State of New York, Senator Anderson, and the speaker of the assembly in the State of New York, Speaker Stanley Fink. I understand the reason. I think I'm at least familiar with the context in which all interest rates were removed in the State of New York. It is to accommodate the large corporations, the gigantic, in many instances Mafia-controlled construction unions and companies, who see to it that the major financial combines in New York State and those combines doing business in New York State are protected against the burgeoning deficit in this country. That's why I'm talking philosophy.

"If you think we in the State of Hawaii are not part of a possible national tragedy with respect to what might happen with what has been mentioned as the free market in terms of money considerations, we are deluding ourselves, and I'm deadly serious about it.

"Will it be possible for the chairman in rebuttal to stand up and say that the State of Hawaii and the financial transactions in Hawaii are not subject or cannot, rather, subject the national picture to any particular scrutiny with respect to whether or not what we do with this bill will affect that picture that I've just described? I understand that. But I also understand that if we are to be responsible individuals and if every state legislator, as the one in New York State has recently done, takes the attitude...oh well, that's just a problem that will have to be solved on the national level; we can't contribute anything positive to that...then what will happen is we will abrogate our responsibilities here at the local level, if we can call various states, just local.

"What we will be doing is encouraging the national and international corporations to whose benefit either the elimination of interest rates or this rise in interest rates will be, encouraging them to be able to ride out the coming financial crisis in this country. It is not an abstraction, Mr. President and members of the Majority, on the contrary, I think that the reason this is coming up a year early and the reason as the chairman of the Consumer Protection Committee indicated this is being taken up all over the country...especially in those states where there is significant control in the legislature by those who favor the large financial institutions over the consumer, and in New York State succeeding for reasons by the way which have more to do with the relationship of the president of the senate and the assembly speaker in New York with respect to certain pork barrel projects throughout New York State, etc., than it does on behalf of the consumer in loans, I can assure you...the reason that this is going on is that these people foresee in November the possibility of victory by the incumbent President of the United States and that as a result there would be a continuation of the present fiscal policies at the federal level to the detriment of these large corporations because they can see what is happening with this hemorrhaging deficit, something which, by the way, is unprecedented in this nation's history. To cite deficits of the past, including those incurred in World War II, in no way reflects the situation as it exists today for which there is no precedent.

"The only reason many of the loans now in existence are being made at the present interest rates is because of the overvaluation, the inflated valuation of the American dollar on the world market and the influx of foreign dollars into this country to take advantage of the interest rates to be made available to them. Otherwise, we would be on the brink, if not in the actual situation, of being a debtor nation. If this continues, there's going to be a hemorrhage at the federal level and there will be a situation in which the free market, which was previously mentioned, will in fact not exist.

"It is not market forces which have kept the interest rates even now at the level that they're at. On the contrary, it's for the reasons that I have just cited or from the profits of



the major corporations that are able to internally finance such expansions as they have undertaken. In many industries this is not taking place. It's being done on the backs of the ranks of the unemployed.

"We're postponing until November having to deal with the ramifications of this deficit...but I said the reason I pose this is a philosophical one and it particularly concerns members of the Majority on this floor...we have to see what's going to happen in November and try to change this situation and bring it back.

"This 'drop dead' clause takes place in 1985. Nothing will change in the law if this bill is not passed. The chairman was quite candid about this in the caucus. The 18 and 24 percent limit will remain in effect, nothing changes, and we will have the presidential election over and done with before we come into session when we have to deal with it.

"The loans that the chairman speaks about have been in the same, exact condition during the entire time that this law has been in effect; that is to say, long-term loans are made on the basis of the 18 and 24 percent figure. If we remove the 'drop dead' clause, it will still be made at the 18 and 24 percent figure. That doesn't change. That's the key to understanding why I'm making this argument to you, especially the Majority, about the philosophy of waiting until after the presidential election.

"We have heard arguments on this floor, Mr. President, and I imagine there will be arguments made in the future with respect to various bills. There's the Tax Commission report coming; there are other reports that are coming in with respect to revenues and how we are going to deal with it, etc., etc., so let's wait till next year. That argument has been made by members on this floor and will be made by others. If that's the case, then shouldn't the same logic prevail here?

"If this is in fact, if you agree, especially members of the Majority Democratic Party, that there is a fundamental decision to be made this November with respect to how we are going to deal with the national budget and its implication, then doesn't it make sense, inasmuch as the law now states that this law will 'drop dead' next year, to take it up in due course, in due time. To not do it, not take this course of action is to say...and this is something that I

think you have to keep in mind as the Majority...that you do anticipate that there's going to be chaos in the national economy with respect to what's going to be available to consumers and that we as Democrats have decided to take our stand with the banks and the major corporations and the major financial interests to see that they can ride through this particular time and we want to ride with them, as opposed to the interest of the consumer.

"If there is a change in the national office this November, we may possibly have a chance to thwart that. I foresee a terrible time, financially, for this nation and one which will affect, obviously, the economic and social well-being of this state as well.

"So, it was not for rhetorical device that I stand and oppose this bill on the basis of philosophy of the Majority Party but rather that inasmuch as the chairman has indicated that the present law as it stands will stay in effect through and until the 'drop dead' time, nothing is lost if you decide you want to let it go until next year. If things take place as I foresee it, if there are no changes in the economic posture of the President and in the national picture, it may be that the chairman will have to come in next year and say, yes, we have to take the interest rates right off; forget everything for the very survival of any kind of financial stability; that the interest rates will have to come off. I think you all know what that will mean. It will mean that we're in the throes of a financial panic which will make the previous one cited by the chairman seem mild by comparison.

"So, let us, and I mean this most sincerely, it's not so much an argument with the chairman and his committee about the consequences as it is an argument to say, why should we anticipate bailing out these people when they are doing this to protect themselves, not the consumer, prior to the 1984 presidential election which is the real focus of why the industry is trying to push it at this time...let's do our duty here in the Majority to look after the consumer interest and give ourselves the opportunity over the time allotted us in the law that we passed, and many of us on this floor were here when this law passed, to take the time to do the right thing at the right time and not anticipate a crisis on the side of those people whose interest is not that of the consumer, but in

protecting their own financial well-being at this time.

"Thank you."

Senator Kawasaki further remarked:

"Mr. President, in the interest of getting information accurately, let me just recite the five states that have done away with usury ceilings states of Nevada, New Hampshire, New Mexico, Wisconsin and Utah.

"Comments by the good Senator from the 7th District, I think, left an impression here that the Feds are really not interested at the federal level...they're not very interested in providing usury ceilings and, back in 1980, unless people at the state level enacted their own legislation regarding interest rates, that Regulation Z is going to take place or is going to be the law by which lending institutions will be regulated. As a result, we enacted our own regulations which, in my judgment, has caused a burden on the consumers.

"I have a question to ask of the chairman of the Consumer Protection Committee. I think it was last week when Congress extended the interest ceilings on credit cards, could he apprise us as to what had taken place last week in that regard?"

Senator Cobb answered: "Yes, Mr. President. My understanding is that the matter is still before Congress, having passed one house and under debate in another. Also, if it has come out of that, I have received no information as yet on any recent update; however, this bill does not address the question of credit cards. That was addressed last year when we passed the measure that said that if credit cards, because of the service fees that have been imposed by local financial institutions, that any business would have a choice on the matter of credit cards. It would either be 21 percent interest without a service fee or 18 percent with a service fee."

Senator Kawasaki continued and stated:

"All right.

"Mr. President, the reason I brought it up is because I said that I got the impression here that the Feds are really not interested in providing any kind of ceiling on interest rates chargeable to consumers, generally. But I do know that on credit card

sales interest rate up to the present is 18 percent and I think they allow few other charges but that law still is in effect today. This only points out that indeed the Federal Government is interested in protecting consumers with some ceilings on interest chargeable.

"You alluded to Regulation Z that would have taken place if we had not enacted back in 1980 our present usury ceiling laws and all laws relating to lending institutions. What kinds of interest rates in different categories of loans would Regulation Z have permitted?"

Senator Cobb, in response, stated: "Mr. President, I don't believe Regulation Z does set specific limits. It gets very specific, however, in the computation of interest rates and what charges or other items are computed in the computation of interest rates?"

Senator Kawasaki continued: "So, in effect Regulation Z still would have some measure of control in what interest rates would be allowed to be charged consumers. Is that not correct, under the Federal Regulation Z?"

Senator Cobb answered: "Not in terms of an absolute figure. It would, however, impose very specific computation requirements on what charges would be included and what charges would not be in the particular interest rate. If a firm is operating under the auspices of the federal law from 1980, it is basically operating without an interest ceiling.

"In response also, Mr. President, I would like to give a brief listing of the states and their status with usury. Based on evidence presented, the number of states with no usury is 9; the number of states with no usury for real estate loans over \$150,000 is 33; the number of states with high usury ceilings of over 25 percent is 11; the number of states with no usury for commercial loans is 45; the number of states with restrictive usury ceilings, below what we have, is 5; and the number of states with complicated usury laws (by that we mean would both exceed in some cases and be below in other cases of what Hawaii's laws are) is 12."

Senator Kawasaki further remarked: "Probably, our sources of information seem to differ quite a bit on what is the data provided us. The listing that was just cited by the Senator from the 7th District just happens to

be the listing given to us by the industry at my request at the committee hearing. However, the Legislative Reference Bureau, under our instruction, provided me even just this morning with what they consider to be the latest data, and while I don't say that theirs is a helluva lot more reliable than the industry data, let me, just to keep things in perspective, just give you a brief listing of some of the ceilings.

"In the State of Alabama, involving consumer credit accounts, the ceiling in Alabama is 8 percent; no limit on loans over \$5,000; and after July 1, 1987 there will be no ceilings on loans over \$25,000. In the State of Arkansas, the allowable interest rate ceiling under their usury laws would be 5 percent over the Federal Reserve Board discount rate, which of course varies, and not over 17 percent per year for consumer loans. In the District of Columbia, what is allowable under installment loans of various categories is 8 percent, and what is allowable in the way of interest charges for real estate mortgages would be 15 percent, maximum. In the State of Georgia, the allowable interest rate on installment loan contracts is 16 percent; on loans more than \$3,000 there's no limit, but not over 5 percent a month so for all intents and purposes that's 60 percent a year. In the State of Indiana, the interest ceiling is 21 percent for consumer related loans up to \$55,000. In the State of Kansas, the ceiling is 15 percent. In the State of Kentucky, it's 4 percent over the Federal Reserve Board discount rate, but no more than 19 percent maximum. And I could go on, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska...Nebraska, incidentally, is 16 percent and there's no limit for real estate and business loans; North Carolina; Ohio has an 8 percent ceiling, no limit on loans over \$100,000.

"The point here is that there is a very appreciable number of states that indeed have usury ceilings involving consumers and, more importantly, consumers in the category that I am concerned about...the consumers who do not have assets and who are not in the position to be able to borrow money at reasonable rates of interest, they have to borrow money at a high rate of interest.

"The point is that it is not as if most of the states in the union have

done away with usury laws. Usury laws are very much in existence today and in most cases their limits are much lower than what we allow."

Senator Abercrombie added to his remarks as follows:

"Mr. President, just to bring a final focus to this for the members' attention.

"Not everybody on the floor may be familiar with Regulation Z. They think it's part of a book on Japanese industrialism. But the chairman of the Consumer Protection Committee is quite right that Regulation Z is a calculation device and what it guarantees...but I hesitate to use the word 'guarantee' because we might think about a certain 'Guaranty' corporation and we all know how much that's worth...but what it does is to make sure that it is a series of charges that can be included in various loans are calculated into the final figure of whatever that figure may be if there is a restriction with respect to the percentage of interest that could be charged, so that if you have a 25 percent interest rate, for example, and there are various charges associated with the making of that loan, that those charges will be included when you calculate the 24 percent. I think I've stated that essentially correct.

"Now, the point here, members, is this, has there been a compelling argument made on this floor for passing this legislation, getting rid of the 'drop dead' clause a year early? If you can honestly answer to yourself that there is compelling argument, other than vague references to loans being made into the future when the chairman himself has indicated that these figures, 18 and 24 percent, will remain in effect regardless of whether this bill passes today, then it seems to me you can't in good conscience vote, yes.

"There's not a compelling argument for changing it; then why vote for it now? There can be only one real reason for that. It's the companies represented here...looking to the future, seeing some kind of potential disaster and asking us to take them off the hook ahead of time. I don't think we in the Majority Party should be doing that. I don't think that we should be taking that kind of an attitude. If we really believe, and if we pass this bill today because we really believe that's what's going to happen, I would like to know from those of you who are voting for it,

just what you exactly intend to do and what you have under way right now in your committees or in your legislation that is going to address the financial disaster that you are anticipating by virtue of this vote, other than taking care of the relative few who will be the immediate beneficiaries. I think that's a fair question. I think it's a fair question you should ask yourself.

"So, I don't deny that we have a crisis that needs to be dealt with. What I am saying is that no compelling case has been made to accelerate changes in this law beyond that was contemplated when we passed it in 1980 and that, on the other hand, it puts up a flag, if you will, for us waving very, very clearly, a clear signal to us that we have to deal with the ramifications of what this problem embodies and what the intent of this legislation portends for us in terms of a possible economic crisis, nationally, and its implications for us locally.

"Thank you."

The motion was put by the Chair

and carried and, Roll Call vote having been requested, S.B. No. 2087-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Yamasaki, chairman of the Ways and Means Committee requested a waiver of the 48-hour Notice of a Public Hearing on Senate Bill No. 538 (1983) listed on the amended agenda of the Senate Ways and Means Committee's hearing notice for Wednesday, March 7, 1984, and the President granted the waiver.

#### ADJOURNMENT

At 12:49 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 7, 1984.

## THIRTIETH DAY

Wednesday, March 7, 1984

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

The Divine Blessing was invoked by Chaplain Thomas S. Olszyk, Captain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senator Abercrombie who was excused.

The Chair announced that he had read and approved the Journal of the Twenty-Ninth Day.

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

Senator Fernandes Salling introduced 56 students from the Kapaa Elementary School's "Gifted and Talented" class. They were accompanied by their teachers: Cherylyn Inouye, Lynn Muramoto, Lydia Odo, Lynette Mizuo, Charlene Quinones and Naomi Tamashiro.

Senator Holt introduced 25 fourth graders from Kamehameha School, accompanied by their teacher, Mrs. Joanne Wong.

Senator Cobb then rose and stated:

"Mr. President, on behalf of all members of the Senate, it is a real pleasure to introduce a very special guest, the 1984 Poster Child of the Easter Seal Society, William B. J. Kelly, Jr.. The Easter Seal Society Campaign provides direct services, since 1947, for all persons with disabling conditions in the State of Hawaii.

"With Billy, are Mr. Bill Hindman, the Executive Director and Mr. Lowell Grant, representative of the Board of Directors of the Easter Seal Society Campaign; and Mrs. Gail Kelley, the mother of our honoree.

"Last and most importantly, Mr. President, the honoree for today's ceremony, Master William "BJ" Kelley, Jr."

Bill Kelley was presented with leis and balloons by Senators Cobb, Kuroda and Solomon.

At 11:46 o'clock a.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

At this time, Senator Solomon rose to make a late introduction as follows:

"Mr. President, it gives me great pleasure at this time to introduce our Kohala High School varsity basketball team. I have a certificate for them, and I would like them to stand and be recognized.

"They captured the North Division Big Island Interscholastic Federation 1983-1984 overall basketball championship for the second consecutive year.

"Also, Mr. President, I would like to acknowledge their head coach, Mr. Joseph Mattos; assistant coach, Mr. Clifford Aiona; and vice principal, Mrs. Smith.

"This is a real great pleasure, Mr. President, due to the fact that Kohala is considered one of the smallest communities on the Big Island and this is indeed an honor for our town, and of course, an honor for me as their Senator. Thank you."

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 55 to 57) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 55), transmitting House Bill No. 1878-84, which passed Third Reading in the House of Representatives on March 6, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1878-84, entitled: "A BILL FOR AN ACT RELATING TO LAND SALES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 56), transmitting House Bill No. 2108-84, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2108-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 57), transmitting House Bill No. 2160-84, which passed Third Reading in the House of Representatives on March 6, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2160-84, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

#### STANDING COMMITTEE REPORTS

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 151-84) recommending that Senate Bill No. 1557-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1557-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 9, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 152-84) recommending that Senate Bill No. 1539-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1539-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third

Reading on Friday, March 9, 1984.

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

The Senate reconvened at 11:56 o'clock a.m.

#### ORDER OF THE DAY

MATTER DEFERRED  
FROM MARCH 6, 1984

#### THIRD READING

Senate Bill No. 1572-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1572-84, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5  
(Abercrombie, B. Kobayashi,  
Machida, Toguchi and Yamasaki).

#### THIRD READING

Senate Bill No. 2049-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2049-84, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5  
(Abercrombie, B. Kobayashi,  
Machida, Toguchi and Yamasaki).

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

#### ADJOURNMENT

At 12:09 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 8, 1984.

## THIRTY-FIRST DAY

Thursday, March 8, 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 Pastor Clifford Hoff of the Olivet Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie, Ajifu, Chang, Fernandes Salling, Henderson, B. Kobayashi, Machida, Mizuguchi and Yamasaki who were excused.

The Chair announced that he had read and approved the Journal of the Thirtieth Day.

Senator Hagino then introduced to the members of the Senate a group of 40 students from Lellehua High School, his alma mater, who were accompanied by their teachers, Mr. Glen Arita and Mrs. Ella Lacerdo.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 58 to 83) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 58), transmitting House Concurrent Resolution No. 17, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPEDITING OF CUSTOMS AND IMMIGRATION PROCESSING FOR FOREIGN VISITORS TO HAWAII," was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 59), transmitting House Concurrent Resolution No. 19, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 19, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was referred to the Committee on Agriculture, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 60), transmitting House Concurrent Resolution No. 20, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 20, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Education, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 61), transmitting House Concurrent Resolution No. 21, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HEALTH FUNCTIONAL PLAN," was referred to the Committee on Health, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 62), transmitting House Concurrent Resolution No. 22, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 22, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE WATER RESOURCES DEVELOPMENT FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 63), transmitting House Concurrent Resolution No. 23, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE RECREATION FUNCTIONAL PLAN," was referred to the Committee on Tourism, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 64), transmitting House Concurrent Resolution No. 24, H.D. 1, which was adopted by the

House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 24, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE CONSERVATION LANDS FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 65), transmitting House Concurrent Resolution No. 25, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 25, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HISTORIC PRESERVATION FUNCTIONAL PLAN," was referred to the Committee on Tourism, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 66), transmitting House Concurrent Resolution No. 26, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 26, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TOURISM FUNCTIONAL PLAN," was referred to the Committee on Tourism, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 67), transmitting House Concurrent Resolution No. 27, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 27, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE ENERGY FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 68), transmitting House Concurrent Resolution No. 28, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 28, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HOUSING FUNCTIONAL PLAN," was referred to the Committee on Housing and Urban

Development, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 69), transmitting House Concurrent Resolution No. 29, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 29, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TRANSPORTATION FUNCTIONAL PLAN," was referred to the Committee on Transportation, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 70), transmitting House Concurrent Resolution No. 30, H.D. 1, which was adopted by the House of Representatives on March 7, 1984, was placed on file.

By unanimous consent, H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HIGHER EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Higher Education, then to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 71), transmitting House Bill No. 1697-84, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1697-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 72), transmitting House Bill No. 1702-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

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," passed First Reading by title and was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 73), transmitting House Bill No. 1735-84, which passed



Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1735-84, entitled: "A BILL FOR AN ACT RELATING TO THE STATE DEPARTMENT OF DEFENSE," passed First Reading by title and was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 74), transmitting House Bill No. 1747-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1747-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 75), transmitting House Bill No. 1753-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1753-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE HAWAII FISHERIES COORDINATING COUNCIL," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 76), transmitting House Bill No. 1779-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1779-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 77), transmitting House Bill No. 1816-84, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1816-84, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 78), transmitting House Bill No. 1817-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1817-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 79), transmitting House Bill No. 2026-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2026-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 80), transmitting House Bill No. 2029-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2029-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 81), transmitting House Bill No. 2107-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2107-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT

PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 82), transmitting House Bill No. 2114-84, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2114-84, H.D. 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 386-98, HAWAII REVISED STATUTES, RELATING TO THE WORKERS' COMPENSATION LAW," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 83), transmitting House Bill No. 2568-84, which passed Third Reading in the House of Representatives on March 7, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2568-84, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed First Reading by title and was referred to the Committee on Economic Development.

#### STANDING COMMITTEE REPORTS

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 153-84) recommending that Senate Concurrent Resolution No. 4 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. 4, entitled: "SENATE CONCURRENT RESOLUTION CONCURRING WITH THE AMENDMENT OF EXECUTIVE ORDER NO. 1446 COVERING THE WAIKIKI WAR MEMORIAL PARK AND NATATORIUM," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 154-84) recommending that Senate Bill No. 1499-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1499-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 155-84) recommending that Senate Bill No. 1708-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1708-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 156-84) recommending that Senate Bill No. 1865-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1865-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 157-84) recommending that Senate Bill No. 1519-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1519-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CLEARINGHOUSE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 158-84) recommending that Senate Bill No. 1721-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1721-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 159-84) recommending that Senate Bill No. 1981-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1981-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEDICABS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 160-84) recommending that Senate Bill No. 1577-84, as amended in S.D. 1, pass First Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1577-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading and was referred to the Committee on Ways and Means.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

#### ORDER OF THE DAY

#### THIRD READING

#### MATTERS DEFERRED FROM MARCH 6, 1984

Senate Bill No. 1747-84, S.D. 1:

By unanimous consent, action on S.B. No. 1747-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was deferred until Friday, March 9, 1984.

Senate Bill No. 2242-84, S.D. 1:

By unanimous consent, action on S.B. No. 2242-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," was deferred until Friday, March 9, 1984.

#### RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills:

Senate Bill No. 100 which was introduced in the Regular Session of 1983 to the Committee on Ways and Means.

Senate Bill No. 1509-84 which was introduced on Wednesday, February 1, 1984, to the Committee on Ways and Means.

Senate Bill No. 1709-84 which was introduced on Thursday, February 9, 1984, to the Committee on Ways and Means.

The Chair then made the following observation:

"Members of the Senate are reminded that, with the exception of the CIP bill, Senate bills must be on deck tomorrow for third reading on Monday.

"In accordance with the agreement with the House, the CIP bill will be decked on Monday for third reading on Wednesday.

"All Senators are requested to be in the Capitol building to be available to sign committee reports today and tomorrow. It is a great inconvenience to everyone concerned when committee members are not available for signatures.

"Depending on the number of committee reports circulating tomorrow, the Chair is considering an afternoon session and, if necessary, an evening session. Please keep your schedules open tomorrow.

"Committee chairmen are asked to submit their completed committee reports to the Clerk's office this afternoon and not wait until tomorrow, thus compounding our 'logjam' problem which occurs here on

third reading bills.

o'clock a.m.

"The Chair will appreciate your cooperation."

ADJOURNMENT

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

At 11:55 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 9, 1984.

The Senate reconvened at 11:54

## THIRTY-SECOND DAY

Friday, March 9, 1984

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

The Divine Blessing was invoked by Sister Claudia Wong, C.S.J., of the Chaminade Campus Ministry, after which the Roll was called showing all Senators present with the exception of Senators Cobb and Chang who were excused.

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

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

Senator Toguchi introduced Mr. Willie Luna of the National Education Association from Washington, D.C.

Senator Henderson, on behalf of the Senate, introduced three 8th grade students from Sacred Hearts Academy on Waiālae Avenue: Chisa Hashimoto, Julie Watarai and Lorianne Mesina.

Senator Uwayne, on behalf of Senator B. Kobayashi and himself, introduced 120 fifth grade students from Ala Wai Elementary School, accompanied by their teachers: Mrs. Edna Fujiwara, Ms. Faith Okuhara, Ms. Betty Muraoka, Eunice Higashi, and Ms. Lynn Gillin, a University of Hawaii student.

Senator Hagino then introduced three ladies representing the Areawide Horizons: Jean Fowlds, Lillian Yoshida and Debra Knight.

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

The Senate reconvened at 11:49 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 215 and 224)) were read by the Clerk and were disposed of as follows:

A message from the Governor transmitting (Gov. Msg. No. 215), recommending immediate passage of House Bill 212-83, appropriating funds to implement the negotiated 1983-85 collective bargaining

agreements with bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 13; and the arbitrated collective bargaining agreement with bargaining unit 11, was referred to the Committee on Ways and Means.

A message from the Governor transmitting (Gov. Msg. No. 216), recommending immediate passage of House Bill 223-83, as amended in the attached, appropriating funds for salary adjustments for personnel excluded from bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 13, and members of the excluded managerial compensation plan, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 217), submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nominations of James Philip Barr and Calvin H. Oda, terms to expire December 31, 1987, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 218), submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of Patrick H. Nam, O.D., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 219), submitting for consideration and confirmation to the Hawaii Education Council, the nomination of Arthur Fumio Koga, term to expire December 31, 1986, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 220), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Kauai County Hospital System, the nominations of Zecil Kaplan and Samuel E. Meyer, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 221), submitting for consideration and confirmation to the Board of Trustees, Hawaii Public Employees Health Fund, the nominations of the following:

Dayton M. Nakanelua, term to expire December 31, 1986; and

Lorraine N. Shimamura, term to

expire December 31, 1984,

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 222), submitting for consideration and confirmation to the Progressive Neighborhoods Task Force, the nominations of the following:

Ruby L. Hargrave, term to expire December 31, 1984; and

Mark Henry Suiso, term to expire December 31, 1987; and

Louis Hao, term to expire December 31, 1987,

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 223), submitting for consideration and confirmation to the State Highway Safety Council, the nomination of Herbert S. Tsuda, term to expire December 31, 1984, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 224), submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District, the nomination of Harold Aiu, term to expire December 31, 1987, was referred to the Committee on Ways and Means.

#### HOUSE COMMUNIATIONS

The following communications from the House (Hse. Com. Nos. 84 to 95) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 84), transmitting House Bill No. 1637-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 1637-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 85), transmitting House Bill No. 1681-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 1681-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 86), transmitting House Bill No. 1716-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 1716-84, H.D. 1, entitled: A BILL FOR AN ACT RELATING TO THE PRACTICE OF LAW," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 87), transmitting House Bill NBo. 1757-84, which passed Third Reading in the House of Representatives on March 8, 1984 was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 1757-84, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 88), transmitting House Bill No. 1758-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 1758-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CLEARINGHOUSE," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 89), transmitting House Bill No. 1764-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 1764-84, H.D. 1, entitled: A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," passed First Reading by title and was

referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 90), transmitting House Bill No. 2020-84, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 2020-84, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 91), transmitting House Bill No. 2075-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 2075-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 92), transmitting House Bill No. 2139-84, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 2139-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL CATAMARANS," passed First Reading by title and was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 93), transmitting House Bill No. 2246-84, H.D. 2, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 2246-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASES OF REAL PROPERTY," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Judiciary.

A communication from the House

(Hse. Com. No. 94), transmitting House Bill No. 2386-84, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 2386-84, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed First Reading by title and was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 95), transmitting House Bill No. 2396-84, which passed Third Reading in the House of Representatives on March 8, 1984, was placed on file.

On motion by Senator Kuroda, seconded by Senator Soares and carried, H.B. No. 2396-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

At this time, the Chair made the following announcement:

"Members of the Senate, before going into recess to return at 4:00 o'clock to take up all third reading bills, the Journal will be left open to receive standing committee reports on additional bills to be placed on each member's desk. I would like to request all Senators remain in the building to be available to sign committee reports."

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 43), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A STATE TOURISM CONFERENCE TO DEVELOP A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY," was offered by Senators Kuroda, Fernandes Salling, Carpenter, Ajifu,

Soares, George, Solomon, Young, Chang, Cayetano, Toguchi, Yamasaki, Mizuguchi, Machida, Holt, Uwayne, Abercrombie, Aki, Cobb, A. Kobayashi and B. Kobayashi, and was read by the Clerk.

On motion by Senator Kuroda, seconded by Senator Soares and carried, S.C.R. No. 43 was referred to the Committee on Tourism.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 50 to 52) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 50), entitled: "SENATE RESOLUTION REQUESTING THE CONVENING OF A STATE TOURISM CONFERENCE TO DEVELOP A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY," was offered by Senators Kuroda, Fernandes Salling, Carpenter, Ajifu, Soares, George, Solomon, Young, Chang, Cayetano, Toguchi, Yamasaki, Mizuguchi, Machida, Holt, Uwayne, Abercrombie, Aki, Cobb, A. Kobayashi and B. Kobayashi.

By unanimous consent, S.R. No. 50 was referred to the Committee on Tourism.

A resolution (S.R. No. 51), entitled: "SENATE RESOLUTION URGING EMPLOYERS TO DEVELOP POLICIES TO HIRE, RETAIN, AND PROMOTE OLDER WORKERS," was offered by Senator Uwayne.

By unanimous consent, S.R. No. 51 was referred to the Committee on Human Resources.

A resolution (S.R. No. 52), entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," was offered by Senator Uwayne.

By unanimous consent, S.R. No. 52 was referred to the Committee on Human Resources, then to the Committee on Legislative Management.

#### STANDING COMMITTEE REPORTS

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 161-84) recommending that the Senate advise and consent to the nomination of Burt K. Tsuchiya to the Board of Regents, University of Hawaii, term to expire December 31, 1987, in accordance

with Governor's Message No. 166.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 161-84 and Gov. Msg. 166 was deferred until Monday, March 12, 1984.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 162-84) recommending that Senate Bill No. 1938-84, as amended in S. D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1938-84, S. D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984, 1984.

Senator Kuroda, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 163-84) recommending that Senate Bill No. 1824-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1824-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 164-84) recommending that Senate Bill No. 2025-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2025-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 165-84) recommending that Senate Bill No. 1024, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.



On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the majority of the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 166-84) recommending that Senate Bill No. 1689-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1689-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 167-84) recommending that Senate Bill No. 2065-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2065-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 168-84) recommending that Senate Bill No. 1518-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1518-84, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 169-84) recommending that Senate Bill

No. 1529-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1529-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 170-84) recommending that Senate Bill No. 1530-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1530-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 171-84) recommending that Senate Bill No. 1878-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1878-84, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 172-84) recommending that Senate Bill No. 1921-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1921-84, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENT WATER HEATERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on

Economic Development, presented a report (Stand. Com. Rep. No. 173-84) recommending that Senate Bill No. 2179-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2179-84, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 174-84) recommending that Senate Bill No. 2180-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2180-84, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 175-84) recommending that Senate Bill No. 1528-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1528-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE HAWAII FISHERIES COORDINATING COUNCIL," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 176-84) recommending that Senate Bill No. 2040-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2040-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS,"

passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 177-84) recommending that Senate Bill No. 1956-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1956-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 178-84) recommending that Senate Bill No. 1872-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1872-84, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 179-84) recommending that Senate Bill No. 2157-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2157-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 180-84) recommending that Senate Bill No. 1556-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1556-84, entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 181-84) recommending that Senate Bill No. 1717-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1717-84, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING FACILITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 182-84) recommending that Senate Bill No. 1537-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1537-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 183-84) recommending that Senate Bill No. 1746-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1746-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on

Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 184-84) recommending that Senate Bill No. 1741-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1741-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 185-84) recommending that Senate Bill No. 1552-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1552-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 186-84) recommending that Senate Bill No. 1642-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1642-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

#### ORDER OF THE DAY

##### THIRD READING

##### MATTERS DEFERRED FROM MARCH 8, 1984

Senate Bill No. 1747-84, S.D. 1:

By unanimous consent, action on S.B. No. 1747-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 2242-84, S.D. 1:

By unanimous consent, action on S.B. No. 2242-84, S.D. 1, was deferred to the end of the calendar.

### THIRD READING

Senate Bill No. 1557-84, S.D. 1:

By unanimous consent, action on S.B. No. 1557-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1539-84:

By unanimous consent, action on S.B. No. 1539-84, was deferred to the end of the calendar.

### RE-REFERRAL OF SENATE BILL

The President re-referred Senate Bill No. 2139-84, which was introduced on February 14, 1984, to the Committee on Economic Development.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

AT 12:05 o'clock p.m., on motion by Senator Kuroda, seconded by Senator Soares and carried, the Senate stood in recess until 4:00 o'clock p.m., this afternoon.

### EVENING SESSION

The Senate reconvened at 9:30 o'clock p.m., with the President in the Chair and all Senators present, with the exception of Senators Abercrombie, Carpenter, Fernandes Salling and Machida who were excused.

### STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 187-84) recommending that Senate Bill No. 1668-84, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 187-84 and S.B. No. 1668-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was deferred until Monday, March 12, 1984.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 188-84) recommending that Senate Bill No. 1605-84 pass Second Reading and be

placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1605-84, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 189-84) recommending that Senate Bill No. 2123-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2123-84, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 190-84) recommending that Senate Bill No. 1835-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1835-84, S. D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 191-84) recommending that Senate Bill No. 2124-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2124-84, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development,

presented a report (Stand. Com. Rep. No. 192-84) recommending that Senate Bill No. 1569-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1569-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 193-84) recommending that Senate Bill No. 1704-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1704-84, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 194-84) recommending that Senate Bill No. 1707-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1707-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 195-84) recommending that Senate Bill No. 1710-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1710-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS

AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 196-84) recommending that Senate Bill No. 1711-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1711-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 197-84) recommending that Senate Bill No. 1713-84, as amended in S.D. 1; pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1713-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 198-84) recommending that Senate Bill No. 1811-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1811-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 199-84) recommending that

Senate Bill No. 1822-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1822-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 200-84) recommending that Senate Bill No. 2247-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2247-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 201-84) recommending that Senate Bill No. 2248-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2248-84, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 202-84) recommending that Senate Bill No. 2251-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2251-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 203-84) recommending that Senate Bill No. 2212-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2212-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 204-84) recommending that Senate Bill No. 1512-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1512-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 205-84) recommending that Senate Bill No. 1515-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1515-84, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 206-84) recommending that Senate Bill No. 1516-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1516-84, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 207-84) recommending that Senate Bill No. 1585-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1585-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 208-84) recommending that Senate Bill No. 1586-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1586-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 209-84) recommending that Senate Bill No. 1842-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1842-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 210-84) recommending that Senate Bill No. 2136-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2136-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading

and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 211-84) recommending that Senate Bill No. 1702-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1702-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 212-84) recommending that Senate Bill No. 1565-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1565-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 213-84) recommending that Senate Bill No. 1871-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1871-84, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 214-84) recommending that Senate Bill No. 1555-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1555-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 215-84) recommending that Senate Bill No. 1816-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1816-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 216-84) recommending that Senate Bill No. 1995-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1995-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 217-84) recommending that Senate Bill No. 1675-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1675-84, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce,

presented a report (Stand. Com. Rep. No. 218-84) recommending that Senate Bill No. 1748-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1748-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY IN DESIGNATED AREAS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 219-84) recommending that Senate Bill No. 1540-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1540-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 220-84) recommending that Senate Bill No. 2050-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2050-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 221-84) recommending that Senate Bill No. 1517-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1517-84, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.



Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 222-84) recommending that Senate Bill No. 2206-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2206-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 223-84) recommending that Senate Bill No. 2012-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2012-84, entitled: "A BILL FOR AN ACT RELATING TO WITNESS IMMUNITY PROCEDURES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 224-84) recommending that Senate Bill No. 1979-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1979-84, entitled: "A BILL FOR AN ACT RELATING TO STYLE OF PROCESS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 225-84) recommending that Senate Bill No. 1893-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1893-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading

and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 226-84) recommending that Senate Bill No. 1732-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1732-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 227-84) recommending that Senate Bill No. 1729-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1729-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 228-84) recommending that Senate Bill No. 1726-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1726-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 229-84) recommending that Senate Bill No. 1725-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.B. No. 1725-84, S.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 230-84) recommending that Senate Bill No. 1566-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1566-84, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF OFFENDERS UNDER TREATY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 231-84) recommending that Senate Bill No. 784, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 784, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 232-84) recommending that Senate Bill No. 1575-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1575-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 233-84) recommending that Senate Bill No. 1940-84 pass Second Reading and be placed on the calendar for Third Reading.

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

was adopted and S.B. No. 1940-84, entitled: "A BILL FOR AN ACT RELATING TO FENCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 234-84) recommending that Senate Bill No. 1951-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1951-84, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 235-84) recommending that Senate Bill No. 2041-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2041-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF DEALERS IN FARM PRODUCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 236-84) recommending that Senate Bill No. 1855-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1855-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 237-84) recommending that Senate Bill No. 1874-84, as amended in S.D. 1, pass Second Reading and

be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1874-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 238-84) recommending that Senate Bill No. 1694-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1694-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 239-84) recommending that Senate Bill No. 2131-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2131-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 240-84) recommending that Senate Bill No. 2056-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2056-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 241-84) recommending that Senate Bill No. 1815-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1815-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 242-84) recommending that Senate Bill No. 2196-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2196-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 243-84) recommending that Senate Bill No. 1867-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1867-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 244-84) recommending that Senate Bill No. 2243-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2243-84,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 245-84) recommending that Senate Bill No. 1629-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1629-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 246-84) recommending that Senate Bill No. 300, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 247-84) recommending that Senate Bill No. 1513-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1513-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 248-84) recommending that Senate Bill No. 761 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 248-84 and

S.B. No. 761, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 249-84) recommending that Senate Bill No. 1712-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1712-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 250-84) recommending that Senate Bill No. 2057-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2057-84, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 251-84) recommending that Senate Bill No. 2128-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2128-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 252-84) recommending that Senate Bill No. 1881-84 pass Second Reading and be placed on the

calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1881-84, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 253-84) recommending that Senate Bill No. 1560-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1560-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 254-84) recommending that Senate Bill No. 1549-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1549-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 255-84) recommending that Senate Bill No. 2100-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2100-84, entitled: "A BILL FOR AN ACT RELATING TO DIRECTORY ADVERTISING BY CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on

Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 256-84) recommending that Senate Bill No. 1740-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1740-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senators Solomon and B. Kobayashi, for the Committee on Education and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 257-84) recommending that Senate Bill No. 1766-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.B. No. 1766-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senators Chang and B. Kobayashi, for the Committee on Judiciary and the Committee on Transportation, presented a report (Stand. Com. Rep. No. 258-84) recommending that Senate Bill No. 524, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 258-84 and S.B. 524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND HIGHWAY SAFETY," was deferred to the end of the calendar.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 259-84) recommending that Senate Bill No. 1820-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1820-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO

THE BICYCLE LAWS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 260-84) recommending that Senate Bill No. 2184-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2184-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 261-84) recommending that Senate Bill No. 2156-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2156-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 262-84) recommending that Senate Bill No. 1562-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1562-84, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senators B. Kobayashi and Cobb, for the Committee on Transportation and the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 263-84) recommending that Senate Bill No. 1693-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.B. No. 1693-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 264-84) recommending that Senate Bill No. 2085-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 2085-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 265-84) recommending that Senate Bill No. 1745-84, as amended in S. D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1745-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Yamasaki for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 266-84) recommending that House Bill No. 530 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 266-84 and H.B. 530, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS IN THE PLANNING AND DEVELOPMENT OFFICE OF THE DEPARTMENT OF AGRICULTURE," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com.

Rep. No. 267-84) recommending that House Bill No. 531 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 267-84 and H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN EMPLOYEES IN THE DIVISION OF MILK CONTROL OF THE DEPARTMENT OF AGRICULTURE," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 268-84) recommending that Senate Bill No. 1577-84, S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.B. No. 1577-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 269-84) recommending that Senate Bill No. 1541-84 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 269-84 and S.B. No. 1541-84, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 270-84) recommending that Senate Bill No. 1546-84, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 270-84 and S.B. No. 1546-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 271-84) recommending that Senate Bill No. 2093-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

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

was adopted and S.B. No. 2093-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 272-84) recommending that Senate Bill No. 1800-84, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 272-84 and S.B. No. 1800-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING PROCESSING ENTERPRISES," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 273-84) recommending that Senate Bill No. 1839-84 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 273-84 and S.B. No. 1839-84, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 274-84) recommending that Senate Bill No. 1949-84 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 274-84 and S.B. No. 1949-84, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 275-84) recommending that Senate Bill No. 1950-84, S.D.1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 275-84 and S.B. No. 1950-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Monday, March 12, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 276-84) recommending that Senate Bill No. 1948-84, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 276-84 and S.B. No. 1948-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Monday, March 12, 1984.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

THIRD READING

Senate Bill No. 1747-84, S.D. 1:

By unanimous consent, S.B. No. 1747-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 2242-84, S.D. 1:

On motion by Senator Kuroda, seconded by Senator Aki and carried, S.B. No. 2242-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Carpenter, Fernandes Salling and Machida)

Senate Bill No. 1557-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1557-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Carpenter, Fernandes Salling and Machida)

Senate Bill No. 1539-84:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 1539-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read

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

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Carpenter, Fernandes Salling and Machida).

MATTER DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No. 258-84 (S.B. No. 524, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 258-84 be adopted and S.B. 524, S.D. 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Soares.

Senator George then offered the following amendment:

"SECTION 1. Senate Bill 524, S.D. 1, is amended by adding two new SECTIONS to read:

1. SECTION 6. Section 281-1, Hawaii Revised Statutes, is amended by amending the definition of 'minor' to read:

'Minor' means any persons below the age of [eighteen] twenty-one years."

2. SECTION 7. Section 281-78, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

(a) At no time under any circumstances shall any liquor:

(1) Be consumed on any public highway or any public sidewalk;

(2) Be sold or furnished by any licensee to:

(A) Any minor,

(B) Any person at the time under the influence of liquor,

(C) Any person known to the licensee to be addicted to the excessive use of intoxicating liquor, or

(D) Any person for consumption in any vehicle on the licensed premises;

Provided[, ] that the sale of liquor to a minor shall not be deemed to be a violation of this subsection if, in making the sale the licensee was misled by the appearance of the minor and



the attending circumstances into honestly believing that such minor was of legal age and the licensee acted in good faith, and it shall be incumbent upon the licensee to prove that he so acted in good faith;

(3) Be consumed on the premises of a licensee or on any premises connected therewith, whether there purchased or not, except as permitted by the terms of the license;

(4) Be sold or served by any [minor] person below the age of eighteen upon any licensed premises except in such individually specified licensed establishments found to be otherwise suitable by the liquor commission in which an approved program of job training and employment for dining room waiters and waitresses is being conducted in cooperation with the University of Hawaii, or the state community college system, or federally sponsored manpower development and training program, under arrangements which ensure proper control and supervision of employees."

Senator George moved that the amendment be adopted, seconded by Senator Soares.

Senator George then rose in support of the amendment and stated as follows:

"Mr. President, the substance of the amendment has been placed on the members' desks. It refers to S.B. 524, S.D. 1; the committee report for which was circulated and put on the members' desks rather late this afternoon. I think those of us who signed it, signed it rather late."

Senator Uwaine rose on a point of order and the Chair asked him to state his point.

Senator Uwaine inquired: "I have a question as to whether or not this floor amendment is constitutionally in a proper form. I don't see the attached pages that are to be amended."

The Chair replied: "The form of the floor amendment is acceptable in the form it is presented to the Senate. I see no problem with the amendment."

Senator George continued: "Thank

you, Mr. President. I believe the amendment in this form was accepted by the Clerk to be put on the desks of the members.

"Mr. President, to put in extremely brief, even rude, words, what we are dealing with here is an amendment that proposes that this body put itself on record as to whether or not we wish to raise the drinking age to 21. There are all sorts of other things that can be said about the bill. It's a long bill; there are a lot of words in it; but really, that's what we're talking about.

"A great many of our constituents felt very strongly about this measure. Those of us on the floor, I know, have been lobbied on this measure. At some point in the evening, I was one of only two people who sat in the auditorium and listened to people lobby on this very question. I, myself, feel very strongly about it. I've been working at it for a long time. And I'd just like to know where my colleagues stand.

"Thank you, Mr. President."

Senator Soares also rose to speak in favor of the amendment as follows:

"Mr. President, it's been a very hectic session, and I think there are a number of bills which we are discussing and debating and have been for the past weeks, but none have the magnitude of the bill before us which we are amending with this amendment tonight. First of all, I should remind the members of the Majority this bill is an Administration bill, supported and endorsed by our Governor, and by the department.

"This bill has had a very thorough, long hearing. It had to be moved to the auditorium because our constituents, during a long 8-hour hearing, had their say. Unfortunately, many of them sat for many hours and were not able to actually enter testimony. I might remind the members that we're talking about the responsibility of the Senate in this issue.

"I might remind you to go back to the Advertiser poll of February 26 by Gerry Keir, and I quote: 'The new Hawaii poll conducted by The Advertiser and SMS Research Inc. shows that the strong support here for a change in the drinking age is just about equal in all segments of the population.'

"Raise the age to 21, 67% of our

constituents want this bill. We are here to represent our constituency, regardless of what the district is or where we come from, and this poll conducted by the Advertiser lays out very clearly for all of us the direction in which we should be voting on this amendment. Testimony at the hearing, overwhelming testimony, except for those interests -- the disco's and night clubs -- who have a financial interest against the drinking age, was for this bill.

"And, I think I should quote one of the most outstanding people that came that night, Mr. John V. Moulden, the Alcohol Program Coordinator from the National Transportation Safety Board who flew out all the way from Washington, D.C., for that hearing. And he says, 'I appear before you today to discuss what I believe is a national disgrace -- the death toll of young Americans involved in alcohol-related highway accidents. Americans are dying on the highways at a rate of 43,000 a year, and at least half of those deaths are the result of drunk driving.'

"It is young people, under age 21, who are most likely to drive and be involved in accidents while impaired by alcohol....

"To some, the words 'national disgrace' may sound overly dramatic but I submit that the words are rather mild considering the fact that we are talking about 4,336 deaths a year -- all of them caused by drinking drivers between the ages of 16 and 21.'

"Mr. President, at the end of the evening we had the opportunity to hear from MADD, from Carol McNamee, and her testimony covers a tremendous amount of information pointing out the high involvement, the actual figures of this age group being involved in accidents. The testimony by other members of our constituency, also overwhelmingly. There were others arguing whether it should be 18 or 19 or 20, or whether the figure should go to 24 and 27, but the fact of the matter is 18 or 21 is before us tonight, and the bill is very specific. The amendment is very clear -- either you want to raise the age to 21 on drinking or you want to vote against it, Mr. President. It's very, very clear. I'm sure that members of this body have heard from their constituents, some more than others.

"The Republican Minority feels so strongly about this issue that the

amendment should be voted up or down on the merits and rather than look at whether the votes are there to vote down the bill itself. I think the time has come to show our true colors. Do we support a very valid poll in the Advertiser, do we support nationally known figures with authentic numbers, do we support MADD in their effort to have this age raised to 21, or do we follow the leader to vote down a rare opportunity for the administration bill by the Majority, or do we vote for what our constituents want us to do? That's the question, Mr. President."

At this time, Senator Ajifu rose to speak against this amendment as follows:

"Mr. President, I'd like to state my position in terms of the amendment. The amendment proposes to amend the word 'minor' and I find that by changing this section of the law, 'minor' to 21, it brings some inconsistencies in the other parts of the statute, more particularly, to the Constitution where the Constitution provides for the qualifications of the members of the House and Senate, and in that part of the language where it states for a member to qualify, he or she must be the age of majority. The age of majority in this case, we're defining is at 21; and in the other parts of the statute, I think it's 18. And so, this is the inconsistency that I find, and therefore cannot vote for this amendment. Thank you, Mr. President."

Senator Soares then rose and stated: "Mr. President, it seems that we have our internal splitting of hairs no matter which side of the aisle you're on, and this makes it easier for us to get along with one another. However, I don't quite agree with the previous speaker on the constitutionality because the attorneys we have checked the bill over very thoroughly. I go back to my original statement, you vote up or down on this bill based on the merits of the amendment and we'll see what happens."

Senator Uwayne interjected: "I'm wondering if it's still the Minority caucus position."

Senator Soares replied: "Mr. President, we never spread the word...point of clarification, if I might. The bill is an administration bill which we are amending. Just count the votes."

Senator Cobb then rose to speak against the amendment as follows:

"Mr. President, I rise to speak against the amendment. I favor, and I have made my position known for some time to all inquiries that I have always favored, a gradual increase in the age problem from 18 to 19. First of all, to address the problem of young military soldiers coming over here, but more importantly, to remove liquor from high school campuses by going first to 19 and then within a two-year period to age 20, and then two years after that to age 21, so that no one is immediately and adversely impacted by going immediately to age 21.

"As I look at the amendment, I see that it does not address those concerns. But I have a further concern and reason why I oppose it, and that is, if we adopt this amendment, we are, in effect, adopting the House position and there would be nothing. At least as far as the drinking age is concerned, it could be resolved in the conference committee, including consideration of this gradual increase of the age. While I've always favored the gradual approach, I do not favor the sudden approach as is done here, particularly when it will remove this subject matter from the discussion of conferees because if the amendment is adopted, both the House and the Senate will have had an identical position and it will not even be subject to negotiation in conference."

Senator Ajifu rose again to explain his position as follows:

"Mr. President, just to qualify my position. I remember in 1972 when the Legislature had enacted and changed the age of majority from 20 to 18, and I voted against reducing the age to 18.

"At that time I had stated, what benefits, really, would the teenagers have by reducing that age from 20 to 18. I had said to many of the high school students at that time that the one benefit that they may have is that they may go to the bar, drink hard liquor, and I asked them at that time, is that a benefit. And so, my position is still in favor of raising the drinking age to 21. It's just that I'm opposed to the proposed amendment as to the definition, and unless there is a consistent definition throughout the statute, I feel that this is something that we ought to look at more carefully and vote this amendment down."

Senator George further stated:

"Thank you, Mr. President. I'm addressing my colleague who differs from me in this matter. A great deal of discussion was held on this in a prolonged hearing that was held in the auditorium in this building just two nights ago. As I earlier said, not very many of the people in this chamber were privileged to hear a good bit of the conversation that went on in those chambers, and part of the discussion dealt with the very matters which the colleague to my left and my neighboring colleague refers.

"Unfortunately, a great many of the people who wished to testify at that hearing were not heard...were not able to testify...and the reason for that is two people who were not members of...basically...I've got to change that, those who presented testimony were not necessarily members of the committees which were hearing the testimony. Some of the people who wished to offer testimony were people who had never participated in the political process before. Some of them were extremely nervous. I talked to some of them afterwards, yesterday, and they were still trembling and in a way they were glad they didn't have to read their testimony to whomever was left of the committee members.

"Because the proceedings were interrupted at great length by those who were not necessarily members of the committee, I am going to take the liberty of reading to you the testimony which they would have offered had they been given the opportunity at the joint committee hearings in the auditorium. You will forgive me for doing this, but I think what they have to say is so important and the groups for which they speak are so worthy and the things that they have to say so believable that I'm going to take up your time with it.

"The first one that I think I will read to you is the testimony of the Hawaii Nurses Association, who surely should have a valid opinion and one that all of us should be willing to listen to. The person who wanted to offer this testimony is Rosie Chang. Rosie is president of the Hawaii Nurses Association, and here's the testimony which she would have offered:

"My name is Rosie Chang, and I am the President of the Hawaii Nurses Association.

'Our organization is in strong support of increasing the legal drinking age to twenty-one. It is this component of S.B. 524 to which we restrict our testimony on this bill.

'We believe that raising the legal drinking age to twenty-one would reduce alcohol-related traffic accidents and deaths. As a health organization, we feel a responsibility to speak out forcefully in favor of legislation such as S.B. 524 which would result in a lessening of needless injury and death. It is important to remember that many of the victims of such happenstance are innocent people. They may even be infants and children who have not been drinking nor otherwise violating the law.

'It is, also, important to note that these accidents are costly in a monetary sense. The State of Hawaii needs to use its limited funding for Health and Human Services for a healthier Hawaii...and not for funding health care associated with needless injury.

'Statistics demonstrate that alcohol is involved in over one half of the fatal traffic accidents in the State each year. Young drivers are involved in alcohol-related traffic deaths at least twice as often as drivers in other age groups.

'It is our belief that drinking alcoholic beverages is a privilege and not a right. Inasmuch as the privilege of drinking alcoholic beverages is resulting in the aforementioned statistics, we respectfully urge that the legal drinking age in the bill be identified as twenty-one years.

'Thank you for the opportunity to testify on this matter of vital importance to the health and safety of the citizens of the State of Hawaii.'

"And I will note that Rosie Chang did not have the opportunity to testify. She left this written testimony with us which I was reading to you, and I hope you have listened to that.

"I would now like to read the testimony, which was offered by but not delivered by the Hawaii Insurers Council. Like the Nurses, the Insurers have very good reason to testify on a measure of this description. This is the statement of the Hawaii Insurers Council to the Senate on March 6, and it states:

'My name is David Ishikawa. I am

the Executive Director of the Hawaii Insurers Council. The Hawaii Insurers Council is a trade association whose members are insurance companies which write property/casualty insurance in Hawaii.

'The Hawaii Insurers Council supports the concept of raising the drinking age embodied in this bill. However, we are testifying primarily to provide the Committee with statistical information which indicates that the drinking age should be twenty-one. In considering S.B. 524, this Committee is urged to amend the bill to raise the age to twenty-one.

'Historically, i.e., until the early 1970's, most states had granted adults the right to consume alcoholic beverages at 21. In fact, a reduction in the drinking age from 21 occurred in 24 states between September 1970 and September 1973.' (You will remember that my colleague referred to similar discussion in this state.) 'There is no doubt that there were sociological reasons for this change, notably the increased number of youths in the 18-21 year old age group and the activism of this age group. However, a 1975 study of states that had lowered the drinking age to 18 indicated that there was a significant increase in fatal nighttime, single-car crashes involving not only 18-20 year olds, but those in the 15-17 year age group. In Michigan and Massachusetts, two of the earliest states to raise the age, the number of 18-20 year old drivers involved in fatal crashes increased 54% and 100%, respectively, during the first year of the law's existence.' (This is well footnoted, by the way.)

'The Hawaii Department of Transportation statistics for 1980 indicate that almost 50% of the traffic fatalities occurring among 18-24 year olds were the result of a drinking driver. Unfortunately, the Department's statistics are not broken down to look at only 18-21 year olds, however, even among 18 and 19 year olds, 25% of the fatalities were caused by a drinking driver. The possibility of a 28% reduction in fatalities, as indicated in the attached study,' (I will not read the attachment to you, ladies and gentlemen) 'would significantly affect the state.

'As I indicated before, the Hawaii Insurers Council supports an increase in the legal minimum age for drinking. The eighteen year minimum is, as we have pointed out, the result of fairly recent changes, and most states

have recognized the problems it has created. We respectfully urge this Committee to give serious consideration to the problem in Hawaii and to raise the minimum age for consumption of alcoholic beverages to 21 years.

Thank you for your consideration.'

"Another person who did not have an opportunity to testify because of the monopolistic tendency of non-committee members at the beginning of the hearing was an old friend of all of us speaking for The Hawaii Council of Churches, Emmett Cahill. However, this is from the Legislative Concerns Committee of the Council:

'Re: Senate Bill 524.

'Our Legislative Concerns Committee has addressed itself primarily to that portion of S.B. 524 which would make it illegal to sell liquor to anyone under 21. (We have not had sufficient time to study the other many portions of the bill which relate to driver licenses penalties, revocations, etc.)

'Our Committee does not attempt to prove that the age group under 21 years old has the nation's highest vehicular accident rate due to drinking because we do not have the firm data, only somewhat convincing circumstantial evidence. It might well be that equally damning statistics could be applied to persons in the 30-40 age group, or even in my own age group. (Emmett is referring to himself; it could equally apply to me.) The fact remains however that there is substantial evidence that the under 21 drivers do indeed rack up some very negative statistics in terms of driving accidents due to alcohol.

'If raising the drinking age to 21 will save just one life, and also save grievous sorrow to the family survivors, then S.B. 524 is certainly deserving of passing by this Legislature. And in this we will not be alone, for apparently at least 45 other states have similar restrictions and with much improved vital statistics in the area of lives saved.

'A final reason of ours for raising the drinking age is that this might have the effect of deterrence, or delayed drinking, if you will. Putting it in another way, this legislation could "head 'em off at the pass." The fewer people we have drinking at an early age should reduce the number of drinkers in later years.

'Our logic is that if indeed persons in their thirties may be the heaviest drinkers, then there should be fewer of them in the future if legislation cuts back on the present early drinking age.'

"I refer next to another piece of testimony which we were not privileged to hear. This was offered by the Auxiliary to the Honolulu County Medical Society, another group to have some reason to have familiarity with changes that might be effected were we to raise the drinking age to 21. The person who's testifying is Anita Di Mauro for the Medical Society Auxiliary. This is her testimony.

'Chairmen and members of the Senate Transportation and Judiciary Committees. I appreciate the opportunity to speak in favor of raising the drinking age from 18 to 21 years. I represent an organization composed of approximately 550 physician spouses.

'Why do we favor raising the drinking age to 21 years? Because it will save lives 8 to 10 teenagers a year. How do we know this? Well, in the other states where the drinking age was raised, that's what happened. There are statistics from the Insurance Institute, State and Federal Departments of Transportation and the National Highway Traffic Safety Administration which document this.

'But we realize that some of you are not sure that this is the right decision, that there are some drawbacks to raising the drinking age to 21. I recently heard someone speak on "Life's Imperfect Alternatives," and this is one of them. It has been said that raising the drinking age to 24 would be better and that perhaps to 50, the best, unless we go for total prohibition. Are we discriminating against young people? Will there be lost revenue for those selling liquor and for the State in sales tax? Will those who are already drinking suffer if we take away their privilege? We know that raising the drinking age to 21 is not a panacea for the problem -- that many areas must be addressed -- advertising, alcoholism, safety measures and education.

'As I said, this is an imperfect alternative but one that has been chosen by many of the States. Hawaii is not a pioneer in this area, we are not paving the way. We have the benefit of others' experience and yet we are still reluctant to move

forward in a positive direction. There are many national, state and community organizations which support it, both of our papers have written editorials in favor of it and local public opinion polls and petitions show how many of our citizens support this move. President Reagan's Commission on Drunk Driving did an 18 month study and proposed that Congress set a legal drinking age of 21. And one of Hawaii's most respected political leaders and citizen, United States Senator Daniel K. Inouye, has spoken out in favor of raising the drinking age to 21. (Copies of his remarks before the Hawaii Restaurant Association are included and I may read that to you too. Excerpting from it, she quotes,) '...money made in selling young people liquor is not worth the number of lives lost in drunken driving accidents.'

'I would also like to quote from a letter I received from him (that is to Ms. Di Mauro from Senator Inouye)..."my remarks regarding my belief that Hawaii should raise its drinking age were principally in my capacity as a state citizen who, like you, believes that lives will be saved by this change in the law. The President's Commission on Drunk Driving has, however, recommended federal legislation compelling this change...I hesitate to have the Congress compel such changes in State law.... Nevertheless, if the Hawaii State Legislature continues to fail to recognize the need for an amendment of the drinking age, I will seriously consider joining in support of federal legislation to that effect." You have an opportunity before you to help pass a law that has been shown to be effective in saving young lives. Thank you.'

"I have testimony here from another old friend of all of us, Clem Judd, of the Hawaii Hotel Association who, because of the length of the hearing, was not able to stay to deliver his testimony. Clem says:

'Dear Chairmen and Members:

'The Hawaii Hotel Association supports increasing the legal age for the consumption of liquor to nineteen.

'Because of the problems with control of drinking by minors in licensed premises, the hotel industry feels that an increase in the legal age to drink alcoholic beverages would be beneficial.

'In addition, the impact at schools

and other areas of the community warrant this change.

'However, we do have a concern about employment and therefore support this change provided that adults (18 year olds) can work in licensed premises.

'We recommend that 'minor' be defined as follows: (and then he gives language which he proposes)

'With this proviso, we can support increasing the legal age for drinking to nineteen.

'We do not have a position on the remainder of the bill.

'Mahalo and aloha.'

"You will notice that by the amendment which has been offered, minors would be afforded the privilege to retaining their employment in licensed premises.

"I will now read from the testimony which we were not fortunate enough to be able to hear from the Hawaii Independent Insurance Agents Association. This is another group which has every reason to offer statistical reasonableness, believability.

"This is addressed to the Committee on Transportation, Senator Bertrand Kobayashi, Chairman; Committee on Judiciary, Senator Anthony K.U. Chang, Chairman;

'From: Hawaii Independent Insurance Agents Association.

'S.B. 524

'Senators Kobayashi and Chang and members of the Committees on Transportation and Judiciary, my name is Steve O'Toole, and I am representing the Hawaii Independent Insurance Agents. We are a trade association of independent property and casualty insurance agents state-wide.

'There has been a great deal of publicity generated in the past few years about the magnitude of the drunk driving problem in the U.S. In particular, much emphasis has been placed on the disproportionate involvement in alcohol-related fatalities by underage drivers. The January 30, 1984 edition of U.S. News & World Report contains an interview with John Volpe, Chairman of the Presidential Commission on Drunk Driving. In that interview

Mr. Volpe cites some relevant statistics:

'1. 16-20 year olds make up 20% of the licensed drivers but are involved in 42% of the fatal alcohol-related crashes.

'2. Between 1981-1982 there was a drop in drunk driving fatalities of about 2600, during a time when 14 states had raised their drinking age.

'3. The State of Michigan experienced a 20% rise in drunk driving deaths when it lowered the age to 18 and had a 30% reduction when it was raised back to 21.

'Just as driving is a privilege, so is drinking. The combination causes a double abuse of those privileges and endangers the public. Raising the drinking age to 21 is only one of a number of steps that needs to be taken. Through other proposed legislation, the penalties are being stiffened. We support all efforts to deal with the drunk driving problem.'

"We did not have the opportunity to hear from a somewhat nervous representative of the Hawaii Independent Schools Parent Association. The HISPA testimony reads as follows:

'I want to thank you for the opportunity to appear before you regarding what I think is an extremely urgent matter. I am here for the Hawaii Independent Schools Parent Association. This is an organization whose membership represents nearly more than 10,000 students and 19,000 parents from 14 private schools. For the record, the schools are Hawaii School for Girls, Hawaii Baptist Academy, Mid-Pac, St. Andrew's Priory, Sacred Hearts, Our Redeemer, St. Louis High School, Kamehameha Schools, Iolani, Punahou, Maryknoll, Star of the Sea, St. Francis High School and St. Marks. I think that's a pretty fair cross-section of private schools here in the islands.

'Perhaps you have a son or daughter attending one of the schools, or know somebody who does. I have to ask you how you'd feel if one or more of them died, or was tragically maimed this year in an accident involving alcohol. In Hawaii in 1982, 28 drivers under age 21 were involved in fatal accidents; 15 of them were known to have involved alcohol. There may have been others...and who knows how many non-fatal accidents occurred.

'A Presidential commission was appointed to study the problem of drunk driving...and in the final report, just released in December, it was recommended that all states have a uniform drinking age of 21. Hawaii is one of only three states in the whole country where 18 is the legal age for the purchase or consumption of alcoholic beverages. We get accused sometimes of being a little "behind the times" here in the islands. In some ways that's good; the "hang loose" attitude is refreshing, actually something to be proud of. But in this instance, I don't think we can afford to move on "Hawaiian time" any longer.

'I have three children and I don't want to see any of them in the emergency room at Queen's Hospital or in the county morgue...merely because someone under the age of 21 got tanked up and went cruising. I know you feel the same way. And so I urge you to pass Senate Bill 524. The lives you save may be those of my kids...or yours.'

"We also did not have the opportunity to hear from the American Association of University Women, Hawaii Pacific Division. A brief testimony, I know you will be glad to hear.

'The American Association of University Women, Hawaii Pacific Division, which has a membership of over five hundred, fully supports and endorses raising the drinking age in the State of Hawaii to twenty-one.

'This action is in accordance with a resolution in support of "programs and legislation to combat driving while intoxicated" which was passed at the 1983 Association Convention.'

"And they've attached a copy of the relevant resolution.

"Colleagues, I haven't inflicted this on you as a form of punishment; truly, I haven't. I'm not attempting to keep you here past any clock time or anything else. I wanted to make sure that you who were not on the committee and those of you who are on the two committees but were not in attendance at this particular hearing realize the sincerity of the responsible people who were testifying. These were not 'nuts' off the street; these represent the most responsible associations that we have in this state, urging us as earnestly as they knew how to raise the drinking age to 21.

"Without exception, they paid no attention to the rest of the measure, which is before you, for which I have offered an amendment. They say they have no position on it. What's left is the fluff. The important thing in that bill was raising the drinking age, and I applaud the Transportation chairman for giving us the opportunity to hear testimony on it. I cannot urge you strongly enough to examine your consciences, to examine your consciences, to look at your constituencies, to think about whom you are representing here, to remember that three-quarters of the people in this state, without any sort of exception at all say, 'Raise the drinking age.' Remember we're talking about saving lives. I don't want to have any of those lives on my conscience.

"Thank you."

Senator Chang then rose to speak against the amendment:

"Mr. President, I signed the committee report on Senate Bill 524, 'With reservations.' My reservations were held because I thought that the bill was possibly unconstitutional inasmuch as it seemed to embrace two subjects in its title and body. This condition resulted from the administration's attempt to meld six different bills into one proposal, an attempt that was, to my mind, unsuccessful.

"For these reasons, I was considering the re-referral of this bill to committee this evening, but chose to demur to the collective wisdom of this body. However, this amendment will surely raise another question about the constitutional status of the measure because it will introduce yet a third subject within the measure.

"I want to raise more substantive concerns about the proposed amendment. I had sponsored a breakfast meeting with Candy Lightner, founder of the national organization of Mothers Against Drunk Driving -- a meeting which several of you attended. I have had numerous meetings with proponents of the proposal before you and conducted research on the issues pertaining to it. I was one of those Senators who endured the long hearing on Senate Bill 524, several evenings past, and I agree the testimony was embarrassing because it demonstrated that driving under the influence of alcohol is a problem that pervades all segments of our society in Hawaii. The testimony demonstrated that these problems are greater in age groups other than the

targeted 18 to 21 age group.

"The significant conclusion of the evening was that the State Department of Transportation, which had more than a year to establish the basis and rationale for its proposal, could not do so. This major fact did not escape the notice of most of the Senators present.

"Mr. President, your Committee on Judiciary is continuing its inquiry on this subject. It is delving into statistics pertaining to alcohol abuse and drinking among school children. This inquiry may indicate that we would do well to raise the drinking age perhaps to 19, 20 or 21, but that is not yet clear or indicated by the evidence that has thus far been presented to your committee. If clear and consistent information is obtained, a vehicle is available for such a proposal, but until this information is presented and analyzed and a clear conclusion reached, I don't believe that we should enact any kind of increase in the drinking age. For these reasons I speak against the amendment."

Senator Soares inquired: "Mr. President, may I ask the chairman of the Judiciary Committee if he would yield to a question?"

The Chair inquired of Senator Chang if he would yield to a question and Senator Chang asked to hear the question.

Senator Soares then inquired: "Mr. President, the question is basically this. With all of the testimony we had before us throughout the hearing from the members of the national bodies that came, also from a former State Senator from Iowa who came with some very valid information, from the poll that was taken by the Advertiser and by the MADD group, I'd like to ask the chairman what statistics is he referring to that does not substantiate what my colleague Senator George and I have been saying tonight. Where are those figures from?"

Senator Chang replied: "Mr. President, before I answer, it should be made clear that the Advertiser poll contained no information whatsoever with respect to drinking and driving within our state. It merely polled the electorate to obtain their views on a very complicated issue.

"As to statistics at the hearing, I think it was very well demonstrated by the proponent of this amendment



that the information presented came from other jurisdictions -- Michigan, Vermont and basically states on the Mainland. The information available locally indicates otherwise.

"One of the proponents of raising the drinking age that evening asked the question, 'Can our children be so different?' and we could not help but conclude: 'Yes, our children are different; Hawaii is different.' And for these reasons we choose to make decisions based upon our local experience. Surely, our community, its values and attitudes and ways of dealing with our families are in a way different from the continental states. Because the information presented appeared to demonstrate what we've long felt and lauded about our island state, we could not help but conclude that increasing the drinking age was inappropriate at this time."

Senator Soares then stated:

"Mr. President, I hate to differ with my colleague, but I think the facts that were brought out at the hearing were presented a lot differently, and I should like to quote them from the testimony of John Moulden. On page 3 of his testimony he says: 'The statistics for Hawaii tell the same sad story as the national figures. In 1982, 17.9 percent of the drinking drivers involved in fatal crashes were under 21, and 19.1 percent of the fatalities resulted from these accidents. Yet, only 9.5 percent of the licensed drivers in Hawaii are under 21. Young drivers are overrepresented in fatal accidents by nearly 2 to 1. Even though Hawaii is geographically removed from the other states, its teenage drunk driving statistics are similar to those of other states.'

"And this is a national figure who came out all the way from Washington, important enough to make this testimony. I should also quote from the committee report which I think is also interesting: 'Your committee heard favorable testimony' (favorable, I repeat) 'from the Department of Transportation, the City and County of Honolulu Police Department, and Mothers Against Drunk Drivers.' It ought to state who else besides these who testified.

"Favorable is a word that just doesn't describe the amount of testimony. I would say overwhelming more describes the testimony that night. I think I shall also for the record note an observation. I know that the Judiciary chairman spent a

lot of the night discussing discrimination, using words like 'gender,' 'color,' and 'creed,' and so forth throughout the questioning.

"I really believe very strongly, Mr. President, that the testimony, statistics, studies, all unanimously came up with the figures that I read to you earlier. And so I say again, Mr. President, if in fact, we look at the bill and we look at the amendment, we realize what we're trying to accomplish here. We have heard loud and clear from our constituency across the state and nationally. We have a serious problem. We have to address it. Let's address it now.

"The House bill had come over last year. It lies in the committee; has yet to have a hearing; will never have a hearing. The chairman says that he's not quite convinced on the statistics. The question, of course, is do we want to wait another year. How much more do we have to wait; how many long hearings do we have to sit through to hear testimony from across the country and throughout the state to be convinced that this is a serious problem? And the amendment we have offered here addresses that problem. I might also say, Mr. President, I'm bothered by the attack that we're forced, unfortunately, tonight to lay the amendment on the desks, to conform with the old saying 'our internal deadlines,' because if we do it on Monday, we are not going to meet the deadline, the cutoff time, as agreed by the leadership of both houses; therefore, the bill dies.

"And I'm wondering whether or not we've taken the opportunity to diminish the meaning of the parliamentary debating opportunity before us, the meaning of our having debates on third reading amendment, voting it up or down, rather than saying, 'you can't do that because deadlines have been set.' We're doing that again to ourselves. So, Mr. President, the amendment is before us; we've tried our best to have all of us address the problem of this drunken driving bill, and I ask all of you to consider it. Now's the time to grapple with this problem. Vote for the amendment and start a real critical need."

"Thank you, Mr. President."

Senator Chang responded:

"Mr. President, I just need to respond to one point. As the previous speaker indicated, there was a national figure here, and that

figure proved to be a disappointment in that when pressed to indicate what local information provided the justification for his advocacy of raising the drinking age, he could only point to the year 1982. It was very clear from the information presented from an office within the administration itself that the years preceding 1982 and the year subsequent to 1982 indicated that the problems of drinking and driving lay with other age groups. That's very significant; in his testimony he only mentioned the year 1982. For these reasons, again, your committee concluded that there was no conclusive justification for the proposal that is before you this evening."

Senator George further responded:

"Mr. President, if I may respond to that comment. I am rather surprised that the Judiciary chairman felt that it was incumbent on the gentleman who came from Washington, D.C., to provide us with local statistics. It's hardly reasonable to expect someone who shovels his way out of Washington's snow and arrives in our sunshine on the very afternoon of a hearing which is to be held to be the expert on the statistics in the State of Hawaii. What had to be done and what had not been previously done possibly resulted from our reliance on the very obvious nature of the statistics. We thought they were pretty conclusive.

"However, to make them even more so, what we requested that evening of the Department of Transportation to do was to take the ten-year statistics and to provide enough of a cluster so that there'll be enough numbers to get a valid sample. As everyone who's dealt with statistics knows, if you have tiny numbers, you can't get a valid set of numbers to base any conclusions on. If I can offer you an example, when we're talking about numbers under ten and numbers under twelve for fatalities in any given year, all you need is one automobile with five teenagers in it, all of them, say, age 19, to get into a fatal accident, kill them all off, and there go the numbers. You have statistics that really don't demonstrate anything.

"However, if you put them all together over ten years, you can put yourself in a situation where you can prove something. I have here the ten-year average of, by age group, by drinking drivers, all drivers, licensed drivers, percentages, and the rest of it, and I am very happy

to share this with anyone, but I can assure you that the numbers go up to a peak at 21 and from there on they go down. There are no slips or anomalies or other strange things that say, what about age 26, or what about age 41? When you put them together in significant numbers, we parallel the Mainland numbers. The ages from early teens up to 21 do nothing but go up with their driving experience and as they drive, beginning with age 21, they start to go down.

"We are not unique in this respect. I don't want to be unique in killing more teenagers than anybody else. If we're going to be unique, for heaven's sake, let it be unique about something that's desirable, and not about something like letting our kids drive at 18 and kill not only themselves, but other people as well."

At this time, Senator Henderson rose and inquired: "Mr. President, would the chairman of the Judiciary Committee yield to a question?"

The Chair asked Senator Chang if he would you yield to a question and Senator Chang asked for the question.

Senator Henderson asked: "I would like to know who testified against raising the drinking age."

Senator Chang then inquired: "Specific names?"

Senator Henderson further asked: "What organizations?"

Senator Chang replied: "I don't recall the organizations, specifically. I think there were some representatives of the industry present."

Senator Henderson further inquired: "Mr. President, nobody testified against raising the drinking age?"

Senator Uwaine rose and stated: "Mr. President, we'll be more than happy to take a recess if the Minority Leader wants to take a recess at this time to have the Judiciary Chairman go up to his office to get testimonies of people against raising the age to 21."

Senator Soares then stated: "Mr. President, point of order. That question is justified."

The Chair remarked: "The Chair will determine whether the question is justified, but I think the answer was

he was not quite sure as to who testified against, but if you would like that information, I'm sure he could provide the names of the organizations...."

Senator Soares then remarked: "I think we should have it on the floor of the Senate...who testified against the measure against raising the drinking age."

The Chair interjected: "Senator Henderson, would you like to take a short recess? I think the chairman has answered the question by saying that he does not recall, so maybe in the recess we can get the information for you."

At 10:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:34 o'clock p.m.

Senator Chang continued:

"Mr. President, I believe I was responding to the Senator's point of inquiry. As I recall, there were several people from the industry...and by industry, I mean there were operators of disco establishments...I think there was a representative of the liquor distributors; and there was a private citizen, a parent whose son, I think, is in the affected age group who felt that the approach was discriminatory and not based on the fact; and a university student. That testimony was probably the most devastating. This fellow was an officer within the student association and chief justice of the student court, also a university debater who had actually participated in discussions on this subject. He cited statistics provided by the State of Hawaii Office of Children and Youth which indicated that there was no justification for targeting on this particular age group -- statistics which were drawn from the police arrest records and, I think, accident data. That presentation was very interesting and most convincing."

Senator George then stated:

"Mr. President, I'm sorry I'm rising too many times tonight, but my button just got pushed here with reference to figures which had been provided in a xeroxed page from the Office of Children and Youth, and I would like to read to you a comment from John Moulden who is our national expert who came out. While he did

not bring with him any figures about Hawaii because he couldn't be expected to know about that, he was frankly appalled at the use of this particular table because it was based on arrest records. And he said, it is statistics...and I'm quoting from him now, and I thought his words were so fancy, 75-cent words.

"I will read it to you: 'It is statistically and methodologically inappropriate to use arrests. Arrests only indicate how active the police are -- arrests are 'an artifact of police attention.' And he said in general, and this is evidently fairly universally true, 'police are reluctant to arrest young people.' They often take them home and give them to their parents. So arrest records do not in any way reflect the activity in this particular matter.

"Thank you."

At this time, Senator Cayetano stated:

"Mr. President, there are three of us who have been watching this debate with much interest -- very interesting. I wish it would happen more often, and now I'd like to join in it.

"I rise to speak against the amendment. Like the chairman, I was there for not all of the time, but through much of the hearing. Let me respond to some of the points that were made. I don't think there is any question that if one were to poll the public, the results of the Advertiser poll would be representative of the public's feelings. And I think as officers of this body we all have a duty to tune in to the public's feelings, the pulse of the people we represent. But, I think that polls are useful in that very limited sense.

"When I was in college, I recall there was a survey made in California by some students at the university that I was attending at that time, UCLA. People in the community were polled. They were shown a copy of the Bill of Rights. Of course, the copy did not have the title 'Bill of Rights,' but nonetheless the ten amendments of the Bill of Rights were stated and shown to people and the interesting thing was that if the people who were surveyed voted, they would have voted down the Bills of Rights by an overwhelming majority.

So, in our system, we have a representative system and while we

take those things into account, we sit at hearings to look and hear the testimony. It seems to me when we consider any piece of legislation there are some major considerations that we must make. In this particular case and with this particular bill, the first consideration, in my view, is whether this piece of legislation is constitutional. I think that, clearly, discrimination by age is constitutional.

"Certainly in the Constitution itself, there are age limitations in terms of who can serve as President, as U.S. Senator, etc. The second consideration, it seems to me, is that legislation must be fair. It must be equitable. What is constitutional does not necessarily equate to what is fair, and it seems to me that that is an important consideration.

"Recently, in this session, the Governor in his State of the State speech proposed that we do away with the mandatory retirement age, and a bill was introduced, I believe, and my recollection is that that bill has come out of committee and the support given to that proposal was overwhelming. And so, in this state we are moving away from discrimination by age.

"But, let's take a look at the particular issue at hand, whether we should discriminate by age in terms of drinking. Here, I think, the statistics are important in this sense. As the chairman pointed out, the statistics that were made available to us by the state for the year 1983 did not focus on the age group in question as being the major offender. If we were to take the figures presented to us, and the most recent figures, we could justify a case for age 34, I believe it is, all the way up to age 34. My recollection is that the age group from 21 to 24 seems particularly high in terms of alcohol-related accidents that group was responsible for.

"Mr. Moulden who came all the way from Washington, D.C., I believe, to give us some statistics, in his testimony, mentioned the reduction in accidents in Michigan and Illinois. During the hearing, he was pressed and questioned, and the question was put to him, what was the experience of states which had increased the drinking age in the last five years. And from his testimony I came to the conclusion that there were nine states, I believe, and in terms of reduction, the range was, according to his testimony (there was nothing written before us), ran from a low of

6 percent to a high, according to Mr. Moulden, of 75 percent in terms of reduction of accidents. However, one state, Montana, actually experienced an increase in accidents. So, statistics can say a lot of things; it depends on how you use them.

"What is important to me, though, is that notwithstanding all these facts, all of these studies, there seems to be a real lack of discussion of philosophy. Is it fair to do what we are doing or what is proposed by the Minority in this amendment? My own impression is that it is not.

"Let's get down to the basic argument. When you give a person the responsibilities of majority at age 18, then that person should be afforded the privileges which are given to everyone who is in that particular group. We allow young people at age 18 to be drafted to serve in the Armed Forces, and there in my view is a really obvious class of discrimination because young people serve in the military. The ages for the draft are limited from 18 to 26, I believe. No one over that is drafted.

"We also allow young people to marry at 18, and interestingly enough, if this amendment were to be accepted, a young person could get married at age 18 and not be able to toast himself at his own wedding. There's something basically unfair in that situation.

"And of course, finally, at age 18, we allow young offenders who violate our criminal laws to go to the 'big house' with all the other adults. So, for those reasons, for those philosophical reasons, I'm opposed to this amendment."

The motion to adopt the amendment was put by the Chair and Roll Call having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 16 (Ajifu, Aki, Cayetano, Chang, Cobb, Hagino, Holt, Kawasaki, Kuroda, Mizuguchi, Solomon, Toguchi, Uwaine, Yamasaki, Young and Wong). Excused, 4 (Abercrombie, Carpenter, Fernandes Salling and Machida).

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and S.B. No. 524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND HIGHWAY SAFETY," passed Second Reading and was placed on

the calendar for Third Reading on Monday, March 12, 1984.

Senator Cobb moved that the Journal remain open till midnight for the purpose of receiving Standing Committee Reports for Third Reading, seconded by Senator Soares and carried.

At 10:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:50 o'clock p.m.

The Chair, at this time, remarked:

"If the Chair might make a few remarks at this time on a more serious note, I understand the debate that took place this evening was on a very serious matter to be brought before the Senate. However, I would like to caution the members of the Senate, with reference to reading the verbatim testimony that has already been presented to committee, I would not like to deem this as a precedent for bypassing the formal committee testimony process. Witnesses who want to testify should be prepared to wait their turn and endure the long hours that are necessary for them to present their testimony. I am told that the witnesses that presented these testimonies did, for a fact, get very tired of the long and arduous testimony and questioning that took place at the hearing, and chose to leave the hearing.

"Now, it is my opinion that as the presiding officer of the Senate that when individuals of the public come before our committees to testify that they must also endure the long, arduous hours until their time to be heard is presented to them. As I understand it, in this particular case, many of the testimony that was quoted today, verbatim, here in the Senate were from members who attended the meeting but chose not to stay until its conclusion.

"Again, the Chair would like to caution all members of the Senate with reference to presenting material on the floor that has already been presented before the committee."

Senator Uwaine then rose to add:

"Mr. President, may I add an addendum to your statement. As the Majority Leader, I want to make it very clear to all members in this body that as far as the courtesy that is extended to any Senator who is not a

member of a particular committee, that particular Senator is welcome to attend any public hearing, to sit there, to ask questions and participate as has been in the past practice of the Senate. And I don't think that any Senator or any chairman has prevented people intentionally from testifying before any committee. The public in the past, present and in the future will be welcome at public hearings to testify."

Senator Soares then rose on a point of order:

"Mr. President, I take exception to the statement made by the Majority 'whatever you call him today.' But I think it is important that we have had a precedent on the floor of the Senate, and you as the presiding officer, has been very liberal (in fact, I think I've told you myself), very liberal on the time limit and the debate going back and forth.

"I think tonight we had a very good debate. I think the facts that were presented were very important to the debate that was on the floor because many of the members were not available. Many of the people who were there did leave. I think the whole idea was a very positive step to lay before the body the facts that were pertinent to the vote of this question. And I think the main idea for us here is to debate based upon the issue and debate based upon the facts we have before us, and we take our licks and we vote the way majority rules.

"I don't know what it is now, all of a sudden, because we've had a long debate for the first time this session that anybody tries to muzzle us. Nobody's going to muzzle us, Mr. President."

The Chair replied: "Senator Soares, with reference to the comments made to the Chair, I can assure you that the Chair will not attempt to muzzle anyone in the Senate as long as I am President. I think the record shows that, and I hope to continue in that vein."

Senator Uwaine then stated:

"Mr. President, I think I need to restate my... I think it wasn't heard very clearly by the Minority Floor Leader. Basically, I was extending a courtesy that may have been misinterpreted. The courtesy is that any Senator who is not a member of the particular committee may attend any

committee meeting. And, I think I speak for the majority who are the chairmen at the present time, that the courtesy of sitting on a particular committee at a public hearing, to ask questions, participate, question the witnesses, and be questioned themselves. The courtesy that has been extended to any Senator in the past will be extended during this session and will be extended in the future.

"As far as the debate before this body today, I agree with the Minority Floor Leader. It's something that is welcome; it's something that we all learn from. And I think the Minority Senator from the Windward side, in her speech before this body, was all within her rights to do, and to speak, and to read whatever she wanted to read.

"However, Mr. President, I just want to make it very clear to the members of this body that it has never been the intent of any member who sits on the committee or attends a committee meeting to try and prevent people from testifying. The public has been, and will be in the future, welcome to testify, and with that statement, Mr. President, I hope I have cleared the matter."

Senator Henderson then remarked:

"Mr. President, I'm somewhat concerned about the process we have going on here in the Senate, especially as regards amendments to bills that have been decked. I think tonight is an example of it. I think that, or I wish that, you and the House will arrange your schedule so that there's time for cross-over, to allow for amendments to bills after they have sat on our desks for 48 hours, so that you extend your time frame, Mr. President, to allow another 48 hours for amendments. Thank you."

The Chair replied: "The Chair will take that under advisement."

At 10:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:52 o'clock p.m.

At this time, the Chair stated:

"The Chair would like to take this opportunity to thank the members of the Senate for being so patient. We came into session at 8:00 o'clock and it is now 11:00 o'clock, but the order of the business of the Senate with

relation to the Senate bills has been concluded.

"The bills will be here on the desks on Monday morning. Thank you very much for your cooperation."

#### STANDING COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the adoption/receipt of standing committee reports received by the Senate Clerk prior to midnight. In consequence thereof, and subsequent to its recessing at 10:54 o'clock p.m., the Senate took the following action on the following bills and standing committee reports:

Standing Committee Report No. 277-84 was received and Senate Bill No. 1925-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 278-84 was received and Senate Bill No. 1928-84, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KAWAINUI MARSH, OAHU," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 279-84 was received and Senate Bill No. 2181-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 280-84 was received and Senate Bill No. 1935-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 281-84 was received and Senate Bill No. 1937-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 282-84 was received and Senate Bill No. 1551-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was

placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 283-84 was received and Senate Bill No. 2209-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 284-84 was received and Senate Bill No. 1514-84, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 285-84 was received and Senate Bill No. 1759-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 286-84 was received and Senate Bill No. 1843-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 287-84 was received and Senate Bill No. 1847-84, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 288-84 was received and House Bill No. 1297, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 289-84 was received and Senate Bill No. 2032-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE POHAI NANI GOOD SAMARITAN KAUHALE HEALTH CARE FACILITY FOR THE ELDERLY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No.

290-84 was received and Senate Bill No. 2229-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 291-84 was received and Senate Bill No. 2230-84, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 292-84 was received and Senate Bill No. 2241-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 293-84 was received and Senate Bill No. 1918-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 294-84 was received and Senate Bill No. 1932-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 295-84 was received and Senate Bill No. 1533-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 296-84 was received and Senate Bill No. 1809-84, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 297-84 was received and Senate Bill No. 1573-84, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," was placed on the calendar for Third

Reading on Monday, March 12, 1984.

Standing Committee Report No. 298-84 was received and Senate Bill No. 1718-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 299-84 was received and Senate Bill No. 2249-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 300-84 was received and Senate Bill No. 1570-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 301-84 was received and Senate Bill No. 1890-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 302-84 was received and Senate Bill No. 878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 303-84 was received and Senate Bill No. 1115, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 304-84 was received and Senate Bill No. 1493-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 305-84 was received and Senate Bill No. 1520-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE TRANSITION TO WORK SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 306-84 was received and Senate Bill

No. 1522-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 307-84 was received and Senate Bill No. 1524-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 308-84 was received and Senate Bill No. 1525-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 309-84 was received and S.B. No. 1526-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 310-84 was received and Senate Bill No. 1677-84 entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 311-84 was received and Senate Bill No. 1841-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 312-84 was received and Senate Bill No. 2125-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 313-84 was received and Senate Bill No. 2126-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 314-84 was received and Senate Bill No. 2182-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT



SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 315-84 was received and Senate Bill No. 2183-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 316-84 was received and Senate Bill No. 2199-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 317-84 was received and Senate Bill No. 2213-84 entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 318-84 was adopted and Senate Bill No. 1509-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 319-84 was adopted and Senate Bill No. 1709-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 320-84 was received and Senate Bill No. 2137-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 321-84 was received and Senate Bill No. 2141-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 322-84 was received and Senate Bill No. 1760-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BINGO," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 323-84 was received and Senate Bill No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR TAXES," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 324-84 was received and Senate Bill No. 1503-84 entitled: "A BILL FOR AN ACT RELATING TO GASOHOL," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 325-84 was received and Senate Bill No. 1706-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 326-84 was received and Senate Bill No. 1793-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 327-84 was adopted and Senate Bill No. 1507-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 328-84 was adopted and Senate Bill No. 1757-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 329-84 was adopted and Senate Bill No. 1783-84, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 330-84 was adopted and Senate Bill No. 1786-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

INCOME TAX," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 331-84 was adopted and Senate Bill No. 1788-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 332-84 was received and Senate Bill No. 1879-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 333-84 was adopted and Senate Bill No. 1930-84, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUES BE REFUNDED OR CREDITED TO TAXPAYERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 334-84 was adopted and Senate Bill No. 1943-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 335-84 was received and Senate Bill 442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNERAL ESCORTS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 336-84 was adopted and Senate Bill No. 1734-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 337-84 was adopted and Senate Bill No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES," passed Second Reading and was placed on the calendar for Third Reading on

Monday, March 12, 1984.

Standing Committee Report No. 338-84 was received and Senate Bill No. 1504-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 339-84 was adopted and Senate Bill No. 1450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 340-84 was adopted and Senate Bill No. 2026-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 341-84 was adopted and Senate Bill No. 1663-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 342-84 was adopted and Senate Bill No. 2164-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 343-84 was adopted and Senate Bill No. 2208-84, entitled: "A BILL FOR AN ACT RELATING TO CONGRESSIONAL DISTRICTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 344-84 was adopted and Senate Bill No. 2073-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 345-84 was adopted and Senate Bill No. 2072-84, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 9 OF THE HAWAII

CONSTITUTION, TO PROVIDE FOR THE METHOD OF PAYMENT OF LEGISLATIVE SALARIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 346-84 was adopted and Senate Bill No. 2071-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 347-84 was adopted and Senate Bill No. 1990-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 348-84 was adopted and Senate Bill No. 1733-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 349-84 was adopted and Senate Bill No. 1923-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 350-84 was adopted and Senate Bill No. 1714-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 351-84 was received and Senate Bill No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HILO HOSPITAL," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 352-84 was received and Senate Bill No. 2240-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH

FUND," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 353-84 was received and Senate Bill No. 1764-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS AT THE UNIVERSITY OF HAWAII FOR THE HAWAII NATIONAL GUARD AND MILITARY RESERVISTS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 354-84 was received and Senate Bill No. 1844-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 355-84 was received and Senate Bill No. 2119-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 356-84 was adopted and House Bill No. 1422, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCESSED MILK," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 357-84 was adopted and Senate Bill No. 1716-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 358-84 was adopted and Senate Bill No. 1548-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VARIABLE ANNUITY CONTRACTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 359-84 was adopted and Senate Bill No. 1695-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF MOTOR VEHICLE REPAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 360-84 was adopted and Senate Bill No. 2081-84, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF BUSINESS OPPORTUNITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 361-84 was adopted and Senate Bill No. 1640-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL RESPONSIBILITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 362-84 was adopted and Senate Bill No. 1877-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 363-84 was adopted and Senate Bill No. 1744-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 364-84 was adopted and Senate Bill No. 1538-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 365-84 was adopted and Senate Bill No. 1868-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 366-84 was adopted and Senate Bill No. 1671-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARREST," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 367-84 was adopted and Senate Bill No. 1738-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 368-84 was received and Senate Bill No. 1765-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 369-84 was adopted and Senate Bill No. 1898-84, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 370-84 was adopted and Senate Bill No. 2193-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REFORM OF CHAPTER 804," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 371-84 was adopted and Senate Bill No. 2203-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 372-84 was received and Senate Bill No. 2108-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 373-84 was received and Senate Bill No. 1582-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 374-84 was received and Senate Bill No. 1583-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 375-84 was adopted and Senate Bill No. 2207-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 376-84 was received and Senate Bill No. 2205-84, S.D. 2, entitled: "A

BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No. 377-84 was adopted and Senate Bill No. 1567-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 12, 1984.

Standing Committee Report No.

378-84 was received and Senate Bill No. 1885-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN LAND TRUSTS," was placed on the calendar for Third Reading on Monday, March 12, 1984.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:00 o'clock a.m., Monday, March 12, 1984.

## THIRTY-THIRD DAY

Monday, March 12, 1984

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

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

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

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

## MESSAGES FROM THE GOVERNOR

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

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

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

## HOUSE COMMUNICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SENATE CONCURRENT RESOLUTIONS

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

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

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

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

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

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

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

#### SENATE RESOLUTIONS

The following resolutions (S.R.

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

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

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

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

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

#### STANDING COMMITTEE REPORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Reading.

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

#### ORDER OF THE DAY

##### THIRD READING

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

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

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

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

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

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

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

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

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

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and

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

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1689-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Senate Bill No. 1518-84:

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1529-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1530-84:

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

Senate Bill No. 1878-84:

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

Ayes, 25. Noes, none.

Senate Bill No. 1921-84:

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

Senate Bill No. 2179-84:

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

Senate Bill No. 2180-84:

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

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

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

Senate Bill No. 2040-84:

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

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

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

Ayes, 25. Noes, none.

Senate Bill No. 1872-84:

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 1556-84:

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

Ayes, 25. Noes, none.

Senate Bill No. 1717-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1717-84, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

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

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

Senate Bill No. 1605-84:

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

Senate Bill No. 2123-84:

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

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 2124-84:

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1569-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1704-84:

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

Ayes, 25. Noes, none.

Senate Bill No. 1707-84:

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

Ayes, 25. Noes, none.

Senate Bill No. 1710-84:

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

Ayes, 25. Noes, none.

Senate Bill No. 1711-84:

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1713-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1822-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

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

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

Senate Bill No. 2248-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2248-84, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2212-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1512-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1515-84:

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

Senate Bill No. 1516-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1516-84, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

On motion by Senator Cobb,

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

Senate Bill No. 1871-84:

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

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

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

Senate Bill No. 1675-84:

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

and it is a plague here in this state.

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

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

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

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

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

"Thank you."

Senator Abercrombie then further remarked and stated:

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

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

Ayes, 25. Noes, none.

Senate Bill No. 2050-84:

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

Senate Bill No. 1517-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1517-84, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

Senate Bill No. 2012-84:

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

Ayes, 25. Noes, none.

Senate Bill No. 1979-84:

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1893-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1732-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1726-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Senate Bill No. 1566-84:

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

Ayes, 25. Noes, none.

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

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

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

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

Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1940-84:

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

Senate Bill No. 1951-84:

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1712-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2057-84:

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 1881-84:

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



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

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 2100-84:

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

Senate Bill No. 1562-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1562-84, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

By unanimous consent, action on

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

Noes:

Ayes, 25. Noes, none.

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

to the end of the calendar.

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

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

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

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

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 298-84 was adopted and S.B. No. 1718-84, S.D.1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 300-84 was adopted and S.B. No. 1570-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

deferred to the end of the calendar.

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 309-84 was adopted and S.B. No. 1526-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 311-84 was adopted and S.B. No. 1841-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 313-84 was adopted and S.B. No. 2126-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 314-84 was adopted and S.B. No. 2182-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 315-84 was adopted and S.B. No. 2183-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1709-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 320-84 (S.B. No. 2137-84, S.D. 2):

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1507-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1757-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1783-84:

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 1930-84:

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1943-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

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

Senate Bill No. 1854-84:

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

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

On motion by Senator Cobb,

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 2208-84:

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

Senate Bill No. 2071-84:

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

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1733-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1923-84:

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

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

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

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

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

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

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



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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

Senate Bill No. 2081-84:

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Standing Committee Report No. 368-84

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

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

Ayes, 25. Noes, none.

Senate Bill No. 1898-84:

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

Ayes, 25. Noes, none.

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

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

deferred to the end of the calendar.

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

#### ADVISE AND CONSENT

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

Senator Cobb moved that Stand. Com. Rep. No. 161-84-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Burt K. Tsuchiya to the Board of Regents, University of Hawaii, term to expire December 31, 1987, seconded by Senator Soares.

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

Ayes, 25. Noes, none.

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

stood in recess subject to the call of the Chair.

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

#### RE-REFERRAL OF HOUSE BILL

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

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

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

#### NIGHT SESSION

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

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

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

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

Senate Bill No. 1921-84:

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

Senate Bill No. 2180-84:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate Bill No. 1605-84:

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

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

On motion by Senator Cobb, seconded by Senator Soares and

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

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

Senate Bill No. 2124-84:

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

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

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

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2247-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (George and Soares). Excused, 1 (Chang).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion was put by the Chair and carried, and S.B. No. 1842-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and

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

Ayes, 25. Noes, none.

Senate Bill No. 2050-84:

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

Ayes, 24. Noes, 1 (Carpenter).

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

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

Senator Abercrombie, on a point of clarification, stated:

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

Senator Chang responded as follows:

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

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

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

Senator Henderson then added as follows:

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

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

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

Ayes, 24. Noes, 1 (George).

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

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

Senator Cobb, in support of the measure, stated:

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

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

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

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

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

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

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

The motion was put by the Chair and carried, and S.B. No. 784, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Senate Bill No. 1940-84:

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 24. Noes, 1 (Abercrombie).

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

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

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

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

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

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

"So the remedy is quite readily

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

Senator Carpenter, in rebuttal, stated:

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

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

"Thank you."

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

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

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

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

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

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

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

The motion was put by the Chair and carried, and S.B. No. 300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Carpenter, Cayetano, Fernandes Salling and Kawasaki).

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 248-84 was adopted and S.B. No. 761, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

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

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2128-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Senate Bill No. 2100-84:

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 272-84 was adopted and S.B. No. 1800-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING PROCESSING ENTERPRISES," having been read throughout, passed Third Reading, by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

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

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

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 274-84 was adopted and S.B. No. 1949-84, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading, by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 275-84



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

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

Ayes, 24. Noes, 1 (Kawasaki).

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

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

Ayes, 24. Noes, 1 (Kawasaki).

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 285-84 was adopted and S.B. No. 1759-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair ruled that Senator Abercrombie was not in conflict.

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

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

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

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

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

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

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

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

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

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

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

Senator Holt spoke in support of the measure as follows:

"Mr. President, I share some of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Soares remarked as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Yamasaki answered: "No."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Cayetano then rose to

speak against the bill and stated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

institution of those programs, the continuation of those programs would in many instances benefit the same pensioners who would be able to and are now able to take advantage of many of those programs because of our funding.

"I just cannot say in good conscience that I can vote for this particular bonus when so many of our citizens and so many of our well-meaning and hard-working groups, especially those in the private sector that serve in effect the public good in areas where the state does not play an active role; where we count on these private agencies to carry on these human services ... when they're being short-changed today ... when they are in a position of literally having to beg for funds, I think that this is a misplaced value.

"It may be of some political comfort to do it, but I shall have no hesitation in explaining to anyone who cares to inquire as to the reason for my vote that in the balance of things this bonus cannot measure up to the necessities I've just outlined."

The motion was put by the Chair and S.B. No. 2125-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and Kawasaki).

Standing Committee Report No. 316-84 (S.B. No. 2199-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 316-84 was adopted and S.B. No. 2199-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 321-84 (S.B. No. 2141-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 321-84 and S.B. No. 2141-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 322-84

(S.B. No. 1760-84, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 322-84 be adopted and S.B. No. 1760-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kuroda rose to speak in support of the measure and stated:

"Mr. President, I rise to speak in favor of Senate Bill 1760, S.D. 1, commonly referred to as the 'Bingo Bill.'

"We have before us a bill that would allow certain charitable organizations a very limited opportunity to sponsor bingo games. I don't think anyone in this body, or anyone who has come to the Legislature seeking a grant needs to be reminded of the fact that our state is not in a position to assist many of the worthy causes in our community.

"Even in relatively normal times, we reject about half of the grant-in-aid requests that come before us. Last year, we awarded about \$9 million in grants-in-aid, after rejecting about 50 percent of the requests.

"In 1982, according to an industry publication, charities in Massachusetts grossed \$171 million from bingo. Massachusetts has a population of about six times that of the State of Hawaii. Mr. President, six into \$171 million is about \$28 million.

"I realize that no one can say what local charities could earn through bingo, especially since the bill was amended to limit games to one a year, but I want to emphasize that Massachusetts' charities operate under very strict guidelines, with very similar safeguards as those contained in the bill before us.

"The bill provides that limits will be established on the number of games an organization can hold. It limits the kinds of organizations that can hold games. There will be a limit on prizes, on the number of prizes that can be awarded. In Massachusetts, it's a \$50 limit on prizes and no more than \$200 per night to be awarded.

"The games will have to be held on the premises of the organization and if it is a leased site, the rent could not be tied to a percentage of the gross. The same limitations apply to equipment. There is a limit on compensation for persons who work at the games. There are so many safeguards.

"It frankly upsets me to hear arguments used against enacting a bingo bill in that casino game gambling will come to our state, if we allow the American Legion to have one bingo game a year.

"Mr. President, I realize that today has been a long day for us and so my comments shall be brief; however, Mr. President, in closing I would like to address one of the opponents of the bill.

"This morning, the Honolulu Advertiser, Senator Kawasaki's favorite newspaper, ran an editorial. It decried the coming of bingo with an editorial that reads in part, 'Legal social gambling is available to accommodate gambling instincts of Hawaii residents and only the players have a stake in the outcome. Moreover, Las Vegas is not far away.'

"Webster says, instinct is, in part, 'inborn impulse or propensity; an innate train of reflexes.'

"Mr. President, I don't know about you, but 'inborn' and 'innate' are words that have a very chilling ring to me, especially in the context of a lecture on morality.

"Also, Mr. President, one of my colleagues, on a different measure, once stated at a Judiciary hearing two years ago -- he said, 'The rich have gambling. They call it stocks and mutual funds and options. So, why should the little guy be denied?' My colleague from the Makiki District is right.

"And the Advertiser lecture to the people to state that 'Moreover, Las Vegas is not far away' to satisfy the inborn and innate gambling needs of Hawaii is not only callous, but even a little offensive.

"Perhaps Las Vegas is not far away for a publishing executive (take a note, Mr. Kawasaki), Mr. President, but it may very well be on another planet for many of our Hawaii residents born with or without a need to gamble.

"Mr. President, this bill is a simple measure with a simple purpose. If there is a legislative issue today stirring the interest of the man and woman on the streets, where he works, plays and lives, it is the prospect of playing government-approved bingo. I urge its passage, Mr. President."

Senator Abercrombie then added:

"Mr. President, I hope that the previous speaker will remember that I am right on several more bills and vote with me for the rest of the evening."

Senator George then inquired and stated:

"Mr. President, I'm a little troubled by a couple of wide open spaces in the bill. I'll define them and then I wonder if the sponsor, the previous speaker, the one before last, would be good enough to tell me what his intentions are for filling in the blanks.

"I'm referring to page 2, lines 13 and 15 which leave kind of wide open the amount which can be designated as a prize for a regular and for a jackpot bingo game.

"Then again on page 5 on line 13, we find that the daily total award is also a blank. And on page 6, line 2, it leaves a blank, talking about employee compensation. What troubles me about this is that if you limit it to one game a year, say that the prize for any single game could be \$1,000 and \$5,000 for a jackpot game, then it becomes somewhat meaningless when we're talking about the little guys' game.

"And I would like, if I may, if the sponsor of the measure would respond to a question to ask him if he would let us know what his intentions are for these amounts?"

Senator Kuroda responded as follows:

"Mr. President, the amounts have been intentionally left open in the bill. I had some figures in mind, but I could not convince the chairman of the Ways and Means Committee to insert those numbers and he very aptly explained his position by inserting into the committee report the dollar amounts.

"Your committee intends to insert the amounts later, after further consideration, and it is my desire, in answer to the Senator who's asking the question, that the numbers be at least figures where it would be attractive enough, like the cost of an automobile. Those are the figures I had in mind."

Senator Yamasaki, in support of the bill, added:

"Mr. President, the reason why the figures are left blank is to invite the participation of the other House to

have some input into this bingo bill. Thank you."

Senator Abercrombie, also in support of the measure, then said:

"Mr. President, I'm very pleased to hear that the Senator from 17th District wants the price of a car to be the prize because I know my car is priceless."

Senator Kawasaki, also in support of the measure, stated:

"Mr. President, to address the concerns expressed by the Senator from Maui to entice the other body to support this measure, perhaps we should limit the people of the organization that we allow to participate in bingo only to those organizations who come to us, qualifiedly, for grants-in-aid, and I'm sure the House may be very receptive to such a suggestion."

Senator Henderson then inquired as follows:

"Mr. President, I look on page 14 of the bill and I direct you to line 9, section 7, of the bill and it says, 'There is appropriated out of the general revenues of the State of Hawaii the sum (blank), or so much thereof as may be necessary for fiscal year 1984-1985, for licensing non-profit organizations to conduct games of bingo.'

"Do you mean the state is going to subsidize and pay for the operation of bingo games in the State of Hawaii?"

"Mr. President, I'd like to direct the question to the chairman of Ways and Means or to the proposer of the bill to find out what they mean about that, and how much it's going to cost.

Senator Yamasaki answered as follows:

"Mr. President, yes, section 7 provides for blank dollars to be appropriated to the Department of Commerce and Consumer Affairs for purposes of the act. At this time we do not have the figures on the cost of the administration of the program by the Department of Commerce and Consumer Affairs."

Senator Henderson further inquired: "Mr. President, maybe the Senator from the 17th District could give us an idea what it might cost?"

Senator Kuroda answered: "Mr. President, I have no idea of what it



will cost, but I believe that the license fees that will be charged these organizations will be sufficient to cover the cost.

"Whatever the cost, the opportunity for our Hawaii residents who again look forward to the prospect of playing bingo is worth it."

Senator Henderson further asked: "Mr. President, where in the bill does it provide for licensing? May I direct that to the Senator from the 17th District?"

The Chair then asked and said: "Senator Kuroda, would you like to respond? You need not. I think it should be directed to the chairman that reported the bill out."

Senator Kuroda answered: "Mr. President, on page 2, line 19, 'Licensed nonprofit organization.'"

At 10:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10.30 o'clock p.m.

Senator Kuroda then continued: "Mr. President, as an additional response to the question with regard to the fees, on page 4, \$100 a year; senior citizens group, \$50. And in response to the question, why will there be need for government appropriation, there's always a need to provide some funds to start it out."

Senator Henderson answered: "Mr. President, I don't think there is any need for government money to encourage gambling. Thank you."

Senator Cobb, also in support of the bill, stated as follows:

"Mr. President, I'm delighted they put it under the Department of Commerce and Consumer Affairs. I think it is a very good consumer protection bill, if you will, but I know if you and I vote 'no' we'll certainly not hear the end of it from the 'monsignor.'"

Senator Carpenter then asked: "Mr. President, a quick question to the chairman of the committee or the originator of the bill.

"As I read the committee report, nonprofit organizations who are organized or operate in the state exclusively for charitable, religious, educational, or scientific purposes,

for the benefit of the community, or for the promotion of social welfare ... I'm just wondering if the several counties of this state who do operate as nonprofit organizations, not in necessarily the business of charitable or religious, educational, or scientific purposes, but do operate for the benefit of the communities are exempt from income taxation, and have been in existence for not less than five years can qualify as organizations who could be licensed for this kind of activity? Could I ask that question of the chairman?"

The Chair posed the question and Senator Cobb interjected: "Mr. President, perhaps I can address that question.

"Perhaps the counties may not be included right now as a strict nonprofit organization, but we'll certainly try to address that concern in the nonprofit bill next year.

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 322-84 was adopted and, Roll Call vote having been requested, S.B. No. 1760-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BINGO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Ajifu, George, Henderson, Holt, A. Kobayashi, Soares, Toguchi and Young).

Standing Committee Report No. 325-84 (S.B. No. 1706-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 325-84 and S.B. No. 1706-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 332-84 (S.B. No. 1879-84, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 332-84 be adopted and S.B. No. 1879-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose to speak against the measure and stated:

"Mr. President, at a time when we just passed the bingo bill to raise revenue, it doesn't make much sense to me to give a tax exemption.

"I'm not convinced that this tax exemption will do the things that are

stated in the committee report. We hear a lot of talk about waiting for the Tax Review Commission but it seems that argument only applies to certain tax proposals."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 332-84 was adopted and S.B. No. 1879-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Cayetano, Kawasaki and Toguchi).

Senate Bill No. 1930-84:

By unanimous consent, S.B. No. 1930-84, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUES BE REFUNDED OR CREDITED TO TAXPAYERS," was recommitted to the Committee on Ways and Means.

Standing Committee Report No. 335-84 (S.B. No. 442, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 335-84 and S.B. No. 442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNERAL ESCORTS," were recommitted to the Committee on Ways and Means.

Senate Bill No. 1734-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1734-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1854-84:

By unanimous consent, action on S.B. No. 1854-84, was deferred to the end of the calendar.

Senate Bill No. 1450, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Third Reading on the following showing of

Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2026-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2026-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2164-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2164-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Carpenter and Henderson).

Senate Bill No. 2071-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2071-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1714-84, S.D. 1:

By unanimous consent, S.B. No. 1714-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was recommitted to the Committee on Tourism.

Standing Committee Report No. 351-84 (S.B. No. 538, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 351-84 was adopted and S.B. No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HILO HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 353-84 (S.B. No. 1764-84, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 353-84 and S.B. No. 1764-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS AT THE UNIVERSITY OF HAWAII FOR THE HAWAII NATIONAL GUARD AND MILITARY RESERVISTS," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 354-84 (S.B. No. 1844-84, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 354-84 S.B. No. 1844-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," were recommitted to the Committee on Ways and Means.

Standing Committee Report No. 355-84 (S.B. No. 2119-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 355-84 be adopted and S.B. No. 2119-84, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Young rose to speak in support of the measure as follows:

"Mr. President, Senate Bill 2119, S.D. 2, is a long overdue, first step in reversing the job discrimination that we all know continues to exist in our public employment sector.

"Many states have already embarked upon the road of implementing the principle of equal pay for jobs of equal worth. Hawaii, with its large minority population and proportion of working women, must wait no longer to take its place among these progressive states.

"It is fitting that we, legislators of Hawaii, representing the state that first ratified the Equal Rights Amendment, cast this vote today, March 12, 1984, another great historical date for our state.

"Passage of this bill will be further demonstration of the leadership role that Hawaii has taken during our 25 years of statehood.

"I would like to commend the chairman for introducing this measure and I urge your support of this bill."

Senator Mizuguchi, also in support

of the measure, then stated:

"Mr. President, as the first speaker has stated, amidst the flurry of activity in many states, Hawaii which was the first state in the nation to ratify the Equal Rights Amendment to the United States Constitution in 1972 is far behind in the comparable worth movement.

"Hawaii has made great strides in implementing the concepts of 'equal pay for equal work,' which means paying women equally with men when they are performing the same or closely similar type of work for the same employer.

"And, also, we've made great strides in 'equal employment opportunity,' which makes jobs available to all qualified applicants, regardless of sex or ethnicity.

"Despite this achievement, there exists a third pay equity problem in Hawaii that requires resolution. This problem is the gender-based wage gap that exists between job classes that are female-oriented and male-dominated. This bill that we have before us tonight will attempt to bridge that gap and bring pay equity to women.

"I urge all members to vote for this bill. Thank you."

Senator Abercrombie, also in support of the bill, then stated:

"Mr. President, this is the result of many years' effort including discussions and resolutions and bills that many of us have been associated with.

"I merely wish to add an addendum to the remarks that have already been made. While they are entirely pertinent with respect to the inequities that have existed and may exist now with respect to employment opportunities and the pay scale and the comparability of those scales and of those jobs with respect to women, I want to point out for the record that the comparable worth bill and the study which will ensue from the passage of this bill will benefit everyone, regardless of gender, and that comparable work is primarily an examination and comparison of various job categories to see that inequities are ironed out so that everyone will benefit from the results of this bill, whether they be male or female.

"To the extent that we have made strides in degendering various

categories of work, those people who are in those various categories, regardless of sex, regardless of gender, will find that benefits that should accrue to them in terms of salary, in terms of comparability, that the study will point out will find that we have achieved, then, perhaps the final step in what has amounted to a great civil rights and working rights movement in this nation, particularly over the last 25 years."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 355-84 was adopted and S.B. No. 2119-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1422, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 1422, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCESSED MILK," was recommitted to the Committee on Agriculture.

Senate Bill No. 1716-84, S.D. 1:

Senator Cobb moved that S.B. No. 1716-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the bill as follows:

"Mr. President, I refer you and the members to the section of the bill which provides for a Class C felony.

"Mr. President, the title here is 'Circulating untrue statements; a felony.' (Laughter.) I was just thinking it's a good thing we have immunity. Really, when I think about it. I didn't think about it when we were in caucus; it was probably too close.

"Any person who wilfully or knowingly makes, circulates, or transmits to another or other any statement or rumor, written, printed, or by word of mouth, which is untrue in fact' ... is untrue in fact, that's what you have trials for, and what bothers me here, and I'm laughing now but I wouldn't be laughing if I was going to be the victim of a prosecution under this law from a Class C felony, five years, and a lot of this is very emotional.

"We have people who feel they've

been defrauded by a company or they feel that some kind of skulduggery has taken place, and what will happen here is that people will have to defend themselves against prosecution.

"Now, it seems to me, if there are civil procedures available to people and/or institutions which feel they have been slandered in some fashion or that their financial condition has been affected in some unfair way, let them take civil remedy; but to put people in a position that if they feel that they have been done in by a financial institution, to get into a category of felonious charges, when you're talking about 'untrue in fact and is directly or by inference derogatory to the financial condition' ... imagine, derogatory to the financial condition ... you can't say nasty things or untrue things even if you think they happen to be true, that's what it's going to come down to. And then, you're liable to run into a prosecutor's desire about financial institutions ... 'or affects the solvency or financial standing of any fiduciary company doing business in this State' ... affects the solvency ... now how are we supposed to determine that? '...or who knowingly counsels, aids, procures, or induces another to start, transmit or circulate any such statement or rumor,' ... that means that if you induce somebody by coming up and saying to him 'this is what I heard' or 'this is what I know.'

"You may have been upset with the officer in the bank and say 'I think that fellow is a crook because I think he made insider loans to himself, and I have good information that insider loans were made, in fact, he told me he made loans and I don't agree with that; I think he is a crook.' That's a matter of opinion.

"People may not like it. If they don't like it enough I suppose they can sue but you can't go and check, and then it turns out that the person isn't a crook. It's still a free country. It's still America.

"Do we have to point out we can't criticize the financial institutions or you commit a Class C felony? Because that's the effect of this. You will end up having to prove you didn't commit some felony, didn't induce derogatory statements about the financial condition when you're dealing with some of these industrial loan companies. Some of these people are lucky they aren't. As far as I'm concerned, they're crooks. I've said

they're crooks.

"As far as I'm concerned, they've had these insider loans that went on in Manoa Finance. I can't understand right now why the prosecutor hasn't had these people up on charges and investigate them to see whether they've committed the felony.

"Now, if I go out on the street, are they going to arrest me? I didn't take the money. I didn't leave these people stranded out here. I'll say it out there and I've said it out in this rotunda here the other day that these people should be investigated to be prosecuted. Now, you can say it doesn't matter; they're bankrupt now. I was talking about these industrial loan companies and the way they've been operating before that.

"Now, am I going to be a Class C felon? Am I going to be prosecuted? I can't see it.

"This is way out of line with what's to be accomplished? I just want everybody to know that if you vote for this bill, what you're saying to everybody in the public is that you risk being a felon. You have to take a chance on what you say. You better think twice because maybe you're going to be criminally charged.

"Now in the absence of having this, you can sue anybody; you can take civil recourse. No one has shown me in this bill that somehow civil recourse has not been adequate. I would like any of those of you who support this bill to tell me where civil recourse has failed with respect to slander or libel or any of these things that are mentioned in here about the financial condition and the financial solvency of these companies doing business in this state as financial institutions. I think this is way out of line.

"Now, part of the argument might be, oh, yeh, but the rest of the bill is good so therefore we've got to go ahead with it. Oh, no, that's not the way we're supposed to do business, not on this floor.

"If you can vote on this bill and say, yes, that you want to have a Class C felony then vote 'aye' but if you can abide by that and you think seriously about it, I don't see how you can, then we have to defeat this bill and deal with it under other circumstances.

"It is not an argument to pass a bill which you think is otherwise

acceptable when it contains language that is, as far as I am concerned, a contradiction in terms to what we should stand for with respect to our citizenry and what they can say and not say and what they have to fear in terms of criminal prosecution. Thank you."

Senator Cayetano then spoke in support of the bill as follows:

"Mr. President, first, in answer to the previous speaker, I cannot envision civil redress being sufficient in cases where a person spreads falsely, wilfully and knowingly a rumor or false statement which would affect the solvency of a financial institution.

"Financial institutions have assets totalling millions of dollars and if a person who does this is a vice president or a manager or maybe even an employee of another bank ... maybe if he is an employee of another bank, you sue the other bank, but certainly suing an individual in a case like this will not provide the kind of redress that is sufficient to address the problem.

"In looking at this bill, I think that I would tend to agree with the previous speaker that perhaps a felony may be a bit harsh; maybe this should be a misdemeanor, but that's a matter of judgment, I suppose, and in the overall context I think that what this bill proposes to do is just and warranted."

Senator Kawasaki rose to speak against and stated:

"Mr. President, I too rise in opposition to passage of this bill. I too feel that the Class C felony designation is much too severe.

"In trying to buttress my feeling, my opinion, that perhaps the Class C designation is too harsh, might I direct a question to the chairman of the committee from which this bill emanated?"

The Chair posed the question and Senator Cobb answered: "Mr. President, I'll hear the question first."

Senator Kawasaki continued: "One of the problems we have in this nation is that almost weekly, as a matter of fact almost every few days, on the floor of the New York Exchange, the floor of the American Exchange, floor traders on the floor deliberately circulate rumors, false

rumors, designed to either affect stocks listed on the New York or American Exchange, and for that matter even over-the-counter exchange, deliberately circulate rumors which affect the stock prices. And, of course, these people, the floor traders who are guilty of this practice take advantage of the fact that the rumor had either created a panic where people sell because they are afraid of perhaps the truth of the rumor that is circulated, or perhaps they take advantage of a rumor that would be designed to affect the price of a stock listed on the Exchange upwards. So, you know, they make a profit by circulating these rumors.

"In the event that they are apprehended, what is the penalty that is imposed upon these people by the Securities and Exchange Commission? This is my question to the chairman."

Senator Cobb, in response, stated:

"Mr. President, first of all, in direct response to the question, there are very stringent rules by the Securities and Exchange Commission precisely against the kind of practices that were just enumerated by the Senator from the 14th District. The penalties include: (1) suspension of license; (2), revocation of trading privileges; (3) civil liability; and (4) criminal prosecution.

"There have been a number of cases within the last three years in the New York Stock Exchange where that has happened."

Senator Kawasaki continued:

"Mr. President, I'm trying to ascertain whether a Class C felony penalty is too severe in comparison to what is imposed by the Securities and Exchange Commission. What is exactly the penalty imposed by the SEC on the cases I had outlined?"

Senator Cobb responded as follows:

"Mr. President, I have answered that question. It includes criminal prosecution. I know not specifically to what degree, but there are at least four classes of penalties involved, including revocation of license, suspension of trading privileges, civil prosecution and criminal prosecution."

Senator Kawasaki continued:

"Mr. President, it appears to me that this list of penalties imposed by the SEC doesn't quite compare to the

Class C felony designation with as much as five years of imprisonment. And for this reason, I think the penalty is too severe. I will have to vote against this bill."

Senator Abercrombie then inquired as follows:

"Mr. President, I do have a question for the chairman, although it might more appropriately be directed to the Judiciary chairman, I'm not sure.

"My question is this. If this passes, does this then mean that the prosecutor will be able to prosecute people within institutions who drive them into bankruptcy by making false statements, for example, saying that the institution is sound, or that bad loans are not being made?"

"Will they be able to be prosecuted for making false statements which are untrue in fact, and can that be construed then by inference or directly derogatory to the financial condition or the solvency of the financial institution?"

Senator Cobb responded:

"Mr. President, to respond to the question, under the definition contained or the words contained on page 6, the answer would be, yes.

"I would caution, however, that in any case of proof the prosecutor would have to prove knowing and willful misstatement of fact."

Senator Cayetano then interjected as follows:

"Mr. President, I disagree with the previous speaker.

"To answer the question posed by the Senator from Manoa, page 6, line 14 makes reference to inference which is derogatory to the financial condition or affects the solvency. In my view, as I read that, it means that the impact on the solvency or financial condition of the institution would be one that is detrimental."

Senator Abercrombie then remarked:

"Mr. President, if that's the case, am I to take it from the previous speaker's remarks that someone, for example, who makes insider loans with inadequate collateral, knows that to be the fact and still indicates that the solvency may not be affected or one way or the other would then therefore

be able to be charged?"

Senator Cayetano answered:

"Mr. President, I'm not certain whether the fact situation described by the previous speaker would fall under this particular section for prosecution. I think that there are other sections presently existing under the chapters relating to our industrial loan law for example that should deal with that particular problem."

Senator Abercrombie then added:

"Mr. President, I will request again that people take into account that what we're really saying here is that if you do it, you can get away with it, but if you talk about it, you're going to be a felon."

The motion was put by the Chair and carried, and S.B. No. 1716-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Carpenter and Kawasaki).

Senator Kawasaki then remarked: "Mr. President, it might be well for me to call the attention of this body to the fact that the Senators categorized as dissidents do not follow one another blindly."

Senate Bill No. 1695-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1695-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF MOTOR VEHICLE REPAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Fernandes Salling).

Senate Bill No. 2081-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2081-84, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF BUSINESS OPPORTUNITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1538-84, S.D. 1:

By unanimous consent, S.B. No. 1538-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was re-committed to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1671-84, S.D. 1:

By unanimous consent, action on S.B. No. 1671-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1738-84, S.D. 1:

By unanimous consent, action on S.B. No. 1738-84, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1898-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1898-84, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2193-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2193-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REFORM OF CHAPTER 804," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 372-84 (S.B. No. 2108-84, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 372-84 was adopted and S.B. No. 2108-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 374-84 (S.B. No. 1583-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 374-84 be adopted and S.B. No. 1583-84, S.D. 2, having been read throughout, pass Third

Reading, seconded by Senator Soares.

Senator B. Kobayashi rose to clarify an error in the bill and stated:

"Mr. President, it has been pointed out to me that there is a typographical error here on page 2, line 10. There is a single bracket at the end of the line which does not have a companion."

The Chair answered: "So noted."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 374-84 was adopted and S.B. No. 1583-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2207-84, S.D. 1:

Senator Cobb moved that S.B. No. 2207-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the bill as follows:

"Mr. President, as a result of what I consider to be reforms, good reforms passed in the Legislature within recent time, it has become easier for people to participate in the voting process through the absentee or mail-in ballot. We have expanded the utilization of this procedure in the past and it seems to me now we're going backwards.

"Unless a person is able to affirm generally one of the conditions, as outlined in the bill, 1 through 7, everything from infirmity, confinement, absence from the island, etc., you will not be able to mail in your ballot.

"I think we should be moving in that direction, regardless of what utilization may have been made in previous weeks, in particular on Kauai. I think this prompted much of this activity. The public does not exist for the convenience of the county clerks nor the lieutenant governor's office, nor for any people working in them. If they don't like working in the election process, I presume they can get other jobs. The election process should maximize the participation of people in the process.

"What we have here essentially, I think, is geared towards those for whom going to the precincts, going to the voting booths, etc., is either accepted practice or something that they can participate in or feel obligated to do. On the other hand, there are a great many people, most particularly in apartment districts, for various reasons, including work reasons and others, for whom the mail-in ballot is much more convenient and participation can be greater. This is particularly true where there are areas with high turnovers in population where people are in a more transient position in terms of moving from apartment to apartment, unable to afford a home, etc., and find themselves in a condition where they may not be as familiar with the precinct areas of the neighborhood, etc. On the other hand, if they be given the opportunity can and would like to participate in the election process. I think this is a good thing.

"Some arguments are that one party or the other will benefit from it. I think the experience has shown in California which has been cited that the present Republican governor, Governor Deukmejian, benefited from a mail-in campaign. On the other hand, what works against that, if you want to argue about Democrats and Republicans or Independents is that Republicans will vote.

"In terms of the absentee ballot moving to this kind of a category, it will probably help the Republican Party here and elsewhere, for that matter. Contrary to that, the Mayor of San Francisco also utilized a mail-in campaign to a great degree and she is a Democrat. I think it's entirely then the circumstances and I think we have a high urban density that the mail-in ballot is a boom to participation in the electoral process.

"I think this (bill) is a big step backwards to make these particular requirements and not to insure that people have their vote made easier rather than more difficult. I don't think you should have to go through what amounts to in some people's mind an obstacle course for them, especially in the kind of society that we have in Hawaii where there are split shifts, where there are all kinds of requirements on people's time that may mitigate where they are going to, where a precinct booth is concerned.

"We talk about postcard registration; we talk about increasing participation. Let's not go



backwards. Let's try to encourage as many different avenues as is feasible with respect to increasing voting participation."

Senator George then rose to inquire: "Mr. President, I have some problem with the words 'affirm generally,' and I wonder if the chairman of the committee would be good enough to respond to a question about that phrase?"

The Chair posed the question and Senator Chang asked to hear the question.

Senator George asked: "Mr. President, the question is, if a person affirms generally to, for example, 'absence from the island, county, or district in which the voter is registered on election day;' or affirms generally to an intention to go to a hospital for elective surgery, and then the plane that was going to take the person away doesn't, they missed the plane or the doctor leaves this state and they can't have the elective surgery, is that person then disenfranchised in that particular election? Would their ballots then be susceptible to being complained against and therefore thrown out after they voted absentee? That's my question, Mr. President."

The Chair, at this time, interjected as follows:

"Members of the Senate, the Chair would like to interrupt the proceedings here. Although the discussion on this measure for the past ten minutes has been very good, I've just been informed that the companion House bill, 2604-84, has been received in the Senate.

"If there be no objection by the members of the Senate, the Senate bill that we are now discussing is hereby recommitted."

By unanimous consent, S.B. No. 2207-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," was recommitted to the Committee on Judiciary.

Senate Bill No. 1567-84, S.D. 1:

By unanimous consent, S.B. No. 1567-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," was recommitted to the Committee on Judiciary.

Standing Committee Report No. 378-84 (S.B. No. 1885-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 378-84 be adopted and S.B. No. 1885-84, S.D. 2, having been read through, pass Third Reading, seconded by Senator Soares.

Senator Cayetano then rose to state: "Mr. President, I believe I have a conflict and would like to be excused from voting on this matter."

The Chair asked: "Senator Cayetano, would you state your conflict?"

Senator Cayetano answered: "Mr. President, my law firm is representing the Office of Hawaiian Affairs in a lawsuit against the state which directly has this point in contention."

The Chair stated and asked: "Senator Cayetano, the Chair would just like to ask two questions.

"Are you a partner of this particular law firm?"

Senator Cayetano answered: "Yes."

The Chair further asked: "Will the law firm stand to gain financially in any manner, shape or form?"

Senator Cayetano answered: "We hope so."

The Chair then ruled that Senator Cayetano is excused from voting.

At this time, Senator George rose to inquire: "Mr. President, I wonder if the chairman would respond to a question?"

The Chair posed the question and Senator Chang asked: "May I hear the question?"

Senator George continued: "Mr. President, the question is, was an inquiry made as to whether or not passage of this bill would prejudice in anyway the difference of opinion being manifested in court between OHA and the state?"

Senator Chang answered: "No."

Senator George continued: "In that case, Mr. President, I believe I shall vote against this measure in the absence of some kind of guidance as to whether or not it would indeed prejudice our case."

Senator Henderson then inquired: "Mr. President, is the matter, the subject of this bill, being litigated right now?"

The Chair answered: "No, not that I know of."

At 11:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:14 o'clock p.m.

At this time, Senator Kawasaki rose to speak against the bill and stated:

"Mr. President, I'm voting against this bill. I would be less than consistent to do otherwise, having been the minority of one in this 76-member Legislature to vote against the creation of the Office of Hawaiian Affairs in the first place, because of my concern that perhaps some day the U.S. Supreme Court would declare OHA to be unconstitutional. For that reason I vote against this bill."

Senator Carpenter rose to speak for the measure and stated:

"Mr. President, the main intention of this bill is to provide the individual who is a beneficiary as a native Hawaiian and a beneficiary of native Hawaiian land trust to have equal footing, as it were, with 'big brother' in this case.

"It has been some 64 years since the enactment of the Act of 1920 which empowered the Hawaiian Home Lands into action, and for many of those years, if not all of them, the rights of the beneficiaries have been abridged by virtue of the language being silent in the statutes as well as in the Congressional Act which in fact brought it to being in the first place.

"Mr. President, the Office of Hawaiian Affairs was added as an afterthought because they are an organization which is empowered to deliver a service and act in behalf of native Hawaiians.

"And, Mr. President, if there is a problem, I think that that can be cleared in the House so I suggest this bill go forward. It has indeed a very deep meaning for the Hawaiian people. Thank you."

Senator Cobb then rose on a point of information and inquired: "Mr. President, I would like to ask any proponent of the bill whether they feel this would add to the litigation that we already have, not necessarily ongoing in this particular case but litigation in our society as a whole?"

The Chair posed the question to the chairman and Senator Chang answered:

"Mr. President, I'd certainly like to ensure that it's clear as to the bill's application to ongoing or pending litigation.

"If the members will look on page 4, section 3, of the bill it says, 'This Act does not affect the rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.'

"As to whether this bill will foster litigation, Mr. President, any time we provide rights and benefits to people we hope that litigation is not the consequent part of that action, but certainly these rights, privileges, and duties need to be enforced.

"I think it is incumbent upon all the people of the state to understand that we need to respect one another and when the respect and honor that is due each individual is given, litigation surely will not result."

Senator Fernandes Salling then added: "Mr. President, I don't think it's going to add any more litigation than is already being brought in the Circuit Courts by other people who are not native Hawaiians."

Senator Carpenter further remarked: "Mr. President, in the portion just above that which the chairman of the Judiciary Committee read, subsection (d), page 4, I think this is the only place in the statute that we have this kind of language -- 'Before suit may be filed under this section, the claimant must have exhausted all administrative remedies.'

"So that is precautionary language that would require administrative action to take place prior to any possibility of litigation."

Senator Henderson then asked if the chairman would yield to a question and the Chair having posed the question, Senator Chang asked: "May I hear the question?"

Senator Henderson inquired: "How many plaintiffs would this bill entitle to sue, and what are you talking about here as far as the number of people that could bring suit in courts?"

Senator Chang answered: "Mr. President, I'm afraid I wouldn't be able to estimate that. We certainly do not lack for any number of potential

litigants in this state.

"It is simply a fact of life in the American system of justice that persons who have rights, privileges, duties and other conditions that are created under the law are able to assert their interest, if necessary, in our courts. This is certainly a condition that was instituted in the American system of justice well before this great land of ours became a state, and certainly not the fault or a burden of the native Hawaiians that such a system of justice was instituted for them."

Senator Henderson further inquired: "Mr. President, maybe the chairman of the Judiciary Committee could answer another question.

"Would this bill tend to encourage class action suits against the State of Hawaii?"

Senator Chang answered: "Here again, Mr. President, it really depends upon the facts and circumstances that affect rights and duties of parties. Where a class of people is affected, our system of justice has decreed these classes of people may bring action jointly so as to actually make our system more effective.

"Those are the kinds of benefits that are derived from the institution of class action suits; that the system of justice is made more effective and efficient."

Senator Henderson further inquired: "Mr. President, if the chairman of the Judiciary Committee would answer another question, would this encourage a contingency fee arrangement for class action suits?"

Senator Chang answered: "I'm afraid, Mr. President, the questions being posed are much too speculative and conjectural for me to offer any specific answers.

"The use of contingency fees is a part of our system of justice but a very restricted one. I do not practice in this area, but those who do practice trial law know that there are deep reservations that any attorney has about instituting action in any area utilizing the contingency fee approach if the actions that are being sought will not provide benefit to the attorney who has his rent to meet, his overhead, the clerical staff and other expenses every other business bears in day to day operations. I can barely offer a

response to the question because it is really in the realm of speculation and conjecture."

Senator Soares then rose to ask: "Mr. President, I didn't plan to ask any questions, but may I ask one quick one before we go on the vote, please, of the Judiciary chairman.

"As I read the bill, page 3, it says, this Act is to provide statutorily the Hawaiian individuals and organizations the right to sue. Can they sue now without this law; do we have to have it by statute? Can any native Hawaiian sue the Hawaiian Homes Commission right now without this bill?"

Senator Chang answered: "May I have the reference that the good Senator is making?"

Senator Soares responded: "Looking at the bill, can any native Hawaiian today without this bill being passed sue the Hawaiian Homes Commission?"

Senator Chang then said: "I understood the Senator to be referring to page 3."

Senator Soares responded: "Page 3 of the bill, it says that the Act is to statutorily provide the native Hawaiian individuals...."

Senator Young then rose in response and stated: "Mr. President, I think presently they cannot sue, so it was recommended by the Federal Task Force, that instead of yelling and protesting, that the Hawaiian community go to the Circuit Court of the state, and take their complaints there.

"When this bill left the Housing and Urban Development Committee, it was to have the Hawaiian organizations or the native Hawaiians sue Hawaiian Home Lands, and when it went to Judiciary it was my understanding that OHA also wanted to be included as a land trust to be able to sue."

Senator Solomon also rose to speak in support of the measure and stated:

"Mr. President, I would like to remind this body that we're making a policy decision and I think that it is appropriate that we give people the right and the prerogative to sue.

"I agree with the previous Senator's remarks that this has been a long-standing problem. It has been recommended after long deliberation

and after reviewing the testimonies from many Hawaiian organizations that the report of the Federal/State Task Force which included this recommendation.

"I strongly urge this body to pass this legislation. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 378-84 was adopted and S.B. No. 1885-84, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN LAND TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Ajifu, George, Henderson, Kawasaki and Soares). Excused, 1 (Cayetano).

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 2184-84, S.D. 1:

Senator Cobb moved that S.B. No. 2184-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, I find myself in somewhat of a quandry because I believe this bill is important and yet the process by which this bill was amended has disturbed me a great deal. So, therefore, I want to express my concerns about that matter for the record.

"In order to understand the concerns that I have, I believe I have to give some background about this bill.

"Mr. President, last year we enacted Act 296 which provided for the geothermal subzone designation process. In enacting Act 296 we put a halt to existing exploration work while the Department of Land and Natural Resources began the process of determining where these geothermal subzones would be located.

"There are three developers, Mr. President, who are affected by Act 296. All of their work is being done on the Big Island. Two of the developers, Barnwell and Thermal Power, have invested approximately \$12 million in exploration and drilling. These two developers have their

projects located on agricultural land. They are operating with a special use permit. They have a mining lease and, as I stated earlier, they have put quite a bit of work into their project.

"After 296 was passed, both developers communicated to the state that if they could not proceed with existing exploration they would seriously consider abandoning the projects, even giving up all the work they did and the \$12 million investment that they had already made. The Executive took these concerns into consideration. The Executive became convinced that these two developers were not bluffing, that the concerns they were expressing were real and, as a result, Senate Bill 2184 was introduced by the Executive to 'grandfather' or allow these two companies to continue the work they had done. As I stated earlier, they had done a substantial amount of work and had invested a lot of money.

"The third developer, Campbell Estate, on the other hand, had not done substantial work on their project, and their project is located on conservation land.

"The Campbell Estate development is under a conservation permit and that permit is being contested by private parties on the Big Island before the Department of Land and Natural Resources.

"There is a distinct difference, Mr. President, between the kind of uses that are allowed for agricultural land as opposed to land which is designated conservation.

"If the administration bill in its original form had passed, this would have put the Campbell Estate development behind the Thermal Power and Barnwell developments in the race to be the first to seek a development permit. That, I think, was an unfortunate development. However, Act 296 was enacted to take care of the concerns that the public had about the protection of conservation and agricultural lands as geothermal development would impact these types of land.

"Well, at the hearing, the administration came to testify in support of the bill. No testimony was given by the administration regarding including the Campbell Estate development as one of the parties being 'grandfathered' in the bill.

Indeed, Campbell Estate, itself, did not appear to testify.

"The committee did not have decision-making on the amended bill that is before us. Instead, the bill was amended by the committee chairman and a committee report was sent around for signatures.

"The problems that I have with this bill, Mr. President, besides the process that I just described, is that if this bill becomes law it will do a couple of things. One, in my view, it would emasculate Act 296. The reason for this is that the Department of Planning and Economic Development and the Department of Land and Natural Resources, the directors of both of these departments, will tell you that in their opinion there will be only three developers, at least in the near future; that possibly there may be another geothermal developer appearing on Maui, but as far as the Big Island is concerned these three developers will be the only ones.

"So, therefore by 'grandfathering' all three, what we have done is really render the law less effective. Also, by 'grandfathering' the Campbell Estate and by passing this bill, we will have pulled the rug from under the private parties which are now in litigation with the Campbell Estate before the Land Board.

"Mr. President, had we had a public hearing on this matter as to whether the Campbell Estate should be 'grandfathered' along with the Barnwell and Thermal Power projects, had we had a public hearing on this, then we could have had input from all of the affected parties concerned.

"Well, we did not have a public hearing and the chairman, in trying to be fair I suppose to all three developers, took it upon himself to amend the bill and without the benefit of the opinions of his committee members, and this is the situation we find ourselves in today.

"Well, where does this leave us? I think all of us can agree that the development of geothermal energy is important. I think, further, that all of us can agree that we do not want two developers who have already invested about \$12 million in their projects abandon the projects and leave the state because we have enacted a law which caused all of these problems. So in that sense the bill should move forward.

"I feel that I had to get up on the

floor and express these concerns, and I will vote against this bill because, symbolically, I think, at least a few of us should vote against the bill so that we can raise these concerns to the members of the House.

"Judging from last year's experience with the geothermal bill in Act 296, I'm certain that this bill will receive a very warm welcome in the House. I'm hoping that the House members will address the concerns that I have raised.

"I hope, also, Mr. President, that in the future when such major amendments are made to bills of great importance that members of the committee be consulted."

Senator Aki rose to speak in favor of the bill and stated:

"Mr. President, I rise to speak in favor of S.B. 2184.

"First of all, Mr. President, as chairman of the committee I take full responsibility for the amendments proposed. The bill was heard in committee on Tuesday and after closing the hearing I received additional information from another party. As a result of that information, it became very apparent to me as committee chairman that for us to take action on Senate Bill 2184, as proposed, would indeed circumvent the law that we passed last year by 'grandfathering' in geothermal subzones.

"Secondly, it became very apparent to me that by adopting Senate Bill 2184 we would be favoring one developer as opposed to another. Therefore, it was my decision to make it fair to all parties by including the other developer.

"Mr. President, the key issue addressed in Senate Bill 2184 deals with the need to clarify whether or not geothermal energy should be permitted use in agricultural and conservation lands. Clarification of this issue will allow geothermal developers with any state or county land use permits, special use permits, or geothermal mining lease within an agricultural district upon which a geothermal well has been drilled prior to June 14, 1983, or on conservation area use application approved by the Board of Land and Natural Resources, prior to June 14, 1983, to continue to use their permits for exploration.

"I believe, Mr. President, that the amendments contained in Senate Bill

2184 will address geothermal developments to provide a lot to proceed by allowing all developers to continue their investigation, their research, and develop comprehensive plans for development of this valuable resource.

"I believe that geothermal energy development is a highly complex issue and one that will affect the long and short-range future of Hawaii, and I urge passage of this bill."

Senator Cayetano rose in rebuttal and stated:

"Mr. President, I guess the saying, 'the best intentions of men and mice always go awry' is the case in this situation.

"As the chairman stated, he was trying to be fair. Unfortunately, when he was trying to be fair to one party without hearing all of the evidence, I think that what he has succeeded in doing, if this bill becomes law, will be to be unfair to the other parties, including the other two developers.

"First, as I stated, this bill if enacted into law, if the House adopts the bill as is, would pull the rug from out of the litigants of the contested case now before the Land Board.

"Second, it is my understanding that if all three developers are 'grandfathered' in, that all of the land which the Campbell Estate project had projected using for their geothermal subzone would have been 'grandfathered' in, but this would not be the case with the Barnwell and Thermal Power companies. So, Campbell would be free and clear by 'grandfathering.' Barnwell and Thermal Power, from what I understand, to proceed further would have to seek additional permits."

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, taking into account all that's been said by the previous speakers, I still find that I have to vote against it.

"Mr. President, I'm not a member of the committee, but it would seem to me if new information was made available to any chair, such that a complete change in effect was made in the bill, the very least that can be done is that information should be shared with other members of the committee, let alone with the

leadership of this body. Why not communicate it?

"Communicated in this fashion, in effect we are being given a situation which you know has occurred in the United States Congress on occasion to the great detriment of good legislation, that is in effect, putting of riders on bills that are either unexpected or have no proper place in the bill because the assumption is that the bill has to pass and therefore it can be done.

"Mr. President, I'm particularly sensitive on this issue this evening because this body has been the recipient of remarks communicated to the public at large as recently as last night.

"We were castigated by the attorney for the Hawaii Newspaper Agency, perhaps from the point of view of some of us entirely fairly, but, nonetheless, the remarks have been made publicly with respect to secrecy, with respect to doing things without proper hearings, with respect to sunshine laws, with respect to open communication that can be expected where major issues are to be decided. And as a result of that we will find I am sure that some of these issues, important issues with respect to geothermal energy are liable to be lost in the wider discussion.

"Perhaps it will be to our benefit to do so, than to have this discussion, rather, take place as to the manner in which we do business. This is not the way we should do business on these important issues.

"And as a result of that, I cannot bring myself to vote for this bill in its present form and under the circumstances and conditions it reached this floor.

Senator Carpenter then rose to speak in favor of the measure as follows:

"Mr. President, I don't have to say that this bill is not only important for the Big Island but the State of Hawaii as well.

"Mr. President, notwithstanding the modification that changed the language, I think most of us here supported the language in the initial bill, which would have allowed Barnwell and Thermal Power, in this particular case, on agricultural lands to be 'grandfathered' in.

"But for the grace of God those two

developers of geothermal power were not contested in the courts. They could very well have been, in which case all of them, in this particular situation, perhaps, would be in litigation. They were not and this body saw fit to go forward to 'grandfather' them in light of the fact that each had invested some millions of dollars to determine the worth of the geothermal power beneath the earth.

"So, not necessarily in defense of the chairman, but in some manner of understanding that I believe that he sincerely tried to make matters somewhat even. I understand that the ramifications of this bill is such that sites, and specific areas need to be determined. Only the areas in which permits have been granted for specific areas immediately adjacent to the drill sites, as I understand it, are the areas that are essentially 'grandfathered' in this language.

"Mr. President, I hope we can go forward with our reservations as Senator Cayetano has expressed, relating to the conservation land, and expressing those concerns to the House members so that they can take appropriate action and return the bill to us. Thank you."

Senator Henderson also spoke in favor of the bill and stated:

"Mr. President, I don't think there's anything more important to the State of Hawaii right now than the development of geothermal energy on the Big Island.

"In my opinion, whatever we can do to accommodate that development is in the best interest of all of the people of the State of Hawaii. There's a potential on the Big Island of some 500 megawatts of electric energy, about half of the peak on Oahu. And my understanding is there is the technology and the likelihood, the economic feasibility of bringing that energy to Oahu is imminent, that there's a good chance that it'll be very economically feasible.

"So, Mr. President, I support the chairman of the Economic Development Committee in his accommodation of the competing entities in trying to develop geothermal energy on the Big Island.

"Also, Mr. President, I think that the areas that are prescribed in the permits are limited. It doesn't take the entire Campbell Estate 27,000 acres and allow geothermal

development on it. It doesn't do that. It only allows the area that was permitted.

"I know in the case of Thermal Power, it only allows part of their holdings to be 'grandfathered,' not the entire holdings. They have some 10,000 acres in Puna, some of which are in conservation areas which are not included in this 'grandfathering' so I would recommend to the members of this body to support the bill. Thank you."

Senator Cayetano, in response, stated: "Mr. President, there is no question that the development of geothermal energy is important. I think all of us agree to that and, quite frankly, I feel that this bill being the only vehicle should move to the House. I'm not going to vote for it.

"I'm not going to vote for it and I'm disappointed in the remarks of the previous speaker because on Friday night he was talking about process, and that's what I'm talking about. Process in amending this bill was wrong, and I want to bring that fact to the attention of this body."

The motion was put by the Chair and carried, and S.B. No. 2184-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Cayetano).

At 11:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock p.m.

Senate Bill No. 2156-84, S.D. 1:

By unanimous consent, action on S.B. No. 2156-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 266-84 (H.B. No. 530):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 266-84 was adopted and H.B. No. 530, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS IN THE PLANNING AND DEVELOPMENT OFFICE OF THE DEPARTMENT OF

AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and George).

Standing Committee Report No. 267-84 (H.B. No. 531):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 267-84 was adopted and H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN EMPLOYEES IN THE DIVISION OF MILK CONTROL OF THE DEPARTMENT OF AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and George).

Senate Bill No. 2093-84, S.D. 1:

Senator Cobb moved that S.B. No. 2093-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I rise to speak against passage of this bill because what it does in effect is to require that the banks collateralize our state deposits, which amounts to about half-a-billion dollars with less collateral than at present.

"Presently, they collateralize our deposits with their assets amounting to 100 percent of the value of the deposits by the state. This bill cuts it down to 50 percent.

"This reduction from a 100 percent requirement to 50 percent is too great a reduction. I would support something like 75 percent but I would think that going to a 50 percent collateral requirement is going a little too far.

"The banks, of course, are going to benefit materially by the reduction of the collateral requirements. I don't know that the banks need this kind of reduction that is proposed here.

"For that reason I must speak against this bill and will vote against that proposition."

The motion was put by the Chair

and carried, and S.B. No. 2093-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Carpenter, Fernandes Salling and Kawasaki).

Standing Committee Report No. 288-84 (H.B. No. 1297, H.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 288-84 be adopted and H.B. No. 1297, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki then rose to speak against the measure as follows:

"Mr. President, may I direct a point of inquiry to the chairman of the Ways and Means Committee?"

The Chair replied in the affirmative and Senator Kawasaki continued:

"Mr. President, I know that the other special purpose revenue bonds involving other medical institutions, like Queen's Hospital, Kuakini, and so forth, have been recommitted probably because there has been a companion House bill passed upon by the other body. Is that right?"

Senator Yamasaki answered: "That's correct."

Senator Kawasaki continued: "That kind of strikes me as being curious as to why the House did not consider this particular bill for St. Francis Hospital.

"To the best of my knowledge St. Francis Hospital has not as yet come to this Legislature for a similar type of bill."

Senator Yamasaki answered: "This was a special bill for St. Francis."

Senator Kawasaki continued: "But I was surprised that the other body did not consider this bill along with the others that they considered."

Senator Soares, on a point of order, remarked: "Mr. President, this is a House bill."

The Chair responded: "Yes, it is a House bill, Senator Kawasaki, not a Senate bill."

Senator Kawasaki then said: "I see,



I stand corrected.

"Mr. President, I vote against this bill and similar propositions.

"I had predicted some time ago, a number of years back, when the hospitals came to us for special purpose revenue bonds, which in effect means they enjoy a tremendous savings in the way of not having to pay income taxes not them, the buyers of these bonds not having to pay income taxes to the state and the federal government.

"Now, it was argued at that point that these savings would be passed on to the consumers, in other words, the patients of these hospitals.

"We've granted Queen's Hospital a total of \$100 million of these special purpose revenue bonds, which means they enjoy a tremendous savings by selling bonds with lower rates of interest than would otherwise be possible and the bond buyers enjoy a tremendous saving in not paying income tax on the interest income.. The question here is, have the hospital passed these savings along to the consumers? I don't think so.

"Let me just recite to you some of the daily rates charged by Queens Hospital in particular. Mr. President, Queen's Hospital does not have wards. Kuakini Hospital does; it charges \$198 per day for ward rates. Queen's Hospital, however, has semi-private rooms for which you have to pay anywhere between \$200 a day to \$206 a day. For private rooms, Queen's Hospital charges \$231 per day; for intensive care, their charges are \$718.

"So, if you're an elderly person confined in intensive care, the total cost to you at the end of three weeks' stay or a total of a month's stay is an enormous amount. In many cases families have been faced with chaos, simply because all their lifetime savings were expended in paying for their hospital costs.

"My point is, with all of these savings that we had expected medical institutions to enjoy, what happened to the savings that was going to go to the patients? Nothing has taken place so far as I can see.

"To address this problem, as you all know, I have introduced a resolution asking for a Legislative Auditor's audit of the hospital care expenses and what goes into the charging of room rates for two

hospitals, particularly, Kuakini Hospital and Queen's Hospital. I trust that the chairman of the Health Committee who agrees with me that the problem of high hospital care is a big problem will act on the resolution.

"Hopefully, we can get the answers as to why the hospitals, notwithstanding special purpose revenue bonds, ostensibly passed over here to save them money, these savings have not been passed on to the patients who have to be hospitalized. For that reason, I speak against passage of this appropriations bill for St. Francis Hospital."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 288-84 was adopted and H.B. No. 1297, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 302-84 (S.B. No. 878, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 302-84 be received and placed on file, seconded by Senator B. Kobayashi and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, S.B. No. 878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 303-84 (S.B. No. 1115, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 303-84 be adopted and S.B. No. 1115, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares:

Senator Mizuguchi, in support of the measure, stated:

"Mr. President, members of the Senate, I rise to speak in favor of Senate Bill 1115, S.D. 2, which would establish a compulsory arbitration procedure for collective bargaining negotiations with police officers in Unit 12. This bill creates a viable alternative to the right to strike when

contract negotiations have reached an impasse.

"Currently, police officers are not subject to a final offer whole package arbitration procedure like the firefighters. The police officers have the right to strike, but it is questionable whether this right is an effective method of dispute resolution.

"A police officers' strike would certainly present an imminent or present danger to the health and safety of the public. It is reasonably foreseeable that HPERB would declare most police officers as 'essential' due to the nature of their work.

"Utilizing the provisions of Section 89-12(c), HRS, HPERB could effectively forbid most police officers from legally participating in any strike action. Unit 12's right to lawfully strike would be emasculated. There would be no adequate alternative in the event of a strike except to require the trained incumbents of Unit 12 to provide the minimum manning necessary to remove any danger to the public health and safety.

"Removal of any of the critical police services such as dispatch, traffic control, investigation of crimes and traffic accidents as well as responding to other calls for police assistance, would present a grave danger of an unpredictable and awesome nature to the health and safety of the public.

"Since Unit 12's right to lawfully strike can be effectively curtailed by the provisions in HRS 89-12(c), police officers would be left in a very precarious bargaining position with little leverage in contract negotiations.

"Chapter 89 of the Hawaii Revised Statutes recognizes the right of public employees to bargain collectively for their mutual benefit. An important right such as this should not be abridged merely because the employees happen to be police officers. Thus, it is imperative that a viable alternative mechanism for dispute resolution be designed for Unit 12.

"Therefore, Mr. President, I strongly view binding arbitration as the only viable alternative to the right to strike. Binding arbitration would protect the public's interest in continued health and safety while preserving the police officers' right to bargain collectively in an effective

manner.

"Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 303-84 was adopted and S.B. No. 1115, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes. none.

Standing Committee Report No. 310-84 (S.B. No. 1677-84):

By unanimous consent, action on Stand. Com. Rep. No. 310-84 and S.B. No. 1677-84, was deferred to the end of the calendar.

Senate Bill No. 1854-84:

Senator Cobb moved that S.B. No. 1854-84, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Fernandes Salling rose to speak against the measure as follows:

"Mr. President, I just want to point out that what this bill is doing is saying that these records will not be disclosed even upon court order, and, is this something that we want to do that we consider is in the public's interest in setting up these investigative committees?"

The motion was put by the Chair and carried, and S.B. No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Fernandes Salling, Kawasaki and Henderson).

Senate Bill No. 1671-84, S.D. 1:

Senator Cobb moved that S.B. No. 1671-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I speak against the passage of this bill because what this bill does in effect is to hurt an aggrieved private citizen in his confrontation with government. If

there has been some act by any officer of the government, any employee of the government, any director of an agency in government, his act that the court has adjudged to be very harmful, if there's a loss incurred by the private citizen or his entity, then this act will relieve a public official or employee of responsibility.

"It just seems to me when the courts , when the courts decide...."

"Mr. President, I stand corrected, this is the not bill that I was supposed to talk on."

Senator Cayetano then rose to speak against the measure and stated:

"Mr. President, we are on Senate Bill 1671, aren't we?"

"Mr. President, initially, I signed the committee report, free and clear, but my objection on this bill is on page 2, line 14 through 19. This provision reads, 'Nothing in this paragraph shall prohibit the arresting

agency from monitoring any calls if the agency has reason to believe that the caller is attempting to hinder the actions of the agency with regard to other persons or events.'

"Mr. President, this means that the person in custody will be allowed to make a phone call to his attorney, but if the police or the agency involved feel that they have reason to believe that the caller is attempting to hinder the actions of the agency, then they can listen in or monitor the conversation. This would allow them to do what is prohibited in our wiretap law.

"Under our wiretap law, in order for the law enforcement agency...."

At this time, the Chair declared that time has lapsed for the Thirty-Third Day.

#### ADJOURNMENT

At 12:00 o'clock midnight the Senate adjourned until Tuesday, March 13, 1984.

## THIRTY-FOURTH DAY

Tuesday, March 13, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 12:02 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Honorable Patsy K. Young, member of the Senate, after which the Roll was called showing all Senators present.

The Chair announced that he had not approved the Journal of the Thirty-Third Day.

At 12:08 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 106 to 153) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 106), transmitting House Bill No. 582, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 582, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," passed First Reading by title and was referred jointly to the Committee on Health and the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 107), transmitting House Bill No. 769, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 769, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX LAW," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 108), transmitting

House Bill No. 847, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 847, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 109), transmitting House Bill No. 1185, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A PUBLIC GUARDIANSHIP AGENCY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 110), transmitting House Bill No. 1431, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1431, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 111), transmitting House Bill No. 1549, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1549, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," passed First Reading by title and was referred to the Committee on Tourism, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 112), transmitting House Bill No. 1718-84, H.D. 1,

which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1718-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 113), transmitting House Bill No. 1739-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1739-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means

A communication from the House (Hse. Com. No. 114), transmitting House Bill No. 1741-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1741-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 115), transmitting House Bill No. 1746-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1746-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 116), transmitting House Bill No. 1749-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 1749-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 117), transmitting House Bill No. 1751-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1751-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 118), transmitting House Bill No. 1754-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1754-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 119), transmitting House Bill No. 1765-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1765-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 120), transmitting House Bill No. 1794-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1794-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT

ENFORCEMENT SERVICES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 121), transmitting House Bill No. 1796-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1796-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 122), transmitting House Bill No. 1797-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1797-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 123), transmitting House Bill No. 1798-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1798-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 124), transmitting House Bill No. 1800-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1800-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed First Reading by title and was referred to the Committee on Housing

and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 125), transmitting House Bill No. 1811-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1811-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIVER OF NONRESIDENT TUITION DIFFERENTIAL AS IT APPLIES TO PACIFIC ISLAND AND FOREIGN STUDENTS AT THE UNIVERSITY OF HAWAII," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 126), transmitting House Bill No. 1820-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1820-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 127), transmitting House Bill No. 1828-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1828-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 128), transmitting House Bill No. 1879-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1879-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY," passed First Reading

by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 129), transmitting House Bill No. 1895-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1895-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPENSING OF DRUGS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 130), transmitting House Bill No. 1905-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1905-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 131), transmitting House Bill No. 1911-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1911-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INMATE COMMUNITY SERVICE PROGRAM," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 132), transmitting House Bill No. 1920-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1920-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATEWIDE REPAIR AND

MAINTENANCE OF SCHOOLS," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 133), transmitting House Bill No. 1940-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1940-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 134), transmitting House Bill No. 1950-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1950-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 135), transmitting House Bill No. 2110-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2110-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FILMMAKING," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 136), transmitting House Bill No. 2113-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2113-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANNING, ORGANIZING, AND

CONVENING 'FUTURE HAWAII', A CONFERENCE ON ECONOMIC DEVELOPMENT IN HAWAII," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 137), transmitting House Bill No. 2151-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2151-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 138), transmitting House Bill No. 2161-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2161-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE BICYCLE LAWS," passed First Reading by title and was referred to the Committee on Transportation .

A communication from the House (Hse. Com. No. 139), transmitting House Bill No. 2169-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2169-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 140), transmitting House Bill No. 2179-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2179-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FENCES," passed First Reading by title and was referred to

the Committee on Agriculture.

A communication from the House (Hse. Com. No. 141), transmitting House Bill No. 2184-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2184-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 142), transmitting House Bill No. 2192-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2192-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 143), transmitting House Bill No. 2193-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2193-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 144), transmitting House Bill No. 2194-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2194-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES



COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 145), transmitting House Bill No. 2195-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2195-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 146), transmitting House Bill No. 2203-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2203-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 147), transmitting House Bill No. 2254-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2254-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A REVIEW OF HAWAII'S NO-FAULT INSURANCE LAWS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 148), transmitting House Bill No. 2305-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2305-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE

HEARING-IMPAIRED," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 149), transmitting House Bill No. 2320-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2320-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 150), transmitting House Bill No. 2327-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2327-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 151), transmitting House Bill No. 2406-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2406-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 152), transmitting House Bill No. 2407-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2407-84, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE JOB-SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 153), transmitting House Bill No. 2486-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2486-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Ways and Means.

#### UNFINISHED BUSINESS FROM MARCH 12, 1984

#### THIRD READING

Senate Bill No. 2156-84, S.D. 1:

By unanimous consent, S.B. No. 2156-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1677-84:

By unanimous consent, S.B. No. 1677-84, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT," was recommitted to the Committee on Ways and Means.

Senate Bill No. 1671-84, S.D. 1:

By unanimous consent, S.B. No. 1671-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARREST," was recommitted to the Committee on Judiciary.

Senate Bill No. 1738-84, S.D. 1:

By unanimous consent, S.B. No. 1738-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was recommitted to the Committee on Judiciary.

#### ADVISE AND CONSENT

Standing Committee Report No. 379-84 (Gov. Msg. No. 185):

By unanimous consent, action on Stand. Com. Rep. No. 379-84 recommending that the Senate advise and consent to the nomination of

Keith I. Oda to the Commission on Transportation, in accordance with Gov. Msg. No. 185, was deferred until Wednesday, March 14, 1984.

Standing Committee Report No. 380-84 (Gov. Msg. No. 106):

By unanimous consent, action on Stand. Com. Rep. No. 380-84 recommending that the Senate advise and consent to the nominations of Thomas M. Foley, Carole Ann Gibbs, Hideto Kono, Albert S. Nishimura, Russell Okata, Christopher G. Pablo, and Richard L. Pollock, Ph.D., to the Tax Review Commission, in accordance with Gov. Msg. No. 106, was deferred until Wednesday, March 14, 1984.

Standing Committee Report No. 381-84 (Gov. Msg. No. 107):

By unanimous consent, action on Stand. Com. Rep. No. 381-84 recommending that the Senate advise and consent to the nomination of Kazuo Senda to the Board of Taxation Review, in accordance with Gov. Msg. No. 107, was deferred until Wednesday, March 14, 1984.

Standing Committee Report No. 382-84 (Gov. Msg. No. 186):

By unanimous consent, action on Stand. Com. Rep. No. 382-84 recommending that the Senate advise and consent to the nomination of Douglas Beatty to the Board of Taxation Review, Third Taxation District, in accordance with Gov. Msg. No. 186, was deferred until Wednesday, March 14, 1984.

At 12:36 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:38 o'clock a.m.

Senator Soares then made the following observation:

"Mr. President, I'd like to make a brief comment, please, for the Journal.

"I think that what we have seen tonight, unfortunately for the staff who worked so hard around-the-clock and for the staff of all of the committee chairmen who put in so many long hours in getting the committee reports ready, we have to address the problem of internal deadlines. We've talked about it many, many times, and I think that the workmanship, for example, some

of the committee reports not conforming with the bill, the language changes, and the bills themselves being very messy products, does not look with favor on the Senate as it should. I think we'd better sit down sometime and really analyze where we're going to be going with these deadlines because it's causing us a lot of grief and a lot of problems, Mr.

President."

#### ADJOURNMENT

At 12:39 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:00 o'clock a.m., Wednesday, March 14, 1984.

## THIRTY-FIFTH DAY

Wednesday, March 14, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:10 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Major Edward A. Rutkowski, Chaplain, 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 Thirty-Third and Thirty-Fourth Days.

The following introductions were then made to the members of the Senate:

Senator Henderson introduced a group of 19 students from Hilo, Kohala, Konawaena, and Laupahoehoe High Schools of the Big Island, involved in the Legislative Experience Program, together with Mr. Wallace Aki, district personnel specialist, their district advisor; Ms. Netlie Yokoyama of Waiakea High School, their faculty advisor; and Whitney Jenkins, Julie Sakasegawa and Beth Choi, their student coordinators. The students observed the Legislature in session, participated in discussing some of their concerns with various legislators, toured the Capitol, Washington Place and Iolani Palace.

Also introduced by their respective Senators were the the following legislative 'shadows,' participants of the Hawaii Agricultural Leadership Foundation Program, sponsored by the Kellogg Foundation:

Senator Ajifu introduced Ms. Linda Nagata;

Senator Toguchi introduced Mr. George Fernandes, who is president of the East County Farm Bureau, chairman of the Hawaii State Farm Fair, and one of the "Luluku" banana farmers, and a cousin of Senator Fernandes Salling;

Senator Carpenter introduced Mr. Loren Mochida, an ex-Big Islander, ex-Puna Sugar Company employee, who is presently the mechanical equipment operations superintendent at Kekaha Sugar Company, and a personal friend;

Senator Cobb introduced Mr.

Corky Bryan;

Senator Fernandes Salling introduced one of Senator Abercrombie's 'shadows,' a person from Kauai, Mr. Rodney Yadao; and

Senator Abercrombie introduced Mr. Mike Conway from Lanai.

Senator Young then introduced Sherry Ancheta, Rachel McAngus and Janet Castillo, eighth grade students from Ilima Intermediate School, who are participants of the Legislative Awareness Program.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 227 and 228) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 227), transmitting the "Statewide Agricultural Park Action Plan, Phase II - Implementation Program," dated February 9, 1984, prepared by H. Mogi Planning and Research, Inc., for the Department of Agriculture, responding to resolutions of the 1982 Legislature regarding agricultural park issues, was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 228), transmitting the Annual Report of the Governor's Agriculture Coordinating Committee, FY 1982-1983, in response to Section 164-3, HRS, was referred to the Committee on Agriculture.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 154 to 318) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 154), transmitting House Bill No. 183, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 183, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," passed First Reading by title and was referred to the Committee on Housing and Urban

Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 155), transmitting House Bill No. 537, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 537, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTION RECORDS," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 156), transmitting House Bill No. 628, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 628, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 15, OF THE HAWAII CONSTITUTION, TO CLARIFY THE FORTY-EIGHT HOUR REQUIREMENT FOR THIRD OR FINAL READING," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 157), transmitting House Bill No. 1157, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1157, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 158), transmitting House Bill No. 1220, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1220, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," passed First Reading by title and was referred to the

Committee on Judiciary.

A communication from the House (Hse. Com. No. 159), transmitting House Bill No. 1319, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1319, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS," passed First Reading by title and was referred to the Committee on Tourism, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 160), transmitting House Bill No. 1550, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IN-SERVICE TRAINING," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 161), transmitting House Bill No. 1634-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1634-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 162), transmitting House Bill No. 1658-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1658-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL BILLS," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 163), transmitting

House Bill No. 1664-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1664-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 164), transmitting House Bill No. 1711-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1711-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 165), transmitting House Bill No. 1729-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1729-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 166), transmitting House Bill No. 1737-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1737-84, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 167), transmitting House Bill No. 1743-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 1743-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 168), transmitting House Bill No. 1744-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1744-84, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 169), transmitting House Bill No. 1745-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1745-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE TRANSITION TO WORK SYSTEM," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 170), transmitting House Bill No. 1748-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1748-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 171), transmitting House Bill No. 1773-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1773-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce,

then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 172), transmitting House Bill No. 1781-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1781-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF ACUPUNCTURE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 173), transmitting House Bill No. 1821-84, H.D. 1, which passed Third Reading in the House of Representatives on March 23, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1821-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 174), transmitting House Bill No. 1839-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1839-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 175), transmitting House Bill No. 1845-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1845-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 176), transmitting House Bill No. 1864-84, which passed

Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1864-84, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISTRICT ADVISORY COUNCILS," passed First Reading by title and was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 177), transmitting House Bill No. 1871-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1871-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF STATE TAX FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 178), transmitting House Bill No. 1882-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1882-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS OF SALE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 179), transmitting House Bill No. 1892-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1892-84, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST PUBLIC ADMINISTRATION," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 180), transmitting House Bill No. 1912-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1912-84, H.D. 2,

entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 181), transmitting House Bill No. 1921-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1921-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 182), transmitting House Bill No. 1932-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1932-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 183), transmitting House Bill No. 1933-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1933-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 184), transmitting House Bill No. 1941-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1941-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 185), transmitting House Bill No. 1953-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1953-84, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 186), transmitting House Bill No. 1956-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1956-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 187), transmitting House Bill No. 1981-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1981-84, H.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," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 188), transmitting House Bill No. 1982-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1982-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 189), transmitting House Bill No. 1983-84, H.D. 1,



which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1983-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A DUTY TO ASSIST IN CERTAIN CIRCUMSTANCES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 190), transmitting House Bill No. 1984-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1984-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING," passed First Reading by title and was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 191), transmitting House Bill No. 1988-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1988-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY ACTIONS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 192), transmitting House Bill No. 1999-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1999-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 193), transmitting House Bill No. 2000-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and

carried, H.B. No. 2000-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 194), transmitting House Bill No. 2001-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2001-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 195), transmitting House Bill No. 2002-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2002-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 196), transmitting House Bill No. 2003-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2003-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 197), transmitting House Bill No. 2007-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2007-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Transportation, then jointly to the

Committee on Judiciary and the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 198), transmitting House Bill No. 2010-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2010-84, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 199), transmitting House Bill No. 2025-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2025-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 200), transmitting House Bill No. 2028-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2028-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 201), transmitting House Bill No. 2035-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2035-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 202), transmitting House Bill No. 2044-84, H.D. 1, which passed Third Reading in the

House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2044-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 203), transmitting House Bill No. 2054-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2054-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 204), transmitting House Bill No. 2082-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2082-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 205), transmitting House Bill No. 2102-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2102-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 206), transmitting House Bill No. 2142-84, H.D. 1, which passed Third Reading in the House of Representatives on March

12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2142-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 207), transmitting House Bill No. 2143-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2143-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 208), transmitting House Bill No. 2144-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2144-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS," passed First Reading by title and was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 209), transmitting House Bill No. 2163-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2163-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 210), transmitting House Bill No. 2181-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and

carried, H.B. No. 2181-84, entitled: "A BILL FOR AN ACT RELATING TO LANDLORD AND TENANT," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 211), transmitting House Bill No. 2187-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2187-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed First Reading by title and was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 212), transmitting House Bill No. 2198-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2198-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 213), transmitting House Bill No. 2219-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2219-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 214), transmitting House Bill No. 2230-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2230-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE

REVENUE BONDS," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 215), transmitting House Bill No. 2233-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2233-84, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 216), transmitting House Bill No. 2239-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2239-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 217), transmitting House Bill No. 2240-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2240-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 218), transmitting House Bill No. 2248-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2248-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATEWIDE EMPLOYMENT CONFERENCE ACTIVITIES," passed First Reading by title and was referred to

the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 219), transmitting House Bill No. 2252-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2252-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 220), transmitting House Bill No. 2255-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2255-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 221), transmitting House Bill No. 2257-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2257-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 222), transmitting House Bill No. 2261-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2261-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was referred to the

## Committee on Higher Education.

A communication from the House (Hse. Com. No. 223), transmitting House Bill No. 2268-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2268-84, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURTS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 224), transmitting House Bill No. 2281-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2281-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 225), transmitting House Bill No. 2294-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2294-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 226), transmitting House Bill No. 2332-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2332-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE TO KEEP FIREARMS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 227), transmitting House Bill No. 2333-84, H.D. 1, which passed Third Reading in the

House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2333-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS UNDER THE FIREARMS LAWS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 228), transmitting House Bill No. 2340-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2340-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFUSAL TO PROVIDE IDENTIFICATION UNDER THE STATE-WIDE TRAFFIC CODE," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 229), transmitting House Bill No. 2368-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2368-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROOF OF VENUE," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 230), transmitting House Bill No. 2402-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2402-84, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 231), transmitting House Bill No. 2409-84, H.D. 1, which passed Third Reading in the House of Representatives on March

12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, 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," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 232), transmitting House Bill No. 2416-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2416-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 233), transmitting House Bill No. 2418-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2418-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 234), transmitting House Bill No. 2429-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2429-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 235), transmitting House Bill No. 2438-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2438-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 236), transmitting House Bill No. 2463-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2463-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE REVIEW BOARDS," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 237), transmitting House Bill No. 2477-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2477-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 238), transmitting House Bill No. 2497-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2497-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 239), transmitting House Bill No. 2512-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2512-84, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 240), transmitting House Bill No. 2523-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2523-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 241), transmitting House Bill No. 2528-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2528-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 242), transmitting House Bill No. 2559-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2559-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 243), transmitting House Bill No. 2561-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2561-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 244), transmitting House Bill No. 2564-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2564-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 245), transmitting House Bill No. 2598-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2598-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 246), transmitting House Bill No. 2602-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2602-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 247), transmitting House Bill No. 2603-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2603-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 248), transmitting House Bill No. 2604-84, which passed Third Reading in the House of

Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2604-84, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 249), transmitting House Bill No. 2605-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2605-84, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 250), transmitting House Bill No. 2610-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2610-84, entitled: "A BILL FOR AN ACT RELATING TO CONGRESSIONAL DISTRICTS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 251), transmitting House Bill No. 2612-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2612-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 252), transmitting House Bill No. 78, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 78, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE THEFT," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 253), transmitting House Bill No. 1362, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1362, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 2 AND 3, AND ARTICLE IV, SECTION 4, OF THE HAWAII CONSTITUTION, TO MAKE VARIABLE THE NUMBER OF SENATORS AND REPRESENTATIVES TO BE ELECTED FROM RESPECTIVE SENATORIAL AND REPRESENTATIVE DISTRICTS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 254), transmitting House Bill No. 1727-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1727-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 255), transmitting House Bill No. 1738-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1738-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 256), transmitting House Bill No. 1750-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1750-84, entitled: "A BILL FOR AN ACT RELATING TO



EMPLOYMENT SECURITY," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 257), transmitting House Bill No. 1759-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1759-84, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 258), transmitting House Bill No. 1760-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1760-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed First Reading by title and was referred to the Committee on Housing and Urban Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 259), transmitting House Bill No. 1801-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1801-84, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 260), transmitting House Bill No. 1870-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1870-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX,"

passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 261), transmitting House Bill No. 1873-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1873-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 262), transmitting House Bill No. 1875-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1875-84, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 263), transmitting House Bill No. 2078-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2078-84, H.D.1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 264), transmitting House Bill No. 2103-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2103-84, entitled: "A BILL FOR AN ACT RELATING TO LICENSEES UNDER THE INTOXICATING LIQUOR LAW," passed First Reading by title and was referred to

the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 265), transmitting House Bill No. 2168-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2168-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MAUI COMMUNITY COLLEGE MOLOKAI FARM SCHOOL," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 266), transmitting House Bill No. 2170-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2170-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BIOLOGICAL CONTROL PROJECT TO CONTROL WEBWORMS ON MAUI," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 267), transmitting House Bill No. 2249-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2249-84, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 268), transmitting House Bill No. 2275-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2275-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 269), transmitting House Bill No. 2285-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2285-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 270), transmitting House Bill No. 2383-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2383-84, entitled: "A BILL FOR AN ACT RELATING TO JOURNALS," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 271), transmitting House Bill No. 2451-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2451-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL CODE," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 272), transmitting House Bill No. 2527-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2527-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 273), transmitting House Bill No. 2529-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2529-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means

A communication from the House (Hse. Com. No. 274), transmitting House Bill No. 359, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 359, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL GUARD AND RESERVE TUITION WAIVERS," passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 275), transmitting House Bill No. 633, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 633, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 13, OF THE HAWAII CONSTITUTION TO CHANGE THE JURISDICTIONAL AMOUNT REQUIRED FOR JURY TRIALS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 276), transmitting House Bill No. 654, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 654, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 277), transmitting House Bill No. 851, which passed

Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 851, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 278), transmitting House Bill No. 1213, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1213, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUE BE REFUNDED TO TAXPAYERS UNDER CERTAIN CONDITIONS," passed First Reading by title and was referred to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 279), transmitting House Bill No. 1466, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1466, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES TO RELATIVES OF DECEASED EMPLOYEES," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 280), transmitting House Bill No. 1629-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1629-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was referred to the Committee on Transportation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 281), transmitting House Bill No. 1728-84, which passed

Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1728-84, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 282), transmitting House Bill No. 1789-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1789-84, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 283), transmitting House Bill No. 1856-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1856-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXPIRATION OF DRIVER'S LICENSES," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 284), transmitting House Bill No. 1904-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1904-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL PRODUCTS," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 285), transmitting House Bill No. 1906-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1906-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL ACTIVITIES," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 286), transmitting House Bill No. 1946-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1946-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERSONAL CARE SERVICES," passed First Reading by title and was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 287), transmitting House Bill No. 1947-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 288), transmitting House Bill No. 1949-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1949-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WITNESS SECURITY AND PROTECTION PROGRAM," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 289), transmitting House Bill No. 1980-84, H.D. 1, which passed Third Reading in the

House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1980-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVES-DROPPING," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 290), transmitting House Bill No. 1989-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1989-84, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 291), transmitting House Bill No. 2006-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2006-84, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 292), transmitting House Bill No. 2016-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2016-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' COMPENSATION FUND," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 293), transmitting House Bill No. 2021-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2021-84, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE

REVENUE BONDS," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 294), transmitting House Bill No. 2032-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2032-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 295), transmitting House Bill No. 2036-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2036-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES," passed First Reading by title and was referred jointly to the Committee on Education and to the Committee on Transportation.

A communication from the House (Hse. Com. No. 296), transmitting House Bill No. 2039-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2039-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 297), transmitting House Bill No. 2077-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2077-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 298), transmitting House Bill No. 2116-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2116-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 299), transmitting House Bill No. 2182-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2182-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY MENTAL HEALTH SYSTEM," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 300), transmitting House Bill No. 2196-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2196-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 301), transmitting House Bill No. 2224-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2224-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 302), transmitting

House Bill No. 2229-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2229-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CONSUMER EDUCATION PROGRAM ON MILK," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 303), transmitting House Bill No. 2256-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2256-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed First Reading by title and was referred to the Committee on Health, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 304), transmitting House Bill No. 2308-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2308-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 305), transmitting House Bill No. 2329-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2329-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIMONY," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 306), transmitting House Bill No. 2337-84, H.D. 1, which passed Third Reading in the

House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2337-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAIL LIGHTS ON VEHICLES," passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 307), transmitting House Bill No. 2484-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2484-84, H.D. 1, entitled: "A BILL FOR AN ACT REGARDING CHAPTER 421C, HAWAII REVISED STATUTES," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 308), transmitting House Bill No. 2526-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2526-84, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed First Reading by title and was referred to the Committee on Government Operations and County Relations, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 309), transmitting House Bill No. 2597-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2597-84, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 310), transmitting House Bill No. 1948-84, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 1948-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO ALLOW FLEXIBILITY IN SCHEDULING THE MANDATORY RECESS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 311), transmitting House Bill No. 162, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 162, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 312), transmitting House Bill No. 571, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 571, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION TO PROVIDE FOR AN APPOINTED BOARD OF EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 313), transmitting House Bill No. 1370, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1370, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE APPOINTMENT OF THE SUPERINTENDENT OF EDUCATION," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 314), transmitting

House Bill No. 1802-84, H.D. 1, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1802-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed First Reading by title and was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 315), transmitting House Bill No. 1913-84, H.D. 2, which passed Third Reading in the House of Representatives on March 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1913-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

At 11:21 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

A communication from the House (Hse. Com. No. 316), transmitting House Bill No. 1640-84, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1640-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1983 TO JUNE 30, 1985," passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 15, 1984.

A communication from the House (Hse. Com. No. 317), transmitting House Bill No. 1874-84, which passed Third Reading in the House of Representatives on March 14, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1874-84, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed First Reading by title and was placed on the calendar for further consideration on

Thursday, March 15, 1984.

A communication from the House (Hse. Com. No. 318), transmitting House Bill No. 2092-84, H.D. 1, which passed Third Reading in the House of Representatives on March 14, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2092-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was placed on the calendar for further consideration on Thursday, March 15, 1984.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 47), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RECONSIDER ITS PROPOSAL TO RELOCATE THE OPERATIONS OF MID PACIFIC AIRLINES FROM THE MAIN TERMINAL AT THE HONOLULU INTERNATIONAL AIRPORT TO THE INTERISLAND TERMINAL," was offered by Senators Carpenter, Solomon, Henderson, Cayetano, Mizuguchi, Holt, Fernandes Salling and Abercrombie, and was read by the Clerk.

By unanimous consent, S.C.R. No. 47 was referred to the Committee on Transportation.

#### SENATE RESOLUTION

A resolution (S.R. No. 55), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RECONSIDER ITS PROPOSAL TO RELOCATE THE OPERATIONS OF MID PACIFIC AIRLINES FROM THE MAIN TERMINAL AT THE HONOLULU INTERNATIONAL AIRPORT TO THE INTERISLAND TERMINAL," was offered by Senators Carpenter, Solomon, Henderson, Cayetano, Mizuguchi, Holt, Fernandes Salling and Abercrombie, and was read by the Clerk.

By unanimous consent, S.R. No. 55 was referred to the Committee on Transportation.

#### STANDING COMMITTEE REPORT

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 385-84), recommending that House Bill No. 1422, H.D. 1, S.D. 1, as amended in S.D. 2, pass Second Reading and be



placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1422, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCESS MILK," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 16, 1984.

#### ORDER OF THE DAY

MATTERS DEFERRED  
FROM APRIL 13, 1984

#### ADVISE AND CONSENT

Standing Committee Report No. 379-84  
(Gov. Msg. No. 185):

Senator Cobb moved that Stand. Com. Rep. No. 379-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Keith I. Oda to the Commission on Transportation, 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, 24. Noes, 1 (Cayetano).

Standing Committee Report No. 380-84  
(Gov. Msg. No. 106):

Senator Cobb moved that Stand. Com. Rep. No. 380-84 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 Thomas M. Foley, Carole Ann Gibbs, Hideto Kono, Albert S. Nishimura, Russell Okata, Christopher G. Pablo and Richard L. Pollock, Ph.D., to the Tax Review Commission, terms to expire upon completion of duties, seconded by Senator Soares.

Senator Kawasaki rose on a point of inquiry as follows:

"Mr. President, are we taking a vote on all these names individually or are they in one blanket motion?"

The Chair answered: "Yes, one blanket motion."

Senator Kawasaki continued:

"Mr. President, I'd like to speak against confirmation of all of these names. It is unfortunate that we have to include all seven names in one blanket motion because I think there are some people qualified to serve on this Tax Review Commission.

"I signed the Ways and Means Committee report 'I do not concur' because I thought such a practice was bad. It's not perhaps the most efficient way of confirming or not confirming a person appointed to this very important commission.

"Relevant to my position on this bill, let me read to you a letter just received this morning in the morning mail from perhaps a constituent who is concerned, who shares my same concern ..."

Senator Abercrombie interjected: "Mr. President, would the Senator yield?"

"Mr. President, the reason I ask him to yield is, it's just now coming clear to me what is happening.

"Mr. President, on a point of inquiry, is it legal within the boundaries of our rules or within the rules of confirmation as it may or may not exist in statute to pass on an entire commission in one motion as opposed to individual names?"

The Chair answered: "Yes, it is consistent with our rules.

"Should any member of the Senate feel otherwise then we would have to go on an individual basis, but, all of the names are contained in this one message from the Governor."

Senator Abercrombie responded: "I see, thank you very much and I thank the Senator for yielding."

Senator Kawasaki then continued: "Mr. President, could we consider these names separately on a seriatim point, so to speak in parliamentary practice?"

The Chair answered: "Yes, I think we could, Senator Kawasaki, but it would be just under the similar individuals mentioned in the message."

Senator Kawasaki continued: "What is intended here ... it just might be too bad because people may have to vote no because of objections to one or two names out of a six-name list, and I would hate to see that, so might I suggest that we consider

these names separately?"

Senator Cobb rose on a point of order and stated:

"Mr. President, unfortunately, if all the names are contained in one message, it's like a bill with six or seven parts to be considered in total. If there is an objection, of course the objection can be made known to either any part of the bill or any part of the message or any name contained in the message.

"I think the problem that faces the Senate today, in light of the questions that have been raised, could best be resolved if the Executive sent the names individually. As long as they are part of a consolidated message, then we are in effect compelled to deal with that message as a message number, since it's referenced, but I don't think there's any prohibition at all either to debate or objections being made known either to any part of the bill or any part of the message."

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

The Chair then remarked: "After some discussion on the inquiry; we have agreed that we will take up all of the names under one motion and those individuals wishing to speak against any individual listed in the Governor's Message should do so at this time."

Senator Kawasaki continued: "Mr. President, I started to say, I will read a letter I received only this morning. I'm sure other Senators have received similar letters. Perhaps it goes to the heart of the issue here.

"This letter is dated March 13, addressed to me, and I quote:

'Dear Senator Kawasaki, After reviewing the Hawaii Tax Review Commission's interim report to the 1984 Legislature, dated January 18, 1984, in my opinion the report is just a waste of taxpayers' monies -- some \$300,000 -- and the commission should be abolished.

'As a taxpayer for 45 years, the present state tax structure is fair to all of Hawaii's taxpayers and doesn't require any changes. There is a quotation, "Don't fix it if it's

working."

'We should be reminded by a Honolulu Star Bulletin article entitled, "Hawaii's Tax Bite Is Going Only Second Only to Alaska's."

'If the intent of the Tax Review Commission is to generate additional revenues through changes in the present Hawaii tax system, the cards are stacked against the taxpayers.

'There are two members on the commission who will be "pro" higher taxes to benefit themselves and their associated government unions -- the University of Hawaii Public Assembly and the HGEA. Richard Pollock is a member of the UHPA, the University of Hawaii Public Assembly, and Russell Okata is the executive director of the HGEA. Naturally, both members will be benefited if changes imposing to the tax structure should increase our taxes. They are also taxpayers, yes, but their increases in pay raises will net more than Hawaii's tax collection increases.'

"And I must agree with this. It just seems to me the Governor did not use discretion in appointing both of these gentlemen however well-meaning they may be to this Tax Review Commission, who we expect the members to be very objective, not influenced by tax increases or tax decreases, for that matter.

"The Governor's excuse, as I recall, when questioned about Russell Okata's appointment, particularly, was that 'well, this man represents a segment of the population.' That's well and good, he possibly represents a segment of the population numbering perhaps 25,000 members of the HGEA.

"What about the segment of the population -- the Hawaiians and the part-Hawaiians, for example? I understand there are 150,000 citizens of Hawaiian, part-Hawaiian ancestry. Shouldn't they be represented on this Tax Review Commission? I don't see any Hawaiian name on that.

"Shouldn't the senior citizens be represented? They comprise quite a proportion of our total population. Shouldn't other people representing other large blocks of our population be represented?

"The point here is that the Governor has not been very objective

in the appointment of those people who he says should represent proportionate sections of our population. I think the Governor is not quite accurate on this and I must call the attention of the body to this.

"My point here, primarily, is that I cannot believe that both of these gentlemen would not be influenced by the positions that they hold in regard to votes taken on whether to increase taxes or not.

"For that reason I think these two names should not be confirmed for the Tax Review Commission, and I will vote against this."

Senator Abercrombie then inquired: "Mr. President, am I correct, before I make my remarks, am I correct that there will be one motion and that if someone wished to have any of the names deleted, they would have to make an amendment on the floor at this point?"

The Chair answered: "Senator, you will vote 'aye' or 'nay'."

Senator Abercrombie further inquired and remarked: "That would be the only way? Okay, fine.

"I will speak against the confirmation of all these names but for different reasons than enumerated by the previous speaker.

"Mr. President, when I first came into the Legislature, there was at that time in existence a blue-ribbon commission. I believe that was even the title of it with respect to reorganizing the government structure, and I well recall the discussions that took place at that time, and there were lots of arguments based on just the things as, well, it's nice to have their recommendations, the Legislature should be doing this themselves, etc., and most of these recommendations were set on the side.

"Mr. President, I voted against this Tax Review Commission and I've spoken against the idea before. I've said many times, and I don't believe I'm the only one on the floor who has taken this position that this is work that we should do ourselves, that we're capable of doing ourselves, and we should take the responsibility for.

"And that I think in terms of policymaking, on something as fundamental as tax reviews, we as a legislature could hire our own consultants, etc., if it was

necessary, with respect to Legislative Reference Bureau capabilities and all the rest of it. Therefore, I do not feel that this Tax Review Commission represents the kind of approach that I think we should take, so I'm not speaking on the individual qualifications of these ladies and gentlemen who have offered themselves to us. And I'm sure they would try to do a good job, but whether they did or they didn't is secondary to my essential position that this is work we should do ourselves and take responsibility for ourselves."

Senator Cayetano remarked as follows:

"Mr. President, my initial impression was to vote against the confirmation of these individuals and I think the points raised by Senator Abercrombie are legitimate. I share those views.

"I voted against appropriations made for the Tax Review Commission. I do recognize, however, that we are impelled to have it because of the constitutional amendment.

"I am not going to oppose the confirmation of these individuals primarily because I don't think I'd put much stock in the recommendations made to the Legislature if I happened to be a member of the Legislature at the time when those recommendations are made. I don't think I would put much stock in the Tax Review Commission. I think it's a body which really will not be very productive and one that we could do without."

Senator Kawasaki the added to his remarks as follows:

"Mr. President, I want it clearly entered into the record that I would ordinarily be voting for the confirmation of Thomas Foley, Carole Ann Gibbs, Hideto Kono, Albert S. Nishimura, and Christopher Pablo. These names I find acceptable.

"The other two names, primarily because they represent very narrow segments of our population, specifically, officials of government employees unions.

"I'd like to see officials representing labor generally represented. What about the ILWU representative or the AFL-CIO, or the other unions who are non-government employees labor unions

representing members of the private sector? They are not represented and this gives me more clearly an impression that this commission is not well-rounded, so to speak. And I speak against confirmation."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Kawasaki).

Standing Committee Report No. 381-84 (Gov. Msg. No. 107):

Senator Cobb moved that Stand. Com. Rep. No. 381-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Kazuo Senda to the Board of Taxation Review, Fourth Taxation District, term to expire December 31, 1986, seconded by Senator Spares.

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. 382-84 (Gov. Msg. No. 186):

By unanimous consent, action on Stand. Com. Rep. No. 382-84 recommending that the Senate advise and consent to the nomination of Douglas Beatty to the Board of Taxation Review, Third Taxation District, in accordance with Gov. Msg. No. 186, was deferred until Thursday, March 15, 1984.

### THIRD READING

Standing Committee Report No. 383-84 (S.B. No. 1846-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 383-84 was adopted and S.B. No. 1846-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 384-84 (S.B. No. 1787-84):

By unanimous consent, Stand. Com.

Rep. No. 384-84 and S.B. No. 1787-84, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were recommitted to the Committee on Ways and Means.

At this time, Senator Solomon, Chairman of the Committee on Education, requested a waiver of the 48-hour Notice of a Public Hearing for the subjects listed on the agenda of the Senate Education Committee's hearing notice for Thursday, March 15, 1984, and the President granted the waiver.

At 12:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 o'clock p.m.

Senator Kawasaki rose on a point of personal privilege as follows:

"Mr. President, I'm interested, on a point of inquiry, to see whether some statements attributed to the Senator from the 7th District is accurate or not.

"Quoted in the morning paper was a statement attributed to the Senator from the 7th District: 'Consumer Protection Committee Chairman Steve Cobb was insisting there were ways to keep the takeover issue alive.' This is in reference to the corporation bill, a very complicated bill which many of us here felt required further study because of its implications and its ramifications.

"To further quote the newspaper, 'He charged that the six state Senate "dissident" Democrats deliberately delayed matters Monday night to kill the takeover bill.'

"I want to ask the Senator if this statement attributed to him is accurate?"

Senator Cobb answered as follows:

"It's not entirely accurate, Mr. President.

"I had expressed a regret that the Senate as a total body was not allowed to consider it. I did not attribute the delay, however, to any group of people. I merely said that my principal regret was that the Senate did not have an opportunity to vote on this matter and I felt very sorry about it."

Senator Kawasaki further inquired: "Then, am I to assume that the

reporter quoted you inaccurately, Senator Cobb?"

Senator Cobb answered: "I think the reporter was paraphrasing me, however, when I was asked.

"I certainly made known my displeasure about the idea that the matter was not allowed to be considered. Since the question has been raised, Mr. President, I would like to elaborate a bit.

"Mr. President, on Monday we spent a better part of seven hours in caucus and a better part of four hours voting on the floor. I think the caucus was a sincere attempt by the Majority to achieve an accommodation, to allow full discussion and question and answer on every single bill.

"The biggest regret I have is that not every bill was thus after that caucus able to be voted upon. And I consider the issue of corporations to be a very important one, particularly in view of some of the moves that are taking place, both locally as well as nationally, that could affect Hawaii corporations.

"My regret is, while we had in effect an unlimited caucus and while we also had unlimited debate, we did not have unlimited voting privileges. And I hope that in the future, caucuses are planned sufficiently in advance so that not only will all questions be answered, but then there will be sufficient time for debate and discussion on the floor, and of equal importance, voting on the floor."

Senator Kawasaki continued: "Mr. President, I too regret the fact that some five bills could not be adequately discussed and debated and voted upon, but if the Senator from the 7th District says that he was quoted inaccurately, then I will not make much of an issue with that particular incident. However...you wish to speak, Senator?"

"But, if it really was intended to cast some slurs upon us, that we deliberately filibustered, which was not the case because there were many bills that each and everyone of us were interested in hearing debates and discussion on and, ultimately, votes taken. Unfortunately, the bills could not enjoy this privilege simply because of the lapse of time.

"I do want to assure this body that I fully intended and desired a full

discussion on the bill that he seems so preoccupied in passing this session because it's a very important bill which has great ramifications, but there was no filibuster attempt at all."

Senator Abercrombie also rose on a point of personal privilege as follows:

"Mr. President, I have a question for the member from the 7th District.

"On Channel 2, last night, he was also quoted as saying that so-called six dissident Senators delayed matters and caused the corporation bill to die. I will ask the Senator, was he not only misquoted by Jerry Burris, the Advertiser politics editor, but was he also misquoted by Mr. Joe Moore on Channel 2 last night?"

Senator Uwaine then interjected: "Mr. President, ... "

Senator Cobb rose to remark: "I'll respond. I want to get into this.

"Mr. President, I said very clearly to both Mr. Burris and to Channel 2 that those responsible for holding up the bill should bear the accountability for it. I was then asked the question by the reporter, will there be a vehicle?"

"My feeling is that if there is a vehicle and if it's possible for the Senate to consider this issue again, I think it should. And I lay the responsibility for not being able to consider this and other issues on any group or individual who would want to take us past midnight so that we could not consider this.

"I did not at any time, in response to the reporters' questions, say 'dissidents' or 'six' or any others because I felt that, of the six Senators who could be accused, there was a division of opinion among them. Some were for; some were against; some even wanted to serve on the conference committee of this measure. So it was by no means a group blame.

"The biggest regret I have is that we in the Majority bent over backwards to accommodate full discussion in caucus, only to see a lack of opportunity to vote on the floor. I hope that does not happen again."

Senator Abercrombie then continued as follows:

"Mr. President, I don't think that anybody on this floor has ever seen

me waffle on whether I did something or not.

"Now, what's just been said to me by the Senator from the 7th District, I don't believe for one second. What's being said was Channel 2, separately, and the Honolulu Advertiser political reporter who's had some experience here over the years, in fact both reporters, have deliberately or by virtue of incompetence misquoted the Senator with respect to who is responsible.

"I'll finish my remarks, Senator. We've heard your self-righteous indignation waffling to this point and now you're going to hear something.

"When you talk about the Majority ... when the Senator talks about the Majority bending over backwards, Mr. President, I submit to you that that caucus was a very good caucus, and that discussion was held fully on all the issues. Is the Senator implying that some favor is being done by having a discussion on the issues? This Senate does not exist for the Senator's convenience with a particular bill that he has an interest in. It may come as some surprise to him that there are other people on this floor who have interest in bills, as well.

"When a Senator indicates that we were divided and that he indicated to these reporters that we were divided, he is not telling the truth. On what basis does the Senator make the statement on this floor just now that we were divided -- some for and some against -- to filibuster. How does he know?

"Maybe he knows the same way he knew in the House when I had to deal personally with this particular Senator going from one Senator to another talking about what we were doing, in this instance, Senator Cayetano and myself, which constituted in his mind a group.

"I remember that as a result of the remarks he made at that time, when he also knew, apparently by some kind of intuition ... perhaps a superior intellect although I don't think there's any danger of that manifesting itself ... that there was a conspiracy afoot and an argument.

"Now the Senator says there was an argument, a division for and against, because he apparently doesn't have sufficient integrity to say, yes, I said that about that.

"The fact of the matter is that it's not true -- not one sentence, not one word, not one moment's discussion -- consideration was ever taken about trying to delay any bill.

"When the Senator so self-righteously talks about the Majority, quite frankly, Mr. President, I think he's speaking for himself. He's trying to weasel out of what he said and did. He's the Majority Leader, not any of the six of us or any of the others on this floor; he's the Majority Leader and he's responsible for moving the bill. He's responsible for seeing how the discussion takes place on the floor and how it moves. Mr. President, you will recall there were members of the minority members of the Majority, and I still consider myself part of the Majority party. Why else were we in the caucus? Is that the way it's going to come down? When there are certain bills that the Majority Floor Leader wants, then there's a majority, but when there are bills when votes are requested from the Majority Democrats, then we're all together? Everybody takes his or her chances with bills.

"Mr. President, if you will recall what happened in that caucus yesterday, bills were withdrawn by several Senators, including Senators among the six of us, as a result of a discussion in there. There was no favoritism shown. In fact it was remarked during the caucus that if anybody was hard on anybody the six of us were not part of the committee majority and leadership majority were harder on each other ... don't shake your head, Senator, that's the truth; you were there ... were harder on each other than on anybody else, in terms of questioning, in terms of trying to focus on what the issues were.

"I didn't schedule, none of the five of us who were put into this category by this Senator, scheduled the caucus. We could have had it on Saturday; we could have had it on Sunday; we could have had it earlier on Monday. We had some 200-plus bills.

"I put it to you also, Mr. President, if it hadn't been for bills crossing over from the House, there would have been even more bills that wouldn't have been heard.

"No one expressed on this floor to me that there was any attempt or anybody had a thought that there was

an attempt to hold up bills. I myself, and Senator Mizuguchi would bear me out, at one point when Senator Kawasaki was speaking of his well-known opposition to special purpose revenue bonds, I in effect was chewing on this desk, and he looked at me and he was laughing because he understood.

"I had a bill among those bills, one that I've been working on for years from the time I was in the House, on police arbitration, and I was afraid it was going to go down. After all the work that had been done and everything else, I was afraid it was going to go down because of time. And if it hadn't been for 90 seconds on the clock, it would have gone down.

"You yourself, Mr. President, indicated that the corporation bill of all the bills was the one most likely to be discussed. And that's why the suggestion was made to put it to the end of calendar; maybe we can get through these other bills even though most of the bills that were left, if not all the bills, had generated an enormous amount of discussion in the caucus.

"The Senator's bill is no more important than anybody else's bill, as far as that's concerned, except maybe to him. And at the time, in terms of responsibility for moving things along, that's what his job is, but I noticed that he was preening and strutting and walking around while the Vice President was out checking on where the votes were. He had to take up the slack.

"So, if we're going to look at who's responsible for not having sufficient time to have all the bills considered on the floor, I suggest the Senator get a very large mirror, hold it up and take a good long look in it, before he starts sounding off about what the responsibility of other people is or is not with respect to the moving of bills on this floor.

"I particularly resent this because we worked as hard we could to be constructive; worked as hard as we could to move as fast as we could; and I will tell you something else ... there are Senators including ... I just mentioned Senator Mizuguchi with respect to, if I am not mistaken, the comparable worth bill. He asked remarks to be entered in the record.

"We could have debated longer when the bingo bill was up. Am I accusing the Senator, the proposer of the

bingo bill, for stalling because he read his speech with respect to bingo? And there were lots of people, had they wanted to, with respect to the bingo bill, and they feel very strongly about it, including the Senator to my left, who voted against the bingo bill on the basis of what his feelings on gambling are, who's one of our so-called 'six.' If people wanted to, you know very well, my colleagues on this floor, that that gambling bill could have been debated for two or three or four hours and all the rest of the bills would have suffered as a result.

"And on bills that passed during the last 15 minutes, when there was discussion as to whether the bill should be put to the end, Mr. President, four or five minutes was taken up with the discussion. We moved several bills, including that investigation bill. I wanted to talk on that bill. I wanted to talk against it. I ended up just voting against it.

"Several of us wanted to talk against those bills and that's why they're at the end of the calendar. This is not unusual.

"In the ten years that I've been in the Legislature, I daresay for those of you who have been in this Legislature longer, you know it's common practice that when you know a bill is going to have a lot of discussion, it's common practice to put it to the end of the calendar. There was no deliberate utilization of something unusual. Some of those bills moved and were passed even though many of us on this floor had reservations or wanted to discuss them. We moved as fast as we possibly could.

"At one point even Senator Cayetano, I suppose in violation of courtesy, he even went over to Senator Kawasaki because he was waxing long and eloquently about those damn special purpose revenue bond bills that he's so upset with. I knew what he was doing. He was talking out against it.

"And I'll tell you something. As far as I'm concerned, when the records of this Legislature are looked at in time to come, Senator Kawasaki will stand strong, tall, and above almost all of us in here in terms of his fidelity to this body and his fidelity to the public interest. Many times he had to stand alone on what he believes, including Friday night when this so-called dissident group that is now being discussed again,

voted against him, if I'm not mistaken, five-to-one on every single one of the objections that he had. He doesn't depend upon the goodwill of anybody in here in terms of his own positions as to what they are or not in his desire to articulate them and how he's going to vote and what he's going to do. And no one can say that he has ever acted but with the highest sense of integrity with respect to the conduct of business in this house. That's the way he felt, and with the time constraint, all the rest of these bills were involved that way.

"We're trying to work constructively, Mr. President. And I'm telling you and I'm putting it on the record, the reason that I was so upset that night ... members know in here how upset I was ... they know how upset I was about what I consider to be a cheap trick by the Consumer Protection chairman with respect to Senator Kawasaki's discussion in putting over a bill to the end of the calendar as some kind of petty revenge, from my point of view.

"I kept my mouth shut; I didn't say what was on my mind ... well, if that's the way, I'll consider the source. After all, that's what most of the people I've talked to said anyway, consider the source.

"So, Mr. President, I'm going to take it that these remarks were the result of a after-the-fact crybaby attitude on the part of one individual, the Majority Floor Leader, and does not represent the leadership nor the feelings of the rest of the members here with respect to the business that was conducted freely, fully, firmly on the basis of trying to make a contribution the best that each one of us could and not on the basis of Majority versus dissidents or Minority or anything else. That's the way we try to do things.

"We're grown-ups here. We tried to put things together in a different manner at the beginning of this term and it didn't work out and since that time we've been doing our level best to be participating and contributing members. And because someone's bill ... and I don't see the Judiciary chairman and the other people crying in their beer about the fact that their bills didn't go ... and if I lost the arbitration bill, and I know Senator Henderson, for example, had a lot of reservations about that bill. He could have stood up when that bill was called just a few seconds before

midnight, and if he'd wanted to, by asking perfectly legitimate questions that he had on his mind or making his stand known, it would have ended even sooner. The bills that didn't pass would have ended even sooner, including the one that I wanted.

"All of us on this floor had things that we wanted to say, our positions that we wanted to make known, but we voted in an attempt to try and move as fast as we could toward that bill, that corporation bill.

"So, the bottom line on all of this is that if an individual feels that way, then say so and say so forthrightly, don't start waffling on it, and take the grief that comes of it if it turns out not to be true, or if you're just trying to look for positions so you can look good to the people that were pushing the bill. That's the way it is, then say so, but if it isn't, let's try to continue for the rest of this session in a manner in which things have been operating up to this point.

"And I for one will wait to see whether other members in the so-called Majority and whether the leadership takes exception to that point of view; then we can do things a different way. It won't be very productive; but we can do it that way, if that's the way people want it. But I for one don't want to participate; I for one don't want to do my best here, in committee, and in caucus, and have it turned around on me in the end because somebody doesn't get what they want, to be told that I was deliberately, or even implied, that I was deliberately trying to thwart somebody in a manner which was not forthright.

"And I think you above all know, Mr. President, that if I've got some complaint or some grievance against somebody I come right to him and tell him about it and tell him exactly what I'm going to do, why I'm going to do it, and how I'm going to try and do it. And sometimes I've succeeded; more often that I've been defeated.

"I've been defeated on this floor, defeated in committee. You've never heard me weep and moan about it. Some people on this floor ought to grow up and take their lumps like everybody else."

Senator Cayetano added his remarks as follows:

"Mr. President, I have some remarks to make on the subject



discussed by Senator Abercrombie. When the clock hit twelve, Monday evening, I had the floor and I was speaking and let me say that I don't apologize for my action.

"The filibuster, whether you like it or not, happens to be a part of the legislative process. What I do object to, and if this was the impression that was meant to be made by the Senator from the 7th District, there was no deliberate attempt to filibuster. After all, if one does want to filibuster, if a group wants to filibuster, certainly it will use its star filibusterer and, as Senator Abercrombie stated, he was silent that night.

"Mr. President, there was no attempt to filibuster on our part, which does not mean to say that a filibuster is not a legitimate part of this process because it is; and there may be a time when any member of this body may be willing to resort to that kind of methodology. However, that was not the intent on Monday night."

Senator Cobb then stated: "Mr. President, I would like to respond.

"The bill in question was not the only one that I had regrets about even though that's the only one that's highlighted both by the media, as well as in discussion on this floor. There were several others.

"And I recall, when the clock was approaching midnight and the question came whether or not we should defer that one to the end of the calendar, even after the geothermal one, and I recognized that there were other bills that people wanted to vote on, I reluctantly agreed to do so.

"My principal complaint on this matter is that while there was acquiescence and willingness to vote on some other measures, even without full discussion, which is something I appreciate, knowing the desire of all members to discuss things fully, that same courtesy was not afforded to the corporation bill, the bill on arrests, the bill on torts and several others.

"I think if we're going to be allowing a vote on things, we ought to be consistent because three times in two days the subject bill under discussion was deferred to the end of the calendar not once, not twice, three times.

"I think the media also makes too

much of an accusation, but I'll stand by my words when I said those who blocked it was the source of my complaint ... at least, blocked the vote.

"I don't mind if we lose on an up and down vote, either here or in the House. That's the chance we all take. The only thing I'm saying is we ought to be given the opportunity to vote. And I fully recognize, the House could have amended that bill, gutted it or killed it, and there's nothing we can do about it. And I didn't use the word 'filibuster' either. I said I objected very strongly to the fact that we were not given the opportunity to take a vote on this issue and other issues, as well, regardless of whose bill it is.

"As far as I know, 2196, the bill under consideration is not my bill. It was introduced by somebody else. But I think the issue is important enough to have been kept alive for further discussion, and I hoped to be able to do so and that we have an opportunity at least to vote."

Senator Abercrombie then further inquired: "Mr. President, then I will ask again because the Senator apparently still is unable to state whether he said it or not. Who is responsible?

"He just made a statement that his bill did not receive the same courtesy as other bills and that those who are responsible should take that responsibility. Who is responsible? If it is me, I will make remarks as to whether I am or not, but state who is responsible then, and get rid of these generalities.

"I say the responsibility lies with the fact that the time ran out, and it ran out on any of us and all of us who had bills we were interested in. And there was no more of a conspiracy than that of that clock, unless you want to talk about the failure of the Majority Leader to move the legislation along or to speak to any of us about the necessity of doing so, or to make some even elementary or rudimentary inquiries as to what might be done to do it. I suggest he get that mirror out again. Who was responsible?"

The Chair then stated: "At this time the Chair would like to make some observation of what's going on...."

Senator Uwaine interjected as follows:

"Mr. President, in response to the good Senator from Makiki, I would like to acknowledge that I bear the responsibility for the time lapse. I should have scheduled the caucus on the Sunday or Saturday prior to the Monday that we did have the vote on. And it was my lack of experience, so to speak, not to realize that the caucus did not just take seven hours, but in fact took nine hours, and when we finally did come out to the floor for a vote at 9:00 o'clock, and with the time lapsing at midnight, three hours is really insufficient time for the vote.

"I shall take his remarks into consideration in scheduling new caucuses for third reading bills. Thank you."

The Chair then made the following observation:

"Members of the Senate, there's blame going all over the place, but full responsibility rests with the Chair.

"It is the Chair's responsibility that when a piece of legislation is brought to the floor for a vote, a vote should be held.

"And in keeping with the Majority Leader's remarks, I would hope that in our future caucuses that for sure we will have our discussions a day before final voting. There will not be third reading bills that will not be heard or voted on on the floor of the Senate anymore as long as I am President.

"I want to assure all of you that whether or not individuals have spoken at length, the blame rests with the Chair. It is the Chair's responsibility to see that every piece of legislation is heard and every piece of legislation is voted up or down on its merits.

"I do not want to allow any more of this discussion to continue because I think the points have been made. There have been mistakes made in terms of the handling of the matter, but when the buck stops it stops here, and it should go no further.

"I would like all of us to continue on with the session, to proceed with meeting the House in full conference and to try to see if we can meet our deadline of 60 days here and go home. Those who have to run for re-election may do so and those who don't, to have a nice vacation.

"As a matter of personal opinion, I think the caucuses went well. To conclude, I want to say again, enough is enough.

"Enough has been said this morning. I would like to leave it on that note."

#### ADJOURNMENT

At 12:49 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 15, 1984.

## THIRTY-SIXTH DAY

Thursday, March 15, 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 Don Holliday, Pastor of the Waikiki Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Holt, A. Kobayashi, B. Kobayashi, Machida and Mizuguchi who were excused.

The Chair announced that he had read and approved the Journal of the Thirty-Fifth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Kuroda introduced the group of 100 ladies, 80 of whom are members of the ladies auxiliary of the Hawaii Department of Defense, "Na Kuhina Nui O Na Koa Hawaii" and explained the functions of the organization as follows:

"Na Kuhina Nui O Na Koa Hawaii was established in 1983 to strengthen the understanding and awareness of the mission of the Hawaii National Guard the obligations and responsibilities of the men and women of the Guard. Its members, more than 175 wives of the Hawaii National Guard and State Civil Defense Division, are dedicated to those principles of loyalty, support and counsel exemplified by Hawaii's first Kuhina Nui, Ka'ahumanu, Queen to Kamehameha I, advisor to Kamehameha II and regent to Kamehameha III. They actively seek, through education and involvement, to broaden their understanding and appreciation for the activities of the Guard so as to stand with their husbands in support of the role of the Guard as Hawaii's representative within the Armed Forces.

"The auxiliary, which meets quarterly, also engages in charitable, educational and community undertakings. They conduct a scholarship fund-raising drive in October."

Senator Kuroda then introduced the following officers of the auxiliary: Mrs. Momi Lum, honorary president, and wife of the Hawaii Adjutant General, Major General Alexis T. Lum, and Mrs. Elizabeth Cockett,

president, and wife of the Commander of the Hawaii Army National Guard, Brigadier General Irwin K. Cockett, Jr.; and their guests: Mrs. Ann Chatham, wife of Admiral W. Lewis Chatham, Deputy Chief of Staff, CINCPAC Fleet; Mrs. Carol Cooper, wife of Lieutenant General Charles G. Cooper, Commanding General, Fleet Marine Force, Pacific; Mrs. Jeanne Lee, wife of Lieutenant General James M. Lee, Commanding General, U.S. Army Western Command; Mrs. Anne Palastra, wife of Lieutenant General Joseph T. Palastra, Jr., Deputy Commander in Chief, U.S. Army Pacific Command; Mrs. Zita Hosmer, wife of Major General Bradley C. Hosmer, Deputy Chief of Staff for Plans, Headquarters, U.S. Pacific Air Forces; and Mrs. Elizabeth Robbins, wife of Rear Admiral Clyde E. Robbins, Commander, Fourteenth Coast Guard District.

Senator Toguchi then made the following introductions:

"Mr. President, it gives me great pleasure to introduce six lovely girls who were the finalists in the 1984 Junior Miss Pageant. Before I introduce them, I'd like to speak a little about the pageant:

"These girls were judged on scholastic achievement, poise and appearance, physical well-being, and contributions to community and family. They competed with 43 other girls from all over the state and are models of the 'total' girl -- wholesome, intelligent and involved.

"The six girls we have here this morning are the finalists in the Junior Miss Pageant and I would like to introduce each of them. The Senators from the district where the girls come from will make the presentations of a certificate and lei. The girls are: Jinny Shinsato from Moanalua High School, the Creative and Performing Arts winner; Janyce Mitchell from Punahou School, the 4th runner-up; Vy Ton from Kaiser High School, the 3rd runner-up; Melinda Domingo from Campbell High School, the 2nd runner-up; Diane Suzuki from Aiea High School, the 1st runner-up; and Kendra Yoshimoto, from Castle High School, the 1984 Junior Miss of Hawaii.

"Kendra will leave in June to compete in the national Junior Miss finals to be held in Mobile, Alabama.

She is a member of the National Honor Society and the Castle Theatre Guild at Castle High School where she is presently portraying the lead role of Mei Li in the guild's production of 'Flower Drum Song'. She will also be travelling with the guild to Muncie, Indiana, to perform in that musical on an invitation from the International Thespian Association at the 1984 International Thespian Conference.

"The young ladies are accompanied today by Mr. George Kodama, program chairman of the Junior Miss Pageant of 1984, which is sponsored by the Hawaii Junior Miss Inc. of which Mr. Ed Hasegawa is president."

The presentations of the Senate Certificate and leis were made by Senators Ajifu, Kuroda, Young, Soares, Abercrombie and Wong.

Senator Kuroda also introduced Mrs. Pam Yoshimoto, mother of Kendra Yoshimoto, who was sitting in the gallery.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

Senator Abercrombie then introduced Dr. Wallace Mitchell, father of Janyce Mitchell, 4th runner-up, and added that Dr. Mitchell is "indeed an old friend of mine and someone who has made a great contribution to intellectual and research activities at the University of Hawaii."

Senator Toguchi also introduced his relatives Mr. and Mrs. Jinri Shinsato, parents of Jinny Shinsato, winner of the Creative and Performing Arts award.

At this time, the Chair stated: "If there be no objections by the members of the Senate, I would like to ask Kendra to say a few words. I happened to have attended the finals of the Junior Miss contest and I came away with a great deal of awe not only on the way the contestants conducted themselves but also because the whole pageant was put together very well. With relation to Kendra, I think the question she was asked was 'what do you think about the lottery' and her answer was 'I'm against the lottery because it might bring gambling.'"

Miss Kendra Yoshimoto addressed the members of the Senate as follows:

"I'd just like to say that I think

that the Junior Miss Pageant itself has shown us a lot about our individual potentials and really helped us to have a goal and to work for it, and all the friends we've made, lasting friendship, that mean so much to us. I would also like to thank you for your support and will show you that I will do my very, very best at the nationals this summer. Thank you."

Senator Abercrombie then stated: "Mr. President, apropos of the winner of the contest being introduced as one of the principals in the 'Flower Drum Song' presentation at Castle High School, I would recommend to other members and to those who are with us today in the audience that if they have the opportunity this weekend, I believe there has been an extension of the 'Flower Drum Song' for one more week and it will be well worth your time to go over not only to see what can be done when the state invests in an institution like the playhouse or auditorium at Castle High School, but what a marvelous production it is. It is professional in every respect, not the least of which is to say that one of its stars does a perfectly marvelous job. Thoroughly enjoyable and I recommend it to all here."

#### MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 229), transmitting the Third Annual Report of the Aloha Tower Development Corporation for the year ending December 31, 1983, pursuant to Section 206J-19, HRS, was referred to the Committee on Economic Development.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 48 and 49) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 48), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO INVESTIGATE THE ALLEGED LACK OF WORKERS' COMPENSATION COVERAGE FOR EMPLOYEES OF MAINLAND CONTRACTORS ENGAGED IN FEDERAL PUBLIC WORKS PROJECTS ON UNITED STATES MILITARY BASES IN HAWAII," was offered by Senator Uwane.

By unanimous consent, S.C.R. No. 48 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 49), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO INVESTIGATE THE ALLEGED NONPAYMENT OF THE GENERAL EXCISE TAX BY MAINLAND CONTRACTORS PERFORMING PUBLIC WORKS ON MILITARY BASES IN HAWAII," was offered by Senator Uwaine.

By unanimous consent, S.C.R. No. 49 was referred to the Committee on Ways and Means.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 56 and 57) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 56), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO INVESTIGATE THE ALLEGED LACK OF WORKERS' COMPENSATION COVERAGE FOR EMPLOYEES OF MAINLAND CONTRACTORS ENGAGED IN FEDERAL PUBLIC WORKS PROJECTS ON UNITED STATES MILITARY BASES IN HAWAII," was offered by Senator Uwaine.

By unanimous consent, S.R. No. 56 was referred to the Committee on Human Resources.

A resolution (S.R. No. 57), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO INVESTIGATE THE ALLEGED NONPAYMENT OF THE GENERAL EXCISE TAX BY MAINLAND CONTRACTORS PERFORMING PUBLIC WORKS ON MILITARY BASES IN HAWAII," was offered by Senator Uwaine.

By unanimous consent, S.R. No. 57 was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

MATTER DEFERRED  
FROM MARCH 14, 1984

#### ADVISE AND CONSENT

Standing Committee Report No. 382-84 (Gov. Msg. No. 186):

By unanimous consent, action on Stand. Com. Rep. No. 382-84 recommending that the Senate advise and consent to the nomination of Douglas Beatty to the Board of Taxation Review, Third Taxation

District, in accordance with Gov. Msg. No. 186, was deferred until Friday, March 16, 1984.

#### REFERRAL OF HOUSE BILLS

The President made the following referral of House bills received on Wednesday, March 14, 1984:

House Bill	Referred to:
No. 1640-84, H.D. 1	Committee on Ways and Means
No. 1874-84	Committee on Ways and Means
No. 2092-84, H.D. 1	Committee on Judiciary, then to the Committee on Ways and Means

#### RE-REFERRAL OF HOUSE BILLS

House Bill	Referred to:
No. 212	Committee on Ways and Means
No. 223, H.D. 1	Committee on Ways and Means
No. 1984, H.D. 1	Jointly to the Committee on Economic Development and the Committee on Consumer Protection and Commerce

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

Senate Abercrombie rose to make the following announcement:

"Mr. President, I would like to announce now and I'll remind people tomorrow, to those who aren't here, that if you have an opportunity this Sunday evening, some of you may not have had an opportunity to visit the new UH baseball stadium but if you have not, and if you have an inclination to gather with a group of celebrities for a worthy cause, the baseball hui of the University of Hawaii baseball team and the crippled children. This Sunday night, the Columbia Inn All Stars, which includes such famous personalities as yours truly, Danny Kaleikini, Joe Moore, Jim Leahy, Don Ho, Jimmy Borges and other sundry reprobates of the islands will be playing the Magnum P.I. All Star team led by Tom Selleck, a somewhat well known individual, and the whole Magnum crew this Sunday evening. I think Senator Holt is going to be joining

the All Stars in the main attempt on our part to compete with the Selleck model. It should be a lot of fun and it will be a good game, and while some people recognize Selleck for his physical attribute, nonetheless, he is a fantastic baseball player, probably as good as a volleyball player. It's for a good cause and I think we'll have a lot of fun."

At this time, Senator Aki, Chairman of the Committee on Economic Development, then 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 Friday, March 16, 1984, and the President granted the waiver.

#### ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 16, 1984.

## THIRTY-SEVENTH DAY

Friday, March 16, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Sister Sandra Galazin, M.M., Catholic Commission for Peace and Justice, after which the Roll was called showing all Senators present with the exception of Senators Kuroda and Machida who were excused.

The Chair announced that he had read and approved the Journal of the Thirty-Sixth Day.

The following introductions were then made to the members of the Senate:

Senator Mizuguchi introduced a group of 66 fifth grade students from Waiiau Elementary School, their teachers, Mrs. Shirley Sakaguchi and Mrs. Diane Kikuchi, and mothers, Mrs. Schmidt and Mrs. Sue Kanemoto.

Senator Soares introduced a group of 50 kindergarten and first grade students from Kamiloiki Elementary School, and their teachers, Ms. Dorothy Suzuki, Ms. Amy Tanaka and Ms. Shirley Ferguson.

Senator Henderson introduced three friends, Mr. Jon Jurevic, Mr. Gary Pola and Mr. Rick Pay who were also sitting in the gallery.

Senator Uwaine introduced a group of 56 second grade students from Lunailo School, their teachers, Miss Allison Char and Mrs. Eileen Komeya, accompanied by parents, Mrs. Yonemura and Mrs. Wahinepio.

Senator Chang then introduced the following and stated:

"Mr. President, I am proud and honored to introduce to the Senate some of Hawaii's most gifted and world-renowned athletes.

"Representative David Hagino and I are presenting 34 Olympians to the Legislature today. Seventeen athletes are being presented to the House at this very moment.

"On the floor with us today, I have the pleasure to recognize:

In the sport of Volleyball - Ms. Barbara Perry (1968), Mr. Jon

Stanley (1968), Ms. Vernada Thomas (1964), and Ms. Gail O'Rourke Wong (1964);

In the sport of Weightlifting - Mr. Richard Tom (1948, 1952) and Mr. Richard Tomita (1948, 1952);

In the sport of Diving - Ms. Keala O'Sullivan Watson (1968);

In the sport of Kayaking - Ms. Virginia Moore (1968);

In the sport of Yachting - Mr. Mike Rothwell (1976); and

In the sport of Swimming, for what many consider Hawaii's own sport, we have a remarkable representation of sixteen former Olympians. Among them are Ms. Pokey Watson Richardson (1964, 1968); Mr. Alan Stack (1948, 1952); Mr. Richard Tanabe (1956); Ms. Carin Cone Vanderbush (1956); Mr. Ken Walsh (1968); and Mr. Frank Walton (1948).

"Mr. President, there will be an opportunity later today for all of the Senators to meet all 34 of the Olympic athletes that have been presented to the Legislature."

Senator Kawasaki added his remarks as follows: "Mr. President, I'd just like to express the regret of the Senate that we could not also meet a friend most of knew who is no longer with us, the late Harold Sakata, also known as Tosh Togo and 'Oddjob' from the movie 'Goldfinger.' I wish he could have been here too."

Senator Holt also added his remarks as follows: "Mr. President, I notice that Ken Walsh is in this honored group and, until today, I didn't even know that he was a former Olympian. I thought we were honoring another Ken Walsh.

"I find it hard to believe he was an Olympic swimmer because on a recent trip to Molokai with Harry Kojima and myself, Ken accompanied us and when we were about to leave shore he brushed me aside and headed for the bigger boat. Actually, Ken is a cameraman and a good friend. Congratulations!"

Senator Abercrombie also added his remarks and stated: "Mr. President, just one comment on a gentleman on purism, on the other side at this

moment, Tommy Kono.

"For those who may not know him, I'm sure the Olympians do, not only was Tommy a world champion and Olympic champion in different categories of weightlifting and a coach for Olympic teams, but he was a nominee for the Sullivan Award as the outstanding amateur athlete in the country, I believe a record -- ten times.

"As we know, oftentimes the Sullivan Award may be given to someone who has had particular notice that year and never again. Yet, Tommy was recognized over and over and over again and, in the view of many, was the strongest man ever lived, pound for pound, the kind of title that was given to 'Sugar' Ray Robinson in the ring.

"I think it's a real honor not only to have all these Olympians here but I wanted to make special mention of my old and dear friend, Tommy Kono, for the record."

Senator Chang, at this time, also recognized the friends and members of the the families of the Olympians who were sitting in the gallery.

The Chair then requested as follows:

"Senator Chang, some of the Senators may have other engagements after the session, so, when we take a recess for the presentation of the leis perhaps it would be appropriate that the members be offered the opportunity to congratulate the honorees."

All of the Olympians were asked to rise and be recognized and were presented with the Senate Certificate and leis.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 230 and 231) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 230), submitting for consideration and confirmation as Director of Commerce and Consumer Affairs, the nomination of Russel S. Nagata,

term to expire December 1, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 231), submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of John E. Knight, D.D.S., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 50), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE PUBLIC AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was offered by Senators Young, Holt, Machida, Soares, Fernandes Salling, Mizuguchi, Solomon, Kawasaki, A. Kobayashi, Toguchi, Cobb, B. Kobayashi, Uwaine, Henderson, Kuroda, Yamasaki, Aki, Hagino, Ajifu and Cayetano, and was read by the Clerk.

By unanimous consent, S.C.R. No. 50 was referred to the Committee on Housing and Urban Development.

#### SENATE RESOLUTION

A resolution (S.R. No. 58), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE PUBLIC AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was offered by Senators Young, Holt, Machida, Soares, Fernandes Salling, Mizuguchi, Solomon, Kawasaki, A. Kobayashi, Toguchi, Cobb, B. Kobayashi, Uwaine, Henderson, Kuroda, Yamasaki, Aki, Hagino, Ajifu and Cayetano, and was read by the Clerk.

By unanimous consent, S.R. No. 58 was referred to the Committee on Housing and Urban Development, then to the Committee on Legislative Management.

#### STANDING COMMITTEE REPORTS

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 386-84) recommending that the Senate advise and consent to the nomination of Ronald M. Terry to the Governor's Agricultural Coordinating Committee, in accordance with Governor's Message No. 93.

In accordance with Senate Rule 33,



action on Stand. Com. Rep. No. 386-84 and Gov. Msg. No. 93 was deferred until Monday, March 19, 1984.

Senator Solomon for the Committee on Education, presented a report (Stand. Com. Rep. No. 387-84) recommending that Senate Resolution No. 53 be adopted.

On motion by Senator Solomon, seconded by Senator Toguchi and carried, the report of the Committee was adopted and S.R. No. 53, entitled: "SENATE RESOLUTION SUPPORTING THE FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES SENATE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEES ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT PROJECT," was adopted.

Senator Solomon for the Committee on Education, presented a report (Stand. Com. Rep. No. 388-84) recommending that Senate Concurrent Resolution No. 44 be adopted.

On motion by Senator Solomon, seconded by Senator Toguchi and carried, the report of the Committee was adopted and S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES SENATE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEES ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT PROJECT," was adopted.

#### ORDER OF THE DAY

MATTER DEFERRED  
FROM MARCH 15, 1984

#### ADVISE AND CONSENT

Standing Committee Report No. 382-84 (Gov. Msg. No. 186):

By unanimous consent, action on Stand. Com. Rep. No. 382-84 recommending that the Senate advise and consent to the nomination of Douglas Beatty to the Board of Taxation Review, Third Taxation District, in accordance with Gov. Msg. No. 186, was deferred until Monday, March 19, 1984.

#### THIRD READING

House Bill No. 1422, H.D. 1, S.D. 2:

By unanimous consent, action on H.B. No. 1422, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCESSED MILK," was deferred until Monday, March 19, 1984.

At this time, the Chair made the following observation:

"Members of the Senate, a one-day deferment has been granted by the Chair on H.B. No. 1422.

"As a matter of courtesy the Chair has honored requests for one-day deferments; however, I wish to caution members that such requests will not be permitted to be used as an undue method of delaying floor action.

"I hope that on Monday we will be prepared to vote on H.B. No. 1422. It will not drag on past Monday.

"It has been not a written policy but a policy which the Chair has tried to follow with reference to bills that have been deferred. I am prepared to defer for two days but on the third day we should be ready to vote on the measure, up or down."

Senator Cayetano then rose on a point of inquiry and stated as follows:

"Mr. President, your remarks regarding deferment, the policy you intend to follow regarding deferments of bills, I assume will also apply to advise and consent and such matters?"

The Chair answered in the affirmative and Senator Cayetano continued: "The reason I raise this point is that I notice that Governor's Message 186 has been deferred now for...."

And the Chair interjected: "Two days; today is the second day. Monday we will vote.

"The Chair would just like to ask all chairmen to look at the resolutions on the Functional Plans over the weekend to see if sometime next week we can schedule hearings on them in order to have those plans move on to the Committee on Economic Development, hopefully, by next weekend.

"That is the request from the Chair. I hope we can facilitate

matters."

Senator Abercrombie then stated and inquired as follows:

"Mr. President, I have an inquiry on that, maybe looking for some direction. You don't necessarily have an answer to this but perhaps a meeting or something would be useful on it.

"We've been through this (functional plans) for some number of years now. A great deal of work has gone into it; for example, in the education area, Senator Solomon and myself and Senator Toguchi and some others have discussed it at some length.

"Is the intention of these hearings to go through this all over again when we essentially, I mean this quite sincerely, have gone through this, chapter and verse, amended them, etc., and all the rest of it? I just wonder, what precisely are we supposed to be doing with these plans?"

The Chair answered: "My understanding is, Senator Abercrombie, that the House has transmitted those resolutions. The Education Committee, in specific answer to your question, will be having a hearing on the education functional plan on Tuesday. There has been some changes with respect to the Senate position which should be re-examined. The resolution may have to be amended to accurately reflect the Senate position."

Senator Abercrombie further inquired: "Mr. President, what I'm trying to get is that in terms of the substance of the plan, am I correct in assuming we're not going to go through all that kind of inquiry again but that the principal matter for discussion is guidelines and mandates and that kind of thing?"

The Chair answered: "My understanding, Senator Abercrombie, is that this afternoon there will be a

discussion on House Bill 177. The committee will at that time discuss whether or not these plans should be considered as guidelines or mandates.

"I urge all members of the Economic Development Committee to attend, as I am told by the chairman that there will be decision-making to specifically answer the question that Senator Abercrombie has raised on the floor as to whether the plans will be used as guidelines or mandates."

Senator Abercrombie continued: "Mr. President, Senator Cayetano points out to me something that I may have overlooked in my remarks in terms of inquiry.

"I didn't mean to imply that the plans as developed over the past four years, I guess, or so shouldn't be subject to review. I meant that a lot of this work has been done and for those members who have not been here for that, if given the opportunity to read through it, I think they would see that there is a pretty thorough job that's been done and that, hopefully, revisions will be relatively minor and not take any great length of time to accomplish.

"I think the principal argument has been as to the approach on the work that's already been done. That is the correct point of view, is it not?"

The Chair responded: "That is your point of view."

#### RE-REFERRAL OF HOUSE BILL

The President re-referred House Bill No. 177 which was received in the Regular Session of 1983 to the Committee on Economic Development.

#### ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 19, 1984.

## THIRTY-EIGHTH DAY

Monday, March 19, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Ms. Maxine Saltonstall, member of the Christian Science Society of Wahiawa, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Thirty-Seventh Day.

At this time, the following introductions were made to the members of the Senate:

Senator Soares, on behalf of the Senate, introduced Dr. Manuela Aguiar, Undersecretary of State of the Republic of Portugal who was accompanied by Ms. Maria Fonseca, her assistant; Dr. John H. Felix, Consul of Portugal, and Mrs. Linda Cravalho, vice-consul and second deputy.

Senator Kuroda, on behalf of Senators Young, Cayetano and himself, introduced 11 of the 13 members of the OIA tennis champions from Waipahu High School: Audrey Chinen, Josie Cristobol, Ramona Domen, Robyn Fujioka, Denise Fukuda, Jasmine Goto, Gay Imai, Ellen Kaneshiro, Marie Kanno, Donna Murakami and Carrie Quioco; accompanied by Coach Stephen Nakano, a teacher at Waipahu High School. Also accompanying the team were parents, Mrs. Carol Fukuda, Mr. Robert Fujioka and Mrs. Cindy Quioco and two grandmothers, Mrs. Hisayo Fujioka and Mrs. Peggy Sakai.

Senator Holt then introduced 25 sixth grade students from Kamehameha Schools, among whom was his niece, Stacy Williams, accompanied by their substitute teacher, Mrs. Shirley McLauren.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 51 to 54) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 51), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was offered by Senators Toguchi,

Cayetano, Carpenter, Soares, Kuroda, Hagino, Yamasaki, Ajifu, Cobb, Mizuguchi, Holt, Chang, Abercrombie, Fernandes Salling, Solomon, Aki and Young.

By unanimous consent, S.C.R. No. 51 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 52), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE ESTATE OF BERNICE PAUAAHI BISHOP," was offered by Senators Cayetano, Wong, Fernandes Salling, Solomon, Yamasaki, Carpenter, Aki, Abercrombie, Ajifu and Cobb.

By unanimous consent, S.C.R. No. 52 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 53), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL AND CONTRACTORS LICENSE BOARD TO ENFORCE ACT 274, SESSION LAWS OF HAWAII 1983," was offered by Senator Uwaine.

By unanimous consent, S.C.R. No. 53 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 54), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO INVESTIGATE ALLEGED NONPAYMENT OF UNEMPLOYMENT COMPENSATION CONTRIBUTIONS BY MAINLAND CONTRACTORS PERFORMING FEDERAL PUBLIC WORKS ON UNITED STATES MILITARY BASES IN HAWAII," was offered by Senator Uwaine.

By unanimous consent, S.C.R. No. 54 was referred to the Committee on Human Resources.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 59 to 63) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 59), entitled: "SENATE RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was offered by Senators Toguchi, Cayetano,

Carpenter, Kuroda, Hagino, Solomon, Aki, Cobb, Chang, Mizuguchi, Abercrombie, Fernandes Salling, Young, Ajifu, Soares and Holt.

By unanimous consent, S.R. No. 59 was referred to the Committee on Tourism.

A resolution (S.R. No. 60), entitled: "SENATE RESOLUTION RELATING TO THE ESTATE OF BERNICE PAUAHI BISHOP," was offered by Senators Cayetano, Wong, Fernandes Salling, Solomon, Yamasaki, Carpenter, Aki, Abercrombie, Ajifu, Holt, Chang and Cobb.

By unanimous consent, S.R. No. 60 was referred to the Committee on Housing and Urban Development.

A resolution (S.R. No. 61), entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL AND CONTRACTORS LICENSE BOARD TO ENFORCE ACT 274, SESSION LAWS OF HAWAII 1983," was offered by Senator Uwaine.

By unanimous consent, S.R. No. 61 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 62), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO INVESTIGATE ALLEGED NON-PAYMENT OF UNEMPLOYMENT COMPENSATION CONTRIBUTIONS BY MAINLAND CONTRACTORS PERFORMING FEDERAL PUBLIC WORKS ON UNITED STATES MILITARY BASES IN HAWAII," was offered by Senator Uwaine.

By unanimous consent, S.R. No. 62 was referred to the Committee on Human Resources.

A resolution (S.R. No. 63), entitled: "SENATE RESOLUTION REQUESTING THE SENATE TO INVESTIGATE THE EXPENDITURES FOR THE CONSTRUCTION OF THE NEW HILO HOSPITAL," was offered by Senators Carpenter and Henderson.

By unanimous consent, S.R. No. 63 was referred to the Committee on Legislative Management.

#### STANDING COMMITTEE REPORTS

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 389-84) recommending that House Bill No.

654, H.D. 1, as amended in S.D. 1, pass Second Reading and be re-committed to the Committee on Consumer Protection and Commerce.

By unanimous consent, action on Stand. Com. Rep. No. 389-84 and H.B. No. 654, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 390-84) recommending that the Senate advise and consent to the nomination of Letitia N. Uyehara as Director of Environmental Quality Control, in accordance with Governor's Message No. 97.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 390-84 and Gov. Msg. No. 97 was deferred until Tuesday, March 20, 1984.

#### ORDER OF THE DAY

MATTERS DEFERRED  
FROM MARCH 16, 1984

#### ADVISE AND CONSENT

Standing Committee Report No. 382-84 (Gov. Msg. No. 186):

Senator Cobb moved that Stand. Com. Rep. No. 382-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Douglas Beatty to the Board of Taxation Review, Third Taxation District, term to expire December 31, 1987, seconded by Senator Soares.

Senator Carpenter rose to speak in favor of Mr. Beatty as follows:

"Mr. President, just briefly speaking in favor of Mr. Doug Beatty, I think that as a community worker on the Big Island, Mr. Beatty certainly has the expertise and dedication to do a good job on the Board of Taxation Review for the Third Taxation District. Thank you very much."

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. 386-84 (Gov. Msg. No. 93):

Senator Cobb moved that Stand.

Com. Rep. No. 386-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Ronald M. Terry to the Governor's Agriculture Coordinating Committee, term to expire December 31, 1987, seconded by Senator Soares.

Senator Hagino then rose to speak in favor of this confirmation as follows:

"Mr. President, the confirmation of Ronald M. Terry as a member of the Governor's Agriculture Coordinating Committee would afford this state the opportunity to utilize effectively the talent and resourcefulness that this individual possesses in areas that he is most competent. In reviewing his impressive background which includes a Bachelor of Science degree in Pomology, one can readily conclude that he is highly qualified in both academic as well as pragmatic aspects of agriculture. His background has given an added dimension to his participation in all the organizations and committees with which he has been associated.

"His areas of expertise include a wide spectrum of agricultural concerns, ranging from actual production to farm management. Such expertise stem from his affiliation with the Hawaii Association of Nurserymen, the Maui Association of Nurserymen, the Hawaii Farm Bureau Federation, the Maui Chamber of Commerce, the State Advisory Committee on New Agriculture Products, the State Advisory Committee on Pesticides, the Maui Sub-Committee for Kula Ag Parks.

"He has gained management and marketing acumen as a result of his employment with the Dow Chemical Company, Maui Land and Pineapple Company, and as a producer of ornamental plants. From the latter, he brings with him the kind of appreciation for agriculture to motivate someone to become involved with such an industry. Mr. Terry's broad range of contacts and functions will be an asset in providing valuable perspectives and insights pertaining to agriculture that will enable him to analyze and evaluate problems and solutions theoretically as well as practically.

"For the foregoing reasons, I believe that Mr. Ronald M. Terry is

extremely well qualified to serve as a member of the Governor's Agriculture Coordinating Committee. I strongly recommend his confirmation. Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

House Bill No. 1422, H.D. 1, S.D. 2:

Senator Hagino moved that the Senate reconsider its action taken on March 14, 1984 on Stand. Com. Rep. No. 385-84 on H.B. No. 1422, H.D. 1, S.D. 2, seconded by Senator Solomon and carried.

Senator Hagino then moved that Stand. Com. Rep. No. 385-84 be received and placed on file, seconded by Senator Solomon and carried.

Senator Hagino then moved that H.B. No. 1422, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Solomon.

Senator Cayetano then offered the following amendment:

"SECTION 1. House Bill No. 1422, H.D. 1, S.D. 2 is amended as follows:

1. By deleting lines 1 through 4 on page 1.

"SECTION 2. Section 1 of House Bill No. 1422, H.D. 1, S.D. 2 is amended as follows:

1. By amending line 8 on page 1 through line 11 on page 3 to read as follows:

'Section 321- Milk; processing date requirements. (a) Every container of fluid processed milk held in retail and wholesale stores, restaurants, schools or similar establishments for resale shall be conspicuously and legibly marked with the designation of the month

and day of the month that such container of milk was processed. The designation may be numerical, such as '8-15', or may use an abbreviation for the month, such as 'AUG 15' or 'AU 15'. The designation of the date shall be preceded by the words 'Processed on'.

(b) The Department of Health shall adopt rules and regulations to carry out the purposes of this Act."

Senator Cayetano moved that the amendment be adopted, seconded by Senator Soares.

Senator Cayetano explained his amendment as follows:

"Mr. President, on the desks of the Clerk and each member of this body is Senate Floor Amendment No. 1. Mr. President, this amendment is offered for the following reasons. First, the object of any legislation that we pass here it seems to me, should be to benefit the consumer; (1) to educate them, and (2) insure that legislation is fair to all parties. I don't think that the bill, House Bill 1422, S.D. 2, meets those requirements. What the amendment will do is, the amendment would substitute for the 'shelf life' approach now embodied in H.B. 1422, a 'processing date' requirement.

"Mr. President, House Bill No. 1422, whether we like it or not, in its form is perceived by the people of this state, in large measure, as a bill whose purpose is to keep out Mainland milk. This amendment by substituting the processing date would, I think, help clear up matters and go a long way to, in the long run, restoring public confidence in local milk.

"Requiring that the 'shelf life' be printed on the containers of milk does little to educate the public. What is important, I think, to the public in any purchase that they may make, whether it be milk or any other kind of perishable item, is the date on which the item was processed.

"In a practical sense, what this amendment would do would be to give the local producers of milk and local processors of milk a built-in advantage in terms of marketing, and still be fair to everyone because certainly there is no disagreement about a processing date, whereas there may be disagreement as to the viability of whether a 'shelf life' date should be 10 days, 11 days, 12 days,

etc. We know from information gleaned at the hearings on this bill that those who want to import milk from the Mainland for retail sale in Hawaii will take five, six or maybe seven days to ship the milk here. If we have a processing date requirement, what that would do for the consumer is to provide him with information as to when the item was made. Therefore, milk coming in from the Mainland would already, when put on the shelves, be stamped and dated as being anywhere from five, six, seven or more days old from the date of process. The local producers of milk can process milk in one day and in some cases on the very same day get them to market. This means that for our local consumers, they have a choice. They have a choice of buying Mainland milk which may be five, six, seven days old, or they have a choice of buying local milk which may be one or two days old in terms of the time from process.

"This, in my view, gives the local processors the kind of competitive edge they need to compete with milk being imported from the Mainland. Now, let me get to H.B. 1422. When this bill first started out, the 'shelf life' date was eight days, and I don't think there is anyone in this body who will deny that this bill in its original conception was meant to keep out Mainland importers of milk, specifically, Safeway. But what we have done now by amending the bill is that the 'shelf life' date will be 10 days instead of 8 days. Well, as I said earlier, we know that it will take six, seven days for the milk to come in. If for example Safeway wants to bring milk in, that will give them anywhere from three to four days to sell the milk. So, this bill will not -- and I say this just as an observation, I'm not in agreement of keeping Mainland milk out -- this bill will not accomplish the purpose of keeping out Mainland milk.

"What will happen, in my view from a marketing standpoint, is that Safeway or any Mainland company which wants to import milk will end up dumping milk on the local markets as a loss leader on the 9th or 10th day of the 'shelf life' period. That will mean, of course, that prices will drop drastically and that, of course, will hurt the local milk market.

"During the heptachlor crisis, Mr. President, I was privileged to chair the Senate special investigating committee, and during that time I had some insight, I think, and some

experience in terms of seeing the kinds of problems that the local milk producers (and by producers, I mean the dairies) go through in selling their products.

"Our entire Milk Act is stacked against the producers and stacked in favor of the two processors we have here. Milk that is sold to the processors is sold on consignment; therefore, if the processors can't sell milk, they end up dumping the milk and in the end the producers are the ones who take the loss.

"Those of us who have had an opportunity to know some of the dairy people can't help but admire them. These people are very hard-working, and quite frankly, I don't know why with the Milk Act being stacked against them, I don't know why anyone in his right mind would want to be in the dairy business. But that's the way it is. So, this amendment in my view, will help people who should be helped in the long run. It will help the dairy producers. I don't think that the bill in its present form will accomplish that purpose.

"Thank you."

Senator Cobb rose and stated as follows:

"Mr. President, I'm still undecided on this amendment, but I note either a shortfall or a contradiction that I'd like to address and perhaps hear some discussion on. And, that is, while the process date is put in, at the same time, the authority for a pull date is being deleted. My feeling is that the consumer would derive the greatest amount of information and benefit if both a process date and a pull date were put on the carton, so that if milk was processed on August 15, it should read 'processed on Aug. 15; pull on Aug. 25.' The amendment does not address that. Moreover, the authority on any kind of pull date, apparently, would be deleted by the amendment."

Senator Ajifu then rose to speak against the amendment:

"Mr. President, on the surface the amendment simply calls for a processing date to be put on milk. The idea is that the consumer would be able to figure out how many days old the milk was and purchase the newer milk. However, the amendment fails to take into account several very important facts.

"First, there is already in place a firm set of agreement which all of the national retail industry follows. This agreement calls for the pull date, not processing date. You will have the retail people up in arms over having to change everything around.

"Second, every other item that consumers buy which are affected by time have pull dates. None of them has a processing date -- medicine, fruit drinks, bread products, mixes, meats, you name it. They all have pull dates. The public will become confused and be up in arms with us for changing this around.

"Third, the consumer has been carefully educated over the years to recognize the date on milk as the pull date and would not buy the milk if the date has passed. The same applies to medicine and everything else. If we suddenly change things on milk and put on the processing date, the consumer will stay away from milk because all milk on sale will be past the date shown on the carton. The consumer will think the milk is old and milk sales will drop.

"Mr. President, I believe this will be doing a disservice to the community and also to the industry. I think, as I said earlier, we will have the retail people up in arms and also the dairy people because of this change. In short, the amendment has an interesting idea, but it is an idea which would be a disaster in the marketplace. So, Mr. President, I would urge that all of you vote against the amendment."

Senator Cayetano then inquired: "Mr. President, in response. First of all, I'd like to ask the previous speaker if he would yield to a question."

The Chair asked Senator Ajifu if he would yield to a question and Senator Ajifu replied in the affirmative.

Senator Cayetano then asked: "Mr. President, will you ask the previous speaker if the pull dates that he is talking about which now exist on the products that we have in our stores, whether those pull dates are voluntary or required by law."

Senator Ajifu replied: "Much of these are, I believe, on a voluntary basis."

Senator Cayetano further inquired: "Mr. President, would you ask the previous speaker whether we have in the State of Hawaii any law which

requires a 'shelf life' date for other perishable items besides milk."

Senator Ajifu answered: "Mr. President, I'm not so sure, in answer to that question."

Senator Cayetano then asked: Mr. President, a final question I have for the good Senator is whether the Department of Health has had any complaints recorded in its files from a consumer of sour milk."

Senator Ajifu responded: "Mr. President, I couldn't verify whether the Department of Health has had any complaints, but I personally have heard of complaints and I personally have experienced myself in terms of buying milk and other products that may not be the quality that I had expected. In milk, there was a time when my family had purchased milk which we had to take back to the market."

Senator Cayetano then replied:

"Thank you, Mr. President.

"Mr. President, in final response to the previous speaker's remarks, the fact of the matter is that the pull dates that we have on products today are voluntary. Pull dates that we have today on products are usually set and established according to marketing philosophy, according to marketing strategy by the companies which are selling the particular products that we're talking about.

"Testimony by the Department of Health (I'm not a member of the committee, but I was told this) revealed that the Department of Health has not had one recorded complaint about milk in terms of sour milk or a complaint relating to the shelf life or the pull date of milk. I don't want to mislead this body into thinking that the Department of Health has not had complaints about milk. Of course, they've had complaints about milk, but certainly not with respect to pull date or sour milk.

"Finally, there is no law that we have today which requires any kind of shelf life date or any pull date for perishable items such as milk. And I would like someone -- those who favor this bill -- to tell me because I'm sure that there are many others who may be interested in the answer to this question as to why we are focussing on milk. Why don't we focus on some of the other perishable items that we have in our markets, as

well, if the ostensible purpose of this bill is to protect the public in terms of making certain that the public consumes a product which is nutritious and beneficial to their health?"

At this time, Senator Soares rose to speak for the amendment as follows:

"Mr. President, I want to precede my comments by also strengthening the previous speaker's position. I feel very strongly and very close to the producers. I've had family in the dairy business. I have some very, very close friends in the dairy business.

"I believe the amendment, as proposed here, will strengthen their responsibility and their hard-working role in the dairy industry, primarily because it gives them a tremendous opportunity and an edge on keeping the opportunity for them to have a fresher product, advertise it, promote it, market it, and indicating exactly when it was processed. It would be a tremendous advantage to our local dairy people.

"I'm a marketing person, salesperson. I can see the advantages by both Foremost and Meadow Gold people in promoting that opportunity. I do not see any chaos in the marketplace. I do not see any confusion in the marketplace.

"And I feel very afraid of the bill itself in that, Mr. President, we're not going to keep Safeway out of this town. It's an anti-Safeway bill, pure and simple. The amendment puts the ball park equally to everybody. It allows our local producers to have an advantage. The bill in itself does not do that. This amendment really strengthens the local opportunity. But, most of all, Mr. President, what it does do is -- it does then give the housewife, the shopper, the opportunity to know right up front how old that product is. This amendment does that.

The 'shelf life' we talk about or we hear about, the 'shelf life' date does not give the purchaser any idea how old that product is. There's a big difference between the process date and the 'shelf life' pull date. I think that's very critical in this amendment. It gives us an opportunity to know when it was processed, and make no mistake that a person would know immediately whether it was March 15th or 19th that it was processed, not when it comes off the shelf.

"This amendment, I think,



strengthens by far the need to know when it was processed. I urge all to vote for this amendment."

Senator Abercrombie also spoke in favor of the amendment as follows:

"Mr. President, if we do not pass this amendment or accept this amendment, which, in effect replaces House Bill 1422, if we do not pass this and do pass 1422, House Bill 1422 will become known as the Safeway Marketing Act. And the reason for that is, with respect to what other speakers have said, is that no one in the public, no one in the public outside of this floor will believe for one second that this bill does anything else other than try to protect the local industry which does not deserve protection and, therefore, will turn to Safeway as someone who's trying to protect their health.

"What I cannot understand is that inasmuch as this bill did start out as an anti-Safeway bill, that it has now become a pro-Safeway bill in the sense that it discriminates against our producers. I, for one, believe that local producers...now, I'm not talking about processors, I'm not talking about Meadow Gold and Foremost. They've gotten off scot-free and they've got corporation lawyers that can take care of everything and all the rest of it. I'm talking about producers, the person or persons who produce the milk in the first place, on their dairy farms. They're the ones who have maligned in this whole process. They didn't set out to have heptachlor in milk. They didn't set out to have all the problems of failure to have the Department of Health carry through on its rules and regulations and inspections, etc. They didn't want to have any of these things take place, but they have been the victims of it.

"Now, we find a bill in front of us which further victimizes the producers and further allows the processors, whether they be in Hawaii or whether they be on the Mainland, to take advantage of the market. As one of the previous speakers has pointed out, when you have a shelf life date, which is what Bill 1422 requires, you haven't any idea when the milk was processed. You cannot market on the basis of freshness when you have no idea as to when it was marketed. This will help the marketing people in Oakland for Safeway. They will simply go into a different strategy of shipping and all the rest of it to take advantage of it. I have an idea, if people in the

Safeway headquarters were listening in on this debate by satellite today, they would be standing there asking themselves can these people really be serious about passing this...how did you get to them...how did you work it so that we could get such a good deal out of it.

"As for the national retailers being up in arms, please give me a break. I grew up working in retail markets. My dad was a food broker and I worked everything from the delicatessen to the supermarkets. You get in with the feather duster; you get in with your cutter; you open up the case; you put them on the shelf. And we did the stamping. How we did our marketing was, we would do it for the stores.

"Now, all that's required in order to make the change from shelf life to processed date is to take out your little stamper and you change the date from the tail end to the beginning. You change the number. That's all. There's going to be nobody up in arms. The only arms that are going to be moving is the stampers that go around on all the cartons, that's all.

"Second one, we heard about bread, meat. Why only milk? What about bread and meat? Let's talk about it. You know what happens when the bread is a couple of days old. You go over to Loves and you buy it. It says 'day old bread.' When you go up to Safeway and there's some cheese sitting there, they have a little red thing on it. It says 'half-price'. Because why? You can see mold on it. You take a knife and cut the mold off. I just bought some the other day for my refrigerator. It's up there right now. I saw where the mold was. You take a knife and cut it off. It's up to me. If I want to pay \$3.60 instead of \$5.00 or whatever it is for Swiss cheese, that's what I do.

"Now, I've lived a considerable number of years...not as much as you, Mr. President, I realize, but the way things are going, I may age and catch up with you shortly. The fact of the matter is that whether it's here or any place on the Mainland, if you happen to come up with a carton of sour milk, you take it back. I bet even the Senator from Kaneohe, when his family found that their was sour milk, went back to the store where they bought the sour milk and said, 'We have sour milk.' And the people there said, 'Oh, what a shame, Senator, please have another.'

That's what happens. I mentioned in the caucus, it's not sour milk that gives me a bad time. It's sour tomato juice. But I don't see a bill here that says we're going to have all the cans of tomato juice that caused a problem to have to have a shelf life. Everybody over there, whether it's cheese, whether it's eggs, whether it's yogurt, any of these products, these perishable products, you take it back if it's sour.

"When you read this bill you would think that the object of Safeway or the Hygienic Store, Hasegawa General Store was to sell you sour products. That's not why they're in business, it's not good marketing. It hurts the local producers.

"We can be amused by these kinds of things because this is how ridiculous the bill is. It doesn't solve anything for the local producers. As a matter of fact, we are going to harm them by doing this because they will not be able to take the one marketing device that is most precious to them, that is to say, the freshness of what they have and be able to utilize that in an effective manner.

"One of my other objections to the arguments made against the amendments is that the public is seen as being stupid, that the public cannot figure out a process date and what it means in terms when it goes to the store.

"Now, it seems to me people are perfectly capable of understanding. Everytime the government comes in to save the people from their own stupidity, I begin to get very weary because I have an idea that those that are coming in to do the saving have somebody else in mind, and it certainly isn't the consumer.

"So, as far as I'm concerned, the reason I would like the process date to be the one...as a matter of fact I've mentioned this previously...this is the idea that came up last year and it came up as a way of dealing effectively with the bad publicity that had occurred as a result of circumstances beyond the control of the people at the dairies. They don't do the testing; they don't have the responsibility for it. They didn't know what kind of chemicals were going into the chop and all the rest of it that got fed to their animals. They were victims of all of this and we are further victimizing them by this bill.

"From a political point of view, and I've mentioned this before and I think it's perfectly plausible and reasonable to bring up the political implications of anything that is passed, as I believe Senator Cayetano who introduced the amendment, I believe he has mentioned it...I think it deserves reiteration...mentioned the fact which deserves reiteration. Regardless of what is said here on the floor, the public is under the impression because of the history of this bill that this is something to protect local industry in terms of producers when it really is to protect processors so that the dairy people are really being hurt by it. And second, that it is an anti-Safeway bill.

"If we're really, truly interested in having an effective shelf life bill for all perishable items, we should pick some other bill, under some other circumstance and bring that forward and do it in a straightforward manner.

"If we fail to pass this amendment, in effect we will be saying to the population as a whole that the Legislature is trying to do something in terms of passing a law that is unable to do in courts and that in effect the industry which is not in any need of protection, is not in any need of having anything but an opportunity to sell a quality product is unable to do so unless it has such legislation. That's the object of this amendment and that should be the basis upon which we pass it.

"Thank you."

Senator Chang then rose to speak against the amendment as follows:

"Mr. President, I'll be welcoming my wife and four-year old child from a two-week long vacation in California today and one of the questions I shall ask my daughter is whether she enjoyed the flavor of Mainland milk. I think this welcoming underscores why it is that this particular bill is needed and why the amendment is inappropriate.

"A question asked is: why we are proposing certain regulatory devices with respect to this one particular commodity? I think that the answer, upon reflection, is quite evident. Milk is one of the most important commodities in our society and, as with other important commodities whether they be free or not, require certain kinds of governmental

regulations and concerns directed toward it. We note that with respect to some of the less expensive commodities such as air and water we have authorities and offices that have been created to regulate the purity and availability of such resources. With respect to energy and communications we also have agencies that have been established to regulate availability and consistency in quality.

"Certainly milk has had its special laws and public ministries created to provide for availability and purity. And this is because this particular commodity pertains to children and it pertains to children's nutritional needs. It is this aspect of nutritional value to valued members of our society that directs our attention toward this particular commodity. The other aspect that attaches to this commodity is its perishability.

"All of these factors establish the need for special kinds of concerns and laws in this area.

"In that regard, I would like to end by corroborating another good Senator's remarks that even though we may not have reports directed to the Department of Health as to sour milk, I'm sure that every consumer has had the experience of purchasing or consuming sour milk. I, this very morning, had a mouthful of that and I can attest that the perishability of the product is something that is very difficult to gauge. Because this is such an important commodity the consumer is by no means directed to alternatives. What the consumer does is, as other Senators suggested, to proceed back to the vendor, ask for replacement, and make the minimal adjustments that are needed in order to consume this very valuable product.

"For these reasons, Mr. President, while I find the proposed amendment interesting, I think that the proposal contained in House Bill 1422, H.D. 1, S.D. 2, is preferable. I will vote against the amendment and for the bill."

Senator Cayetano, in response, stated:

"Mr. President, if we were truly interested in making certain our children are not exposed to milk which is not nutritious then my own conclusion from the information that I have on this matter is that perhaps we should have adopted the House measure of eight days or perhaps we

should have gone further and incorporated the standards adopted by some other Mainland states, seven days. Why, ten days?

"Obviously, the scientific evidence on this matter varies. There are some experts who came forth and said ten days was a good time, others said twelve or more and others who said maybe seven, eight or nine days seem better. So there is a difference of opinion on this matter...why ten days, why not eight days, why not seven days?"

Senator Hagino also rose to speak against the amendment as follows:

"Mr. President, the amendment will require that processed milk be stamped with a date of processing. The concept is good but under present conditions, I do not believe that this would be a workable situation.

"The consumer is accustomed to pull dates. With process dates for milk and pull dates for other dairy products, the consumer will be confused as to the meaning of these two concepts.

"An example of this resistance is the nation's attempt to convert to the metric system. I remember a talk in my high school, many years ago, that we would be converting to the metric system in several years. Today, we are still on our present system.

"Further, a process date does not give you the accurate date of the product. In most cases, the product from cow to processor may take several days. Though this time period may be small, studies show that conditions and bacterial count are equally important before processing as after.

"Mr. President, there was a question as to why milk, why not other perishable products? Perhaps the day may come.

"Currently, there are several states that have this open date policy and under this statute perishable food with 30 days or less quality assurance must be clearly marked with a pull date.

"Thank you, Mr. President."

Senator Soares then asked if the previous speaker would yield to a question.

The Chair posed the question and Senator Hagino having answered in

the affirmative, Senator Soares asked: "Mr. President, will you ask the previous speaker to tell this body which milk would be fresher, the process date or the one with the pull date milk?"

Senator Hagino then asked to have the question restated, and Senator Soares stated and asked as follows:

"Mr. President, yes. You said that under the current system you could not make any changes from the pull date to the process date. The amendment calls for the process date indicating to the buyer the date the product was processed versus today, say the pull date would be March 25, March 31, or whatever.

"Could the Senator tell me which milk will be fresher, the milk that has the pull date on the carton, which means the day it comes off the shelf, or the date the milk was processed?"

Senator Hagino answered: "Mr. President, you would not be able to tell which one is fresher. As I stated before, under the process date the milk could be as long as four or five days before processing so that does not necessarily mean that it would be a fresher product."

Senator Soares continued to inquire: "Mr. President, couldn't that very same situation be caused on the pull date then?"

Senator Hagino answered: "Mr. President, that's affirmative; that's also true, but with the pull date you have assured the public that four to five days or even seven days after your pull date that your product will be fresh; whereas, with the processing date, you really don't know how long the product is or how old it is."

Senator Soares responded: "Mr. President, I would have to differ.

"I think the reverse is true. But, I think, again the bottom line for the amendment is giving the consumer, and that's the bottom line of our discussion today, giving the consumer the right to choose on purchasing milk that was processed here or processed on the Mainland, which is already six days older because of the sailing date between the West Coast and here.

"I find myself wanting for an answer when I'm told that the pull date would indicate that the milk will be fresher than the process date.

And, therefore, the amendment does, in my opinion, lay it right on the line that the milk was processed on certain, certain date; it was made here; therefore, you have four or five or six days advantage and that would be for the consumer's betterment.

"Thank you."

Senator Cobb then rose to respond to the previous speaker's remarks and stated:

"Briefly, Mr. President, in response to the remarks of the Senator from the 6th District.

"If you want to maximize the information for the consumer, we should have the process date and the pull date. That is not contained in this amendment."

Senator Kawasaki added: "Mr. President, might I suggest to the Senator from the 7th District that he propose an amendment to that effect."

Senator Cayetano then asked if the chairman of the Agriculture Committee would yield to a question and the Chair having the posed the question and the chairman answering in the affirmative, Senator Cayetano stated and asked: "Mr. President, I do not understand the remarks made by the chairman to the effect that the process date is not an accurate measure of the age of the product. Would he explain or repeat his comments on that?"

Senator Hagino answered: "Mr. President, when you stamp a process date on the product, that's the date that the milk was processed, whereas, it is not a processing date. It could be anywhere from the cow to the processor that takes possibly four or five days before it is processed. So when you add the total from cow to consumer, it may take as long as 19 days."

Senator Cayetano inquired: "Mr. President, would you ask the chairman if the bill, House Bill 1422, uses the process date itself as the beginning of the shelf life date?"

Senator Hagino replied: "Yes, it does."

Senator Cayetano further inquired: "Mr. President, would you also ask the chairman to explain to this body what is the purpose of the processing of milk?"

Senator Hagino responded: "There are two reasons for processing. One is to pasteurize the milk to make sure that most of the bacteria that is harmful is killed, and the other is to retard spoiling agents in the milk."

Senator Cayetano then stated: "Mr. President, then it seems to me that based on that answer the chairman's comments regarding the process date as being an inaccurate measure of the age of milk is somewhat not on point. The shelf life concept itself uses the processing date as the beginning of the measuring of the shelf life time."

"Secondly, the idea of processing is to cure as much as possible, as the chairman pointed out, the bacterial content of milk. And that's why the measurement is taken from that point in time. Anything else that happened before that is really not that important because the processing procedure is supposed to cure the bacterial content of milk."

Senator Abercrombie then asked if the chairman of the Agriculture Committee would yield to a question.

The Chair posed the question and Senator Hagino having answered in the affirmative, Senator Abercrombie continued:

"Mr. President, I am confused by the reference to the metric system as being an argument against the amendment. We're still speaking about the amendment at this point, are we not?"

"One of the arguments used in his presentation against the amendment was the attempt at establishing the metric system, which I believe is the system of measurement having nothing to do with calendar days. I've read through the bill again and I see that everything in the bill refers to numerical calendar days as opposed to the metric system. Would he please elucidate for me as to what the relationship of the failure to establish the metric system...what the relationship is to the numerical calendar dates utilized in the bill?"

Senator Hagino replied: "Mr. President, that example was merely drawn as a parallel to show that the concept that we work now under the footage, yardage, etc. is thoroughly engrained in the American public. This is a system we are accustomed to. We have resisted any type of change even though the rest of the world is with the metric system. I

wanted to draw a parallel with that resistance to the resistance of putting the process date as opposed to the pull date which is engrained in the consumers' minds."

Senator Abercrombie then inquired: "Then, Mr. President, would you ask the chairman, is it his statement then that the American public and the Hawaii public in particular, is wedded to the numerical concept? I'm quite serious, Mr. President."

Senator Hagino again replied: "Yes, Mr. President, there is a very...I would say they appear to be wedded to the numerical concept."

Senator Abercrombie thanked Senator Hagino and further inquired: "Then, would the chairman also answer, if we have the numerical concept as one of primacy, is that in an ascending order -- one, two, three, four, five, etc.?"

Senator Hagino replied: "I'm sorry, I missed the question. I didn't understand it."

Senator Abercrombie explained: "The question is, when we're referring to the numerical order, and I'm quite serious about it because we're talking about the pull date, is he referring to the primacy in terms of public acceptance of the numerical order as I indicated in the example, one, two, three, four, five, etc. in ascending order?"

Senator Hagino answered: "It depends on the situation. Sometimes it will be in ascending order and sometimes it will be in descending order. It depends on what the...."

Senator Abercrombie further inquired: "Could it be then five, four, three, two, one?"

Senator Hagino replied: "That's correct."

Senator Abercrombie then thanked the Chairman and stated:

"Mr. President, speaking in rebuttal, I'm responding to the chairman's remarks. If what he says is the case, this is an argument for the amendment and against his bill. He stated quite clearly that in the mind of the American public and in the mind of the Hawaii public the numerical system, rather than the metric system in terms of measurement, is the one of primacy. If it is the one of primacy, obviously, the processing would be the most

important. Example, if you process on the first of the month, and you have the milk on the shelf on the second day of the month, and milk comes from the Mainland which does not arrive here until the 7th, 8th, 9th, or 10th of the month, then goes on the shelf on the 11th of the month, the consumer will know that the milk that was processed on the first is fresher because in the consumer's mind that which is first, rather than 5th, 6th, 7th, 8th, 9th, or 10th, has primacy.

"If you want to take it from the opposite point of view, if the person goes in to the store and sees that it is the 10th of the month and they see a milk product which was processed on the first, they know that it is 9 days hence from the processing date, and that the object which is on the shelf which was processed on the 5th, 6th, or 7th, or processed on the 1st has a different date than if they were processed on the same date, the consumer would know that the one which was from Hawaii was probably going to be sold earlier so that if it is the 10th of the month and it's sitting there at Safeway, they would know that it's been at least 10 days.

"So, if numerical numbers, rather than metric numbers, is what people believe in in this state, then it is quite obvious to me that the chairman has made an argument for the amendment, and has stated in addition that the people of this state are so inadequate in their mathematical abilities that they cannot add from 1 to 10."

The motion to adopt the amendment was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 20 (Ajifu, Aki, Carpenter, Chang, Cobb, Fernandes Salling, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Mizuguchi, Solomon, Toguchi, Uwaine, Yamasaki, Young and Wong).

At this time, Senator Cayetano asked if the chairman of the committee would yield to a question and the Chair posed the question to the chairman. The chairman answered in the affirmative and Senator Cayetano inquired:

"Mr. President, I think most of the debate on the amendment took care of most of my concerns about this bill. But, one point that was not raised

and I'd like to raise is on page 3, beginning at line 9, section (g) of the bill. Section (g) states, 'Whoever violates any provision of this section or rules adopted by the Director of Health pursuant thereto shall be fined not less than \$5 nor more than \$100.' My question to the chairman is what is the basis for establishing the fines at \$5 and not more than \$100."

Senator Hagino replied: "Mr. President, the basis of that is to leave with the director some latitude when he sets up his rules in enacting this fine, that will give him a measure of anywhere from not less than \$5 and not more than \$100, depending on the situation."

Senator Cayetano then stated:

"Mr. President, okay, if that's the answer, let me state my concerns about this.

"Mr. President, this miniscule fine -- \$5 nor more than \$100 -- makes very little sense to me since the parties involved are large corporations which have millions, if not billions, of dollars in assets. It appears to me that the fine was set at a very low amount because there was some concern about the so-called 'mama and papa' stores that may, through some inadvertent act of negligence, sell milk on which the shelf life of 10 days, as called for in this bill, has expired.

"In trying to be all things to all people, what this section does, in my view, is make this particular bill difficult to enforce.

"One lesson we learned from the heptachlor crisis, Mr. President, was that the enforcement of the penalties which were on the books at that particular time, at the time of the crisis, were hardly in an amount sufficient to deter large corporations such as Meadow Gold or Foremost. Indeed, in response to the report on the heptachlor problem by the Senate and in response to the crisis itself, the penalty, if I recall correctly, was increased from a sum like \$500 to \$25,000. I believe it was either \$25,000 or \$10,000. There was a substantial increase.

"Having learned that lesson with the heptachlor problem and having publicly espoused this bill as being for nutrition, it seems to me the penalty is unreasonably low. What is to deter a major corporation from violating this law and paying the fines on a daily basis? Certainly a

major corporation like Safeway could pay \$100 a day easily.

"What I'm pointing out is that the enforcement provisions of this bill are very, very, I think, lax; they make very little sense in the overall scheme of things; and again they point out an attempt to be all things to all people and falling very short."

Senator Abercrombie asked if the chairman would yield to a question; the Chair posed the question and Senator Hagino answered in the affirmative.

Senator Abercrombie then continued:

"On page 2, if he would be good enough to refer to page 2, section (d). I also agree, by the way, Mr. President, that the previous discussion on the amendment, I think, takes care of most of the philosophical arguments. This question focuses on the bill itself in terms of the language. If you will look at number (d) on page 2, starting on line 13, 'all daily products that are sterilized, ultra-pasteurized, cultured, or packaged in a hermetically sealed container are exempt from this section.' Would the chairman be good enough to tell me what the wording 'hermetically sealed container' means?"

Senator Hagino replied: "A 'hermetically sealed container' is a container where it is essentially airtight, and there's very little chance of bacteria or contamination getting in."

Senator Abercrombie then inquired: "Could he give me a description of a 'sterilized, ultra-pasteurized, cultured, or packaged' container which is essentially airtight?"

Senator Hagino replied: "I think there are two different trains of thought here. Sterilized is not necessarily talking about containers. It's a process that the product goes through; it's a higher degree of temperature for pasteurization in a shorter time. The same goes for an ultra-pasteurized product; whereas cultured products are things that are purposely induced with bacteria like yogurt and other things."

Senator Abercrombie further inquired: "Mr. President, does that mean, is he maintaining that a yogurt container is hermetically sealed?"

Senator Hagino answered: "No, it is not."

Senator Abercrombie then asked: "Well, then, could I have an example of a cultured dairy product which is hermetically sealed?"

Senator Hagino responded: "Mr. President, there is a place that says 'or packaged'. It doesn't necessarily mean that it has to be hermetically sealed."

Senator Abercrombie then stated and inquired: "It says 'all dairy products'; then if I separate 'all dairy products packaged in a hermetically sealed container' is, what the chairman has just indicated to me, I should separate sterilized, ultra-pasteurized, and cultured from packaged? If that is what he has answered me, would he give me an example of a dairy product packaged in a hermetically sealed container which is not sterilized, ultra-pasteurized, or cultured?"

Senator Hagino replied: "Mr. President, I can't give you any examples to that."

Senator Abercrombie further inquired: "Okay. I'm not quite sure what we're talking about then. There is an important purpose with these questions. Is this section, beginning on line 13, meant to apply to such items as yogurt?"

Senator Hagino responded: "No, cultured products where bacteria has been purposely induced into the product would not be covered."

Senator Abercrombie queried: "Does that mean it is then not exempt?"

Senator Hagino answered: "It would be exempt."

Senator Abercrombie then stated: "I beg your pardon, you just said it was not meant...the chairman has just said it was not meant to be covered and this is the section on exemptions, so I must take his answer to be that yogurt is to be included, rather than exempt."

At 1:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:52 o'clock p.m.

Senator Abercrombie then continued and stated:

"Thank you, Mr. President, my question has been...the clarification

has been made, and it is as follows. That is what I was trying to determine.

"It has to do with the 'or' section and it's an important one because it makes the point in opposition to this bill. We're separating dairy products, sterilized, ultra-pasteurized, and culture, and as another condition, if you will read in line 14, we're talking about 'packaged in hermetically sealed containers.' This is the kind of things that would be, for example, in carnation milk cans or something of that nature. Now, if that is the case, it is an argument against the bill because if you look at the cultured...using that as an example...yogurt, or cottage cheese, etc., why should they be exempted. Why should all these dairy products be exempted?"

"I'm afraid, Mr. President, despite the best intentions that might be exemplified by the chairman bringing the bill forward, that you can come to no conclusion other than milk is being singled out and other items in common usage, items which you can find probably in all the refrigerators that exist in this building including right here in the little snack place that exists outside the chamber, cottage cheese, yogurt, etc., essentially packaged in exactly the same manner -- a container, a paper container sealed in one fashion or another, semi-hermetically.

"As a result, it seems to me, that the burden is upon those who support the bill, then, to indicate in the midst of all the rhetoric of nutrition and safety and scientific evidence, etc., why we should not be just as concerned about cottage cheese, yogurt, etc. the same kind of packaging. I don't think that a case can be made and for that reason I think that, rightly so, the public will construe the passage of this bill in a manner far different than its proponents would wish."

Senator Cayetano then inquired of the Chair if the chairman would yield to a question.

The Chair posed the question to the chairman and the chairman having replied in the affirmative, Senator Cayetano asked: "Mr. President, would you ask the chairman if this bill applies to what is called 'imitation milk'?"

Senator Hagino replied: "Yes, it would."

Senator Cayetano then asked: "Mr. President, what is the reason behind this bill applying to imitation milk? Could the chairman explain that, please?"

Senator Hagino explained: "Mr. President, we would also include 'imitation milk' under this bill because they would have to meet the milk regulations such as state standard plate count and other bacteriological counts."

Senator Cayetano further inquired: "Mr. President, would you ask the chairman if in 'imitation milk', the ingredients which go into making the imitation milk include whole milk?"

Senator Hagino inquired: "Mr. President, is the question that imitation milk can include whole milk?"

Senator Cayetano replied: "That's correct, Mr. President."

Senator Hagino then responded: "Yes, it could if it's grade A defatted milk or other combinations."

Senator Cayetano continued: "Mr. President, again a question to the chairman, was there any testimony from the experts as to the problem of bacteria with respect to the ingredients used to make imitation milk?"

Senator Hagino answered: "No, there wasn't."

Senator Cayetano continued: "Finally, Mr. President, will you ask the chairman if there is a shelf life imposed by the processors on products such as yogurt and cottage cheese, presently?"

Senator Hagino answered: "There is no mandatory shelf life."

Senator Cayetano continued: "There is, however, a shelf life used by the processors, is that correct?"

Senator Hagino answered: "That is affirmative."

Senator Cayetano continued: "And these products such as yogurt and cottage cheese under this bill would be exempt?"

Senator Hagino answered: "That is correct because, especially yogurt and cottage cheese, these products do have bacteria inside, that's part of the process of it."

Senator Cayetano continued: "What



is the purpose for imposing a shelf life voluntarily as it's done today by the processors? What is the purpose of the processors today using a shelf life for yogurt and cottage cheese?"

Senator Hagino answered: "I believe, as stated earlier, the concept of shelf life is really a marketing tool in terms that it gives the retailers and the manufacturers a time as to when the products should be pulled off the shelf. It does not mean that these products are no longer edible. It just gives them a tool as to when these products should be pulled off."

Senator Cayetano continued: "Final question, Mr. President.

"Do yogurt, cottage cheese, and other products which are made from milk today sour and spoil like milk?"

Senator Hagino answered: "Yes, they can, Mr. President."

At this time, Senator Solomon rose to speak in favor of the measure and stated:

"Mr. President, the purpose of the shelf life bill is to insure the consumer that milk at the time of purchase will be of optimal quality.

"As the vice-chairman of the Agriculture Committee, I and Committee members have heard and received conflicting testimony as to the intent of this legislation. Some interpret this legislation as a means to prohibit milk from being imported from other states. I interpret this legislation as the Agriculture Committee's sincere efforts to try to arrive at a reasonable number of days that will protect the consumer and guarantee a marketable, nutritious milk product.

"The Agriculture Committee has reviewed numerous studies and heard from expert witnesses which indicate that even under the normal accepted refrigeration process of 45 degrees Fahrenheit, milk quality begins to deteriorate. The psychrophilic microbes which survive pasteurization process proliferate in milk and cause deterioration in quality.

"Other states including Pennsylvania, Florida, Connecticut, Georgia, Maryland, Ohio, Oregon, Massachusetts and Montana have regulations relating to the shelf life of milk.

"House Bill 1422 will insure that only fresh, nutritious, and flavorful milk will be available to the people of

Hawaii and for this reason I urge this body to support this bill."

Senator George then rose to inquire if the chairman would respond to a question.

The Chair posed the question and Senator Hagino having answered in the affirmative, Senator George stated and asked as follows:

"Mr. President, I don't mean to inflict further questions on him...he's taken quite a few already...but during the last recess there was a somewhat spirited discussion on the floor as to the grammatical construction of a part of this bill. I'm referring particularly to page 2, lines 9 and 10, of the Senate draft, 'The designation date shall not exceed ten days beginning after midnight on the day on which the fluid milk was processed.' can very easily be interpreted two different ways.

"If you kind of look at it, I think, you can tell that the Senator from the 11th District and I held to one view and a couple of other people held to another and I am wondering if the chairman of the committee can let us know whether or not there is precisely identical language from one of the other states on which I gather this measure was founded?"

Senator Hagino answered: "Yes, Mr. President, this statute if enacted is taken from the Pennsylvania statute."

Senator George continued: "Mr. President, I realize it was based on the Pennsylvania statute but, Mr. President, is the language that I refer to, lines 9 and 10 on page 2, identical with the language in the Pennsylvania statute?"

Senator Hagino answered: "Yes, it is."

Senator George thanked the chairman, then Senator Abercrombie rose to follow-up on the previous question and stated:

"Mr. President, I thought the previous speaker was going to ask the next question. Can the chairman tell us what it means?"

"The reason for that question is a very simple one but it has vast implications for the passage of the bill in terms of days. If the designation is not to exceed ten days, does that mean that midnight on the day on which the fluid milk was processed; if

the milk was processed on the 15th does that mean the 14th or the 16th?"

Senator Hagino answered: "Mr. President, I interpret it to be the day after it was processed, so the answer would be the 16th."

Senator Abercrombie continued: "I don't know the legality, Mr. President, so it's more a point of inquiry of the Chair, perhaps, the chairman knows."

"Has that determination been made, an argument made over the law, or determination in practice been made that it is in fact the date after rather than the day before?"

Senator Hagino answered: "No, that argument has not been made."

Senator Abercrombie continued: "All right. For purposes, then of the passage of the bill, Mr. President, I make an inquiry of you, I think. Would it be in terms of, if should this law be challenged in some fashion, would it be sufficient from a legal perspective or the chairman's remarks, with respect to what is intended, suffice as to when the day would begin? I'm sure you would concede that which day it is, is crucial when you're talking about the ten-day period."

The Chair answered: "I think the Chair can interpret anything but I would not venture to guess since I am not an attorney and my interpretation would just be an opinion rather than an interpretation."

Senator Abercrombie continued: "Mr. President, unless the chairman would like to take time to find the answer to the question, I simply would like to posit to the members that my reading of it was that, if the milk was processed on the 15th, the time would start counting from the 14th, as it is written."

On motion by Senator Hagino, seconded by Senator Solomon and carried, and Roll Call having been requested, H.B. No. 1422, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCESSED MILK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Abercrombie, Cayetano, Cobb, George, B. Kobayashi and Soares).

At 2:08 o'clock p.m., the Senate stood in recess subject to the call of

the Chair.

The Senate reconvened at 2:11 o'clock p.m.

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 389-84, H.B. 654, H.D. 1, S.D. 1

Senator Cobb moved that Stand. Com. Rep. No. 389-84 be adopted and that H.B. 654, S.D. 1, pass Second Reading and be recommitted to the Committee on Consumer Protection and Commerce, seconded by Senator Carpenter.

Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, I have a point of inquiry of you."

"Mr. President, the bill is entitled, 'A Bill for an Act Relating to the Acquisition of Voting Stock by Foreign Investors,' and I looked; I have not been able to read the bill at length, obviously, in the time that it's been here."

"Looking at page 1, I saw that Section 403-38.5 'Issuance of voting stock; restrictions' refers to 'foreign corporations' ... not incorporated within the territorial limits of the United States, or a corporation a majority of whose voting stock is held or controlled, directly or indirectly, by nonresident aliens'. And then, goes on to define a 'Nonresident alien' is 'a person not a citizen of the United States who is not defined as a resident alien by the United States Immigration and Naturalization Service.'

"The purpose clause, as stated in the committee report, is to add a new section to chapter 403 is to repeal section 403-38.5 which has to do with foreign investors and add a new section to 403 which would establish a filing requirement for individuals and corporations seeking a controlling interest in Hawaii banks."

"My question to you is that if the title is 'Relating to the Acquisition of Voting Stock by Foreign Investors', and the section which is to be revised or reviewed or repealed in some fashion also refers to foreign investors, is this bill properly before us because as far as I can tell, at a brief glance, the section entitled, on page 2, 'Bank control; filing requirements,' etc. has nothing to do essentially with acquisition of voting

stock by foreign investors?"

Senator Cobb rose to state: "Mr. President, I will respond to that. In response to the question from the Senator...."

Senator Abercrombie interjected: "Mr. President, point of order. I believe that I asked you the question."

At 2:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:19 o'clock p.m.

Senator Abercrombie then continued: "Mr. President, I believe that at the time of the recess I had inquired as to whether or not the bill and its report was properly before us, given the title of the bill and the subject matter which appear to exist in the bill itself."

The Chair responded: "The answer from the Chair is yes. The title is broad enough for the changes proposed in the bill. This bill will be recommitted to committee for consideration and the committee will at that time decide as to its appropriateness."

Senator Kawasaki then rose to speak against the recommitment and stated:

"Mr. President, I speak against the recommitment to the Committee on Consumer Protection.

"I signed the committee report 'I do not concur' and I vote against recommitment today primarily because I feel, first of all, this bill has had its full share of discussion and hearings, both in committee and caucus.

"Secondly, I think the fact that this bill was attached to a House bill relating to banks and corporate procedures about banks is going to really meet with opposition. Assuming it passes committee hearings and it comes out on the floor and we pass it and it goes back to the House, I think the House will object to the fact that we merged this bill, the corporate bill, with the bank bill.

"And so, all of this effort would be futile, in my judgement. But, more than that, I am voting 'no' primarily because I object to the very misleading language in the committee report, which says in effect that this

bill, the corporate bill, is to protect shareholders, because my understanding of what the bill is intended to do, which is to enact legislation here to make it difficult for people, investors overseas or elsewhere, to make it unattractive for these categories of possible investors in local corporations, is going to depress the price of the stock, and when you depress the price of any stock held by local citizens here it works against the best interests of the shareholders, or stockholders. And so that's misleading from that standpoint.

"Further, the language of this bill also says that this bill is intended to make sure that all stockholders are treated equally and fairly, and that isn't quite the case from what this bill intends to do because this bill creates a separate category of stockholders who cannot vote stocks they purchase for a period of one year. Now, this is not treating all shareholders and stockholders equitably and fairly, and so the language of the committee report is grossly misleading.

"Aside from that I had a whole list of arguments here, but I will not speak about them because this is only in second reading. Ordinarily, I'll just vote 'no' and not even speak on second reading passage, but because of these objections I just articulated, I will vote 'no'.

"I would, further on a question of personal privilege, like to insert something I think is pertinent to all considerations in this body and in committee on this issue but I'll do that later on."

At this time, Senator Cobb rose and stated:

"Just briefly, Mr. President. I think it's entirely proper that we have the Senate Draft No. 1 for purposes of public hearing, and there will be a hearing on this bill either Thursday, Friday or Saturday. We're working out the room schedule on assignments now.

"More importantly, we have before us at least a Senate Draft 1 for consideration and that most, if not all, the arguments that I've heard today have been laid out both in the bill and the committee report which will be the subject of fair comment and criticism or suggested amendments in committee, and that getting the information as to the equities of the situation and resolving any

philosophical differences will be a process of the public hearing that will take place on this measure."

Senator Abercrombie then inquired:

"Mr. President, I'll make an inquiry of the previous speaker, then, as chairman of the Consumer Protection Committee since I'm not a member of it and maybe not as familiar. My question to you originally had to do with the title and what was involved, and as I said I was just trying to go through it rather rapidly. This is why I ask the question.

"Am I correct in understanding the remarks made by the Senator from the 14th District, am I correct in understanding that this bill, as it came over from the House, was related to the control of banks and if that is correct, has there been a section added or incorporated within the bill which includes banks and other corporations?"

Senator Cobb replied: "Mr. President, the answer to both questions is yes."

Senator Abercrombie then rose to speak against the passage on second reading as follows:

"Mr. President, I in good faith took your comments about my question about the acquisition of voting stock by foreign investors to be what it was in general. I did not realize at the time that this was originally a bill concerned with banks. If the idea here now is to revive the so-called corporation bill, regardless of what the votes are or are not on the bill, I think that the chairman of this committee in the past has made clear that it is not a good idea...and I for one would on my own, as far as my own personal view is concerned, try not to mix up these various entities.

"If we pass this today, it's one thing to talk about the discussion of the issues, but if we pass this today on second reading, in effect, you'll be saying, those who will be voting in the affirmative, that it is all right to take this bank bill and extend it into the corporation bill.

"I think it is well known, or if it is not well known to some members on the floor here, I was opposed to the corporation bill when it passed, in the version that would have been before the body had not the clock run out the other night when we were on third reading. So, whether I'm for it or against it, it is not really a

point here. The point here is do we want to mix what was by the chairman's indication a bank bill and toss in this corporation bill at the same time.

"I do not know the contents and point of the bank bill, what it referred to, but I would venture to guess and would probably not find myself too far afield that the questions involved in the bank control bill were separate and apart from those involving the corporation bill, as such. Therefore, while I understand the desire of the chairman to have this corporation bill passed, I don't think it is good policy for us to make this kind of infusion. It reminds me a bit of the kind of thing that takes place in the Congress, which I also do not think is a good idea of trying to piggyback one item on to another item because...the elements of one bill into another bill because the title may be deemed sufficiently broad enough to do it, when in fact you're dealing with entirely separate or essentially separate subject matter even though they may bear some tangential or indirect relationship. I do not think it is good policy and I think we should not vote to have it moved as indicated on the order of the day."

Senator Cobb then spoke in favor of the motion to pass on second reading and recommit as follows:

"Mr. President, the present Hawaii corporate law that was adopted last year on the question of takeovers, and which was adopted severally from the model act, addresses three areas of state concern where regulation of the state under the Mite decision is permissible.

"One is an area regulated by the PUC; the second is in the area where there is more than a thousand acres of land; and the third is in the area of banks. The reason that I included and recommended to the committee, as well as to the full Senate, the inclusion of both elements in this bill is so that we can have a full discussion on it.

"I'm not totally convinced yet that we should retain the elements on banks, just as I am not yet convinced on what form, if any, the corporation bill should have. But to have all of that material before us for discussion, I think, is the proper method of doing so, rather than having a hearing and making substantive changes afterwards.

"For that reason, I think, for the purposes of discussion, as well in the committee, this would be the proper and aboveboard course to take. If this was done in a conference committee, I think there will be valid grounds for objection."

Senator Abercrombie then stated:

"Mr. President, I must respond to the comments of the previous speaker. If the reasons just given were the reasons for recommittal, I have to urge people to vote 'no'. We're getting even deeper into the sand now.

"Two things, and perhaps I should ...I'll mention the first one and ask a question about the second one. It seems impossible for me to believe that this corporation bill has not had a thorough going-over. It had such a thorough going-over; it was even the subject of some acrimony with respect to its passage, or its failure to pass, I should say.

"It just beggars one's intelligence to say that this deserves a full discussion, as if it hadn't had one already. It's not the reason for having it here. So, then this brings me to the question I'll ask the chairman. If as the chairman just indicated that if this goes to conference, it would be then subject to not only to scrutiny, but the likelihood of severe or fundamental changes. Is he anticipating the passage of this will not result in a conference, should it come out of committee and pass on the floor?"

Senator Cobb replied: "Mr. President, I have no anticipation of what the House will do with this matter, if and when it passes the Senate."

Senator Abercrombie then stated: "If that is the case, then, Mr. President, that's an argument against doing what the chairman suggests because if you have a bill, which for all intents and purposes is one worthy of consideration with respect to bank control, then why do you want to muddy the waters and take a possible chance on ruining that bill in order to get the first? It would seem to me that the idea of getting the corporation bill is so important to the chairman, then that he risks the other bill, and that is the argument that he is making to us.

"Now, if that's what you want to do, I suppose you can go and pass it, but it seems to me a very poor approach to policy, that rhetoric

about full discussion and going in to committee will not alter."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.B. No. 654, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS," passed Second Reading and was recommitted to the Committee on Consumer Protection and Commerce.

Senator Kawasaki then rose on a point of personal privilege as follows:

"Mr President, not wishing to take too much time today, I still want to, on that motion of personal privilege, enter into the records of the Senate Journal, a very pertinent article that appeared this morning in the business section of the morning paper, and I must on this rare occasion congratulate the morning paper for having this article included in its entirety. So if I may spend two minutes reading it so that it would be entered in its entirety...."

The Chair interjected: "Would you enter the article, the title..."

Senator Kawasaki continued: "I think entering it in the Journal may not entice people to read it, but I think it's important that they listen to the message. I want to congratulate Mr. Kit Smith, the Advertiser's financial editor, for this article which appeared in the morning paper, and I quote:

'Houston financier Charles E. Hurwitz hit back at Castle and Cooke, Inc. yesterday in U.S. District Court, charging C&C with "illegal conduct to entrench present management."

'Hurwitz, who through affiliated companies owns more than 11 percent of C&C's 28.2 million shares, also in effect asked that two Hawaii laws -- the Take-Over Bids and Environmental Disclosure Acts -- be found unconstitutional and contrary to federal securities laws.

'He asked further that C&C's state court suit be shifted to federal court jurisdiction.

'Hurwitz counterclaims followed by one week C&C suits in both federal and state court charging the Texan with "an unlawful scheme" to acquire "a major and probably controlling interest" in C&C.

'In state court, C&C charged Hurwitz with violating the two state laws by failing to make required filing when his stake in C&C surpassed 20 percent. And the company won a state court order temporarily barring Hurwitz from more purchases.

'Yesterday C&C had a one sentence response to Hurwitz counterclaims. They were made, C&C said, "for purposes of harassment and will not affect the success of our lawsuits."

'Hurwitz, in making his "self-entrenchment" case against C&C management, pointed to the company's failure to win approval of two amendments to its articles of incorporation at its annual meeting last October.

'One of those amendments would have required, among other things, that any business combination involving the owner of 20 percent or more of the company's shares be approved by 75 percent of shares outstanding -- a "supermajority." (As proposed in the bill we talked about last week and today.)

'But only 55 percent of C&C's total shares outstanding approved the amendment, less than the required 66 2/3 percent -- an eye-opener since management proposals normally are passed routinely at corporate annual meetings.

'C&C's own proxy material conceded that takeover bids for companies usually are made at higher-than-market prices and that open market purchases by parties seeking control may push market prices higher.' (And I add a note here that this means that the stockholders, small stockholders particularly, will benefit by higher prices they can sell their shares for.)

'Given C&C stockholders' rejection of the amendment, the company's recent backing of an anti-takeover bill in the Legislature indicated "a course of conduct to perpetuate management's control of Castle & Cooke" says Hurwitz' suit.

'And C&C's "extensive lobbying efforts" to win passage of the bill are "wasting and dissipating...substantial corporate assets," he charged.

'The bill, backed also by Amfac Inc. but opposed by Alexander & Baldwin Inc. (this is a rare disagreement between the Big Five companies) officially died this week for failing to meet a Senate-to-House

"crossover" deadline. But key portions of the bill still could win passage this year by being melded into other legislation. (which is exactly what's taking place today)

'The bill, in "inhibiting voting rights of purchasers of Castle & Cooke shares," could result in delisting action by the New York Stock Exchange, Hurwitz said.' (And this, of course, again works against the best interest of the stockholders)

'Also, he charged, C&C management, by pursuing its "self-entrenchment" course, in effect has "manipulated the market" for C&C stock "and deceived the investing public."'

"I would like to have that entered verbatim in the Journal of the Senate."

Senator Cobb then rose on a point of personal privilege:

"Mr. President, I would commend the members' attention to Chapter 343D of the Hawaii Revised Statutes on the Environmental Disclosure Law.

"It was cited by the previous speaker as being sought to either being repealed or overthrown as unconstitutional and I would like to see if any member present thinks that would be a desirable course of action. That provides a number of corporate safeguards in relationship to the environment, even though it is found in a rather unusual section of the Hawaii Revised Statutes under Chapter 343D of the Environment.

"Secondly, I think the previous speaker has raised a number of issues which are very deserving of further consideration and that we did by no means exhaust the discussion on this particular measure before your Committee on Consumer Protection and Commerce.

"One of the things that has been requested and not yet received has been analyses from various financial experts as to the impact such a measure may or may not have on the investment climate. Another element, of course, is the tenure of court decisions following the U.S. Supreme Court decision on the Mite case as to the state's permissibility to legislate in this area. So I think there are a number of very substantive issues deserving of further consideration. When the bill was initially reported out of your Committee on Consumer Protection and Commerce, it was done

so with the explicit request to the parties to provide such additional information.

"If the measure was going to be in the House that at least they keep us informed of the responses to questions raised by committee members. I think those questions are still valid, still obtain, and are still deserving of

answers."

#### ADJOURNMENT

At 2:40 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 20, 1984.

## THIRTY-NINTH DAY

Tuesday, March 20, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Norris of Waipahu United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senators Holt, Kuroda, Machida, Uwaine and Yamasaki who were excused.

The Chair announced that he had read and approved the Journal of the Thirty-Eighth Day.

The following introductions were then made to the members of the Senate:

Senator A. Kobayashi, on behalf of Senator Cobb and herself, introduced a group of 53 students from Palolo Elementary School who are on a tour of the State Capitol and attending the session as part of their class on government and social studies, accompanied by their teachers: Mrs. Lorraine Muramoto, Mrs. Naomi Kahookele and Mrs. Kam Siu.

Senator Soares then introduced the Maryknoll High School basketball team and stated as follows:

"Mr. President, we have the pleasure this morning to have with us on the floor and in the gallery the members of the 28th Annual Hawaii High School Athletic Association Basketball Championship Team. I know that you are an alumnus of this school called Maryknoll, and I think it's very fitting this morning that you should be so honored to have these men on the floor.

"On the floor this morning, we have the coach of the Maryknoll champions, Coach Tony Sellitto, and co-captains: Mike Among and Ben Valle. Sitting in the gallery are members of the team."

All of the members of the Maryknoll basketball team were asked to rise and be recognized. The coach and co-captains were presented with a Senate Certificate by Senator Soares, and Senators Young, Solomon and A. Kobayashi presented them with leis.

The Chair then remarked as follows:

"This is indeed for us at Maryknoll a long, long road. We've seen Tony Sellitto go to it many times and this time he has completed his journey. The last time we won a championship, I must tell you the story, briefly ... we beat Buddy Soares' team at Kapaolono Park in 1952 when we won the junior varsity football championship with the score of 7 to 6.

"To all of you on the team, we wish you well and want you to know we are all proud of what you have accomplished. Congratulations!"

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 55 and 56) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 55), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM MAY 7 TO 13 AS NATIONAL PHOTO WEEK," was offered by Senators Ajifu, Soares, Hagino, Yamasaki, Solomon, B. Kobayashi, Young, Aki, A. Kobayashi, Fernandes Salling, Mizuguchi, Cobb, Toguchi, Henderson, Carpenter, Cayetano, Abercrombie, George, Kawasaki, Chang, Holt, Kuroda, Machida and Wong.

On motion by Senator Ajifu, seconded by Senator Soares and carried, S.C.R. No. 55 was adopted.

A concurrent resolution (S.C.R. No. 56), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A PROGRAM WITHIN THE ELEMENTARY SCHOOL SYSTEM TO ALERT STUDENTS OF POSSIBILITIES OF CHILD MOLESTATION," was offered by Senators Cayetano, George, Kawasaki, Young, Ajifu, Cobb, Abercrombie, Carpenter, Holt, Hagino, Fernandes Salling, Aki, Chang, Mizuguchi, B. Kobayashi, Solomon, A. Kobayashi, Henderson and Machida.

By unanimous consent, S.C.R. No.



56 was referred to the Committee on Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 64 and 65) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 64), entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM MAY 7 TO 13 AS NATIONAL PHOTO WEEK," was offered by Senators Ajifu, Soares, Hagino, Yamasaki, Solomon, B. Kobayashi, Young, Aki, A. Kobayashi, Fernandes Salling, Mizuguchi, Kuroda, Cobb, Toguchi, Henderson, Carpenter, Cayetano, Abercrombie, George, Holt, Machida and Wong.

On motion by Senator Ajifu, seconded by Senator Soares and carried, S.R. No. 64 was adopted.

A resolution (S.R. No. 65), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A PROGRAM WITHIN THE ELEMENTARY SCHOOL SYSTEM TO ALERT STUDENTS OF POSSIBILITIES OF CHILD MOLESTATION," was offered by Senators Cayetano, Ajifu, George, Kawasaki, Cobb, Abercrombie, Young, Carpenter, Holt, Hagino, Fernandes Salling, Aki, Chang, Mizuguchi, B. Kobayashi, Solomon, A. Kobayashi and Henderson.

By unanimous consent, S.R. No. 65 was referred to the Committee on Education.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Standing Committee Report No. 390-84 (Gov. Msg. No. 97):

Senator Cobb moved that Stand. Com. Rep. No. 390-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Letitia N. Uyehara as Director of Environmental Quality Control, term to expire December 1, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Holt, Kuroda, Machida, Uwayne and

Yamasaki).

At this time, Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, I have a point of inquiry of the Chair which relates to a matter I brought to your attention yesterday.

"Mr. President, you may recall what I asked yesterday with respect to H.B. 654, H.D. 1, Standing Committee Report 389, entitled: 'A Bill for Act Relating to Acquisition of Voting Stock by Foreign Investors.' I asked the question as to whether this was properly before us because it appeared to me that subject matter have been added to this bill which did not have anything to do with the title.

"You indicated at that time that you felt that in the title 'foreign investor' could be construed to mean not just someone as indicated in 403-38.5 but someone which includes foreign corporations and nonresident aliens, etc., as presently indicated in 403-38.5 but could include someone, say, from California. That could be construed as a foreign corporation or a foreign investor.

"What I did not realize at the time, as I say I had not seen the bill, Mr. President, is that we have had in the past some lengthy discussion including the discussion by the chairman of the Consumer Protection Committee with respect to what is known as 'piggybacking.' And I will ask you now then whether this bill is properly before us because I now notice that the purpose of the bill is to amend section 403-38.5 with respect to definitions of foreign investors and I notice that section 416-71.1 has been added into the bill.

"Now, that to me, there is no possible way, it seems to me, that one can reasonably state that the purpose of the bill as stated in relation to the title of the bill can be construed any other way than that which is known as 'piggybacking' 416-71.1 as a substitute for 403-38.5, and I would like you to rule as to whether or not this bill then is properly before us."

The Chair answered: "The ruling of the Chair as prescribed to you yesterday was that the Chair feels that the title is adequate to cover the subject matter. That's the ruling of the Chair."

Senator Abercrombie continued: "I beg your pardon, Mr. President, I

understand that part, that it covers the subject matter but I am referring, if you are talking about investment ... I understand what your ruling was, I'm not sure I agree with it, but my point here is that I notice we have entirely different sections and as I read through the sections under 416-71.1 they have virtually nothing whatsoever to do with 403-38.5 which as stated as the purpose of the bill 654 ... just very quickly to show you what I mean, as examples, that clearly the 416-71.1 deals with much more than acquisitions, deals with much more than voting stock, deals with much more than foreign investors even under the broadest possible definition of the phrase and is not related at all to the purpose of the bill as stated."

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 o'clock a.m.

Senator Abercrombie continued: "Mr. President, in the discussion that took place during the recess I think you indicated that the bill is in the committee and that from parliamentary point of view it would be a difficult, if not impossible ... I don't know how the ruling would work for it ... to be withdrawn from the committee.

"I would therefore like to say at this point then that inasmuch as you have indicated from your point of view that the bill is in committee and that there is nothing for the body as such then to be ruled upon, that members of the committee, when considering it, will have to take into account what has, from my point of view, been done in terms of 'piggybacking' this concept in 416-71.1 onto a bill which had virtually nothing to do with it, and that this in all likelihood, if the House follows past practice, a practice which as I indicated came about as a result of a dispute of this nature in previous times, in this instance with the pay bill, which brought two separate categories together even though they both concerned pay. One had to do with the executive pay and one had to do with collective bargaining. Here we may be talking about stock but we are talking about two entirely separate entities.

"I suggest they keep that in mind and I question very seriously whether such a bill passing out, if it should gather enough votes to pass out of

committee or this floor, will have to answer such questions of 'piggybacking' as will those who in the past have been vociferous, shall I say, in their denunciation of 'piggybacking' have to explain why it was bad when they were against something but why it would be good now when they're for it."

Senator Cobb then added as follows:

"Mr. President, I would very much like to respond to that.

"'Piggybacking' as it related to the pay bill addressed the matter when it was added on in a conference committee not when a position was taken by the opposite house, and there is a very clear distinction.

"Last year we amended at least 3 House bills very substantially, in some cases taking an entirely different position.

"If you look at the House rules they address as it is relating to the so-called change in conference committee where the position has not been taken by one house or the other, but those House rules do not prohibit the other house from taking its own position, which is perfectly legitimate and which will be the subject of a public hearing.

"'Piggybacking' as it grew out of the House rule came from the 1975 session to prevent the addition of extraneous material in a conference committee when such material had not been addressed by either house of the Legislature. It does not prohibit one house or the other from taking a different position on a given bill."

Senator Chang then rose to introduce "the woman to whom we have presented a challenge," Letitia N. Uyehara, Director of Environmental Quality Control, who was sitting in the Senate gallery. Ms. Uyehara was asked to stand and be recognized.

The Chair then remarked: "Members of the Senate, the Chair would like to again request the chairmen of the respective subject matter committees to move the functional plan resolutions to the Committee on Economic Development so the committee may review all of the plans together."

#### ADJOURNMENT

At 12:06 o'clock p.m., on motion by

Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 21, 1984.

## FORTIETH DAY

Wednesday, March 21, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:35 o'clock a.m., with the Vice President in the Chair.

The Divine Blessing was invoked by Dr. Claude V. Caver, member of the Hawaii Baha'i Community, after which the Roll was called showing all Senators present with the exception of Senators Holt and Machida who were excused.

The Chair announced that he had read and approved the Journal of the Thirty-Ninth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Soares introduced second and fourth grade students from the Holy Trinity School, accompanied by their teachers: Ms. Barbara Dung and Ms. Marilyn Gray; and chaperones: Lori Werring, Star Lumke, Linda McMullen, Kathy Meyering and Mr. and Mrs. Fansler.

Senator Young then introduced Miss Toni Hamm, an eighth grader from Ilima Intermediate School participating in the Legislative Awareness Program.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 319 and 320) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 319), transmitting House Concurrent Resolution No. 49, H.D. 1, which was adopted by the House of Representatives on March 20, 1984, was placed on file.

By unanimous consent, H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROMPTLY NEGOTIATE THE RETURN OF HAWAIIAN HOME LANDS AT LUALUALEI, ISLAND OF OAHU, STATE OF HAWAII, TO THE JURISDICTION OF THE HAWAIIAN HOMES COMMISSION," was referred to the Committee on Housing and Urban Development.

A communication from the House (Hse. Com. No. 320), transmitting House Concurrent Resolution No. 51,

H.D. 1, which was adopted by the House of Representatives on March 20, 1984, was placed on file.

By unanimous consent, H.C.R. No. 51, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING AND DECLARING THAT THE PRESENT PLAN UNDER WHICH THE HAWAII STATE AGENCY FOR SURPLUS PROPERTY IS OPERATING HAS BEEN DEVELOPED BY THE LEGISLATURE TO BE THIS STATE'S PERMANENT PLAN OF OPERATION AS CONTEMPLATED BY SECTION 203(J) (4) (A) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED BY PUBLIC LAW 94-519," was referred to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 57), entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROMPTLY NEGOTIATE THE RETURN OF HAWAIIAN HOME LANDS AT LUALUALEI, ISLAND OF OAHU, STATE OF HAWAII, TO THE JURISDICTION OF THE HAWAIIAN HOMES COMMISSION," was offered by Senators Young, Holt, A. Kobayashi, Henderson, George, Toguchi, Kawasaki, B. Kobayashi, Yamasaki, Solomon, Cayetano, Mizuguchi, Aki and Ajifu, and was read by the Clerk.

By unanimous consent, S.C.R. No. 57 was referred to the Committee on Housing and Urban Development.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 66 and 67) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 66), entitled: "SENATE RESOLUTION REQUESTING THE COMPILATION OF MOTORCYCLE ACCIDENT INFORMATION," was offered by Senators Cobb, Abercrombie, B. Kobayashi, Toguchi, Fernandes Salling, Solomon, Mizuguchi, Cayetano, Ajifu, Soares, Hagino, George, Chang, Henderson, Aki, Young and Wong.

By unanimous consent, S.R. No. 66 was referred jointly to the Committee on Consumer Protection and Commerce and to the Committee on Transportation.

A resolution (S.R. No. 67), entitled: "SENATE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROMPTLY NEGOTIATE THE RETURN OF HAWAIIAN HOME LANDS AT LUALUALEI, ISLAND OF OAHU, STATE OF HAWAII, TO THE JURISDICTION OF THE HAWAIIAN HOMES COMMISSION," was offered by Senators Young, Holt, A. Kobayashi, Henderson, George, Toguchi, Kawasaki, B. Kobayashi, Yamasaki, Solomon, Cayetano, Mizuguchi, Aki

and Ajifu.

By unanimous consent, S.R. No. 67 was referred to the Committee on Housing and Urban Development.

#### ADJOURNMENT

At 11:50 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 22, 1984.

## FORTY-FIRST DAY

Thursday, March 22, 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 the Reverend M. Richard Bice, Pastor of Central Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Abercrombie.

The Chair announced that he had read and approved the Journal of the Fortieth Day.

The following introductions were then made to the members of the Senate:

Senator Henderson introduced four gentlemen from Hilo, Mr. Larry Ishimoto, Mr. Henry Otani, Mr. David Blythe and Mr. George McEldowney.

Senator A. Kobayashi, on behalf of Senator Cobb and herself, introduced a group of 55 sixth grade students from Palolo Elementary School who are on a tour of the State Capitol and attending the session as part of their class on government and social studies, accompanied by their teachers, Mrs. Aileen Tanaka and Miss Mitsi Nakagawa.

Senator Machida, on behalf of Senator Solomon, Senator Yamasaki and himself, introduced seven students from the math enrichment class of Kihei Elementary School, Maui, and their teacher Mrs. Winona Matsumura.

Senator Kuroda then introduced the following delegation of government and spiritual leaders from the South Pacific Islands and Australia and stated as follows:

"The delegation of government and spiritual leaders are here in Hawaii to attend the Governor's/Mayors' Prayer Breakfast tomorrow morning. It is very appropriate that this event is held during the session inasmuch as we legislators and government people have an opportunity to participate in a religious event twice a year.

"Our session is preceded by a Red Mass, the day before the session opens, and now we attend a prayer breakfast tomorrow morning.

"Mr. President, ladies and gentlemen, visiting with us and led

by the delegation leader, the former Prime Minister of the Solomon Islands, Sir Peter Kenilorea are: Mr. and Mrs. Blow, Senior Advisor to the Premier and Cabinet of Victoria on Aboriginal Affairs; Mr. Gary Bailey, a businessman from Sydney, Australia; the Reverend John Key, Regional Director for World Vision International for the South Pacific; Archbishop Sir Marcus Loane from Sydney, Australia; the Reverend Dr. and Mrs. Gilbert McArthur, from Sydney, Australia, Pacific Coordinators for Pacific Region Fellowship; the Honorable Dr. and Mrs. Malcom Mackay, former Cabinet Minister of Australia; Mr. and Mrs. Peter Salisbury, South Sea Evangelical Mission; the Honorable Lloyd Maepiza Gina, Speaker of the National Parliament House, Solomon Islands; Supreme Court Justice Arnold Amet from Papua, New Guinea; the Honorable Fred Timakata, Speaker of the House, Vanuatu; the Reverend Paula Niukula, President of the Methodist Church Office, Fiji; the Honorable George Akauloa, Minister of Justice, Tonga; and Mr. Yann Celene Uregei, Vice-President of the National Parliament and leader of the Kanak Party, New Caledonia."

"Tomorrow the the Reverend Albert Toburua of the United Church, Papua, New Guinea, and Senator Kaleb Udui and Mr. Temmy Schull, Director of the Foreign Affairs Department, Palau, will arrive to join the delegation."

The distinguished guests were asked to rise and be recognized and were welcomed with a round of applause. Members of the Senate presented them with leis.

The Chair, at this time, invited Sir Peter Kenilorea to the rostrum.

Sir Peter Kenilorea addressed the members of the Senate and guests as follows:

"Mr. President, Senators, distinguished friends from the South Pacific, friends.

"I was the last man to arrive this morning, of all the delegates who have arrived, and I think it is a penalty for coming in late to be given the floor to respond to the warm welcome that has been extended to us.

"Joking aside, Mr. President, it is my privilege and honor to represent

the distinguished delegates from the South Pacific who have arrived for the purpose of participating in the Governor's/Mayors' Prayer Breakfast that has been arranged in this beautiful city.

"We bring greetings from our part of the world in the name of the Lord, and we are looking forward to this wonderful occasion that we hope each and everyone of us will enjoy.

"I wish to thank you, Mr. President, for allowing me to thank you very sincerely, on behalf of those here present from the other side of the world to be here with you and to be accorded such a warm and honorable welcome. I have never been on the floor of a senate before; I had the privilege of visiting Washington once or twice before but have not had the privilege to be accorded such an honorable reception.

"I wish to thank you very sincerely for allowing us to intrude in your important place of work and in a spirit of warm welcome to us and, in that spirit, we'd like you to accept our appreciation and our thanks for that warm reception and welcome.

"We are looking forward, particularly, to participate fruitfully and beneficially in the forthcoming event beginning tomorrow, I understand. I hope that each life here, who are here for that purpose, will be enriched, will be blessed, will be strengthened, to go back and continue in the very important duties of life's calling in their respective countries.

"Once again, Mr. President, Senators, thank you very much indeed for having us."

The Chair then expressed thanks to Sir Peter Kenilorea for addressing the Senate.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator Carpenter, at this time, introduced Ms. Priscilla Garson, his neighbor in Hilo who is the Director of Activities at the YWCA.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 58), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

A FEASIBILITY STUDY RELATING TO THE CONCEPT OF HAWAII AS 'THE HEALING ISLANDS,'" was offered by Senators Kuroda, Ajifu, Carpenter, Mizuguchi, Fernandes Salling, Cayetano, Toguchi, Young, Solomon, A. Kobayashi, Soares, Aki, Henderson, Cobb, Kawasaki, B. Kobayashi, Holt, Yamasaki and Wong, and was read by the Clerk.

By unanimous consent, S.C. R. No. 58 was referred to the Committee on Tourism.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 68 and 69) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 68), entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY RELATING TO THE CONCEPT OF HAWAII AS 'THE HEALING ISLANDS,'" was offered by Senators Kuroda, Ajifu, Carpenter, Mizuguchi, Fernandes Salling, Cayetano, Toguchi, Young, Solomon, A. Kobayashi, Soares, Aki, Chang, Henderson, Cobb, Kawasaki, B. Kobayashi, Holt, Yamasaki, Wong..

By unanimous consent, S.R. No. 68 was referred to the Committee on Tourism.

A resolution (S.R. No. 69), entitled: "SENATE RESOLUTION REQUESTING PROVISIONS FOR YACHT CHARTER OPERATIONS AT KEWALO BASIN," was offered by Senators B. Kobayashi, George, Kuroda, Solomon, Young and Holt.

By unanimous consent, S.R. No. 69 was referred to the Committee on Transportation.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 391-84) recommending that House Bill No. 212, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 1984.

Senator Yamasaki, for the Committee on Ways and Means; presented a report (Stand. Com. Rep. No. 392-84) recommending that House Bill No. 223, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 223, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 393-84) recommending that the Senate advise and consent to the nomination of Russel S. Nagata as Director of Commerce and Consumer Affairs, in accordance with Governor's Message No. 230.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 393-84 and Gov. Msg. No. 230 was deferred until Friday, March 23, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 394-84) recommending that House Bill No. 847, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 847, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 395-84) recommending that House Bill No. 2340-84, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2340-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFUSAL TO

PROVIDE IDENTIFICATION UNDER THE STATEWIDE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 396-84) recommending that House Bill No. 1629-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1629-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 397-84) recommending that House Bill No. 1828-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1828-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 398-84) recommending that House Bill No. 2007-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2007-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 399-84) recommending that House Bill No. 2407-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.



On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2407-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 400-84) recommending that House Bill No. 1720-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1720-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 401-84) recommending that House Bill No. 2142-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2142-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary.

Senator B. Kobayashi, for the majority of the Committee on Transportation, presented a report (Stand. Com. Rep. No. 402-84) recommending that House Bill No. 2151-84, H.D. 2, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2151-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 403-84) recommending that House Bill No. 2486-84, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2486-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 404-84) recommending that House Concurrent Resolution No. 41, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C.R. No. 41, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE ACQUISITION OF MAKENA BIG BEACH, MAUI," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 405-84) recommending that House Bill No. 2254-84, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2254-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REVIEW OF HAWAII'S NO-FAULT INSURANCE LAWS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 406-84) recommending that House Bill No. 183, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 183, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," passed Second Reading and was referred to the

Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 407-84) recommending that House Bill No. 1120, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1120, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 408-84) recommending that House Bill No. 1760-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1760-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 409-84) recommending that House Bill No. 1797-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1797-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 410-84) recommending that House Bill No. 1800-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1800-84,

H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 411-84) recommending that House Bill No. 2035-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2035-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 412-84) recommending that House Bill No. 1549, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1549, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 413-84) recommending that House Bill No. 1727-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1727-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 414-84) recommending that House Bill No. 1905-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 1905-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 415-84) recommending that House Bill No. 1906-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1906-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL ACTIVITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 416-84) recommending that House Bill No. 2021-84 pass Second Reading and 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 H.B. No. 2021-84, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 417-84) recommending that House Bill No. 1728-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1728-84, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 418-84) recommending that House Bill No. 2039-84, H.D. 1, pass

Second Reading and 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 H.B. No. 2039-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 419-84) recommending that House Bill No. 2402-84, as amended in S.D. 1, pass Second Reading and 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 H.B. No. 2402-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 420-84) recommending that House Bill No. 2230-84, H.D. 1, pass Second Reading and 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 H.B. No. 2230-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 421-84) recommending that House Bill No. 271, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 271, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Kuroda, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 422-84) recommending that House Bill No. 1319, H.D. 2, pass Second Reading and 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 H.B. No. 1319, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 423-84) recommending that House Bill No. 1940-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1940-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 424-84) recommending that House Bill No. 359 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 359, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL GUARD AND RESERVE TUITION WAIVERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 425-84) recommending that House Bill No. 1941-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb,

seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1941-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 426-84) recommending that House Bill No. 2169-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2169-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 427-84) recommending that House Bill No. 2512-84, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2512-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 428-84) recommending that House Bill No. 2248-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2248-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATEWIDE EMPLOYMENT CONFERENCE ACTIVITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 429-84) recommending that

House Bill No. 1751-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1751-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 430-84) recommending that House Bill No. 1956-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1956-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 431-84) recommending that House Bill No. 1749-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1749-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 432-84) recommending that House Bill No. 2327-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2327-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways

and Means.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 433-84) recommending that House Bill No. 1725-84 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1725-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 434-84) recommending that House Bill No. 1726-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1726-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS TO ACCOMPANY BIDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 435-84) recommending that House Bill No. 2602-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2602-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 436-84) recommending that House Bill No. 1921-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee

was adopted and H.B. No. 1921-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 437-84) recommending that House Bill No. 2406-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2406-84, H.D.2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 438-84) recommending that House Bill No. 2320-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2320-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 439-84) recommending that House Bill No. 1950-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1950-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 440-84) recommending that House Bill No. 1185, H.D. 1, pass Second Reading

and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A PUBLIC GUARDIANSHIP AGENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 441-84) recommending that House Bill No. 1911-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1911-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INMATE COMMUNITY SERVICE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 442-84) recommending that House Bill No. 851 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 851, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 443-84) recommending that House Bill No. 2002-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2002-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report

(Stand. Com. Rep. No. 444-84) recommending that House Bill No. 1949-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1949-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WITNESS SECURITY AND PROTECTION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 445-84) recommending that House Bill No. 2092-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2092-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 446-84) recommending that House Bill No. 1718-84, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1718-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 447-84) recommending that House Bill No. 1946-84, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1946-84, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERSONAL CARE SERVICES," passed Second Reading and was referred to the Committee on Ways

and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 448-84) recommending that House Bill No. 1746-84, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1746-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 449-84) recommending that House Bill No. 537, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTION RECORDS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 450-84) recommending that House Bill No. 2082-84, H.D. 2, as amended as S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2082-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 451-84) recommending that House Bill No. 1811-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 1811-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIVER OF NONRESIDENT TUITION DIFFERENTIAL AS IT APPLIES TO PACIFIC ISLAND AND FOREIGN STUDENTS AT THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

#### STANDING COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the adoption of standing committee reports received by the Senate Clerk prior to midnight. In consequence thereof, and subsequent to its recessing at 12:08 o'clock p.m., the Senate took the following action on the following bills and standing committee reports:

Standing Committee Report No. 452-84 was adopted and House Bill No. 1634, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 453-84 was adopted and House Bill No. 582, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 454-84 was adopted and House Bill No. 1636-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 455-84 was adopted and House Bill No. 1729-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," passed Second Reading and was referred to the Committee on Judiciary.

Standing Committee Report No. 456-84 was adopted and House Bill No. 1739-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 457-84 was adopted and House Bill No. 1932-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary.

Standing Committee Report No. 458-84 was adopted and House Bill No. 1933-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 459-84 was adopted and House Bill No. 1976-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 460-84 was adopted and House Bill No. 2182-84, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY MENTAL HEALTH SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 461-84 was adopted and House Bill No. 2184-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 462-84 was adopted and House Bill No. 2256-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No.



463-84 was adopted and House Bill No. 2257-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 464-84 was adopted and House Bill No. 2294-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 465-84 was adopted and House Bill 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 KAHALE HEALTH CARE FACILITY FOR THE ELDERLY," passed Second Reading and was referred to the Committee on Ways and Means.

Standing Committee Report No. 466-84 was adopted and House Bill No. 2612-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," passed Second Reading and was referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Friday, March 23, 1984.

## FORTY-SECOND DAY

Friday, March 23, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Sister Katherine Theiler, M.M., Director of the Spiritual Life Center, after which the Roll was called showing all Senators present with the exception of Senator Abercrombie who was excused.

The Chair announced that he had read and approved the Journal of the Forty-First Day.

At this time, Senator Aki introduced 30 fourth, fifth and sixth graders from Waianae Elementary School, who are JPO's and members of the student council, accompanied by their counselor, Ms. Ann Toyota.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 59 to 61) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 59), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW ITS ADMINISTRATIVE SUPPORT FOR BOARDS AND COMMISSIONS WHICH ARE SUBJECT TO THE SUNSET LAW," was offered by Senators Cobb, Aki, Fernandes Salling, Ajifu, George, Mizuguchi, Yamasaki, Hagino, Holt and Carpenter.

By unanimous consent, S.C.R. No. 59 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 60), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF CHANGES TO IMPROVE THE REGULATION OF HAIRDRESSERS, COSMETICIANS, BEAUTY SHOPS, AND BEAUTY SCHOOLS," was offered by Senators Cobb, Aki, Fernandes Salling, George, Ajifu, Mizuguchi, Yamasaki, Hagino, Holt and Toguchi.

By unanimous consent, S.C.R. No. 60 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 61), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

A STUDY ON THE FEASIBILITY OF ESTABLISHING A PORT AUTHORITY FOR HAWAII," was offered by Senators Carpenter, Young, George, Fernandes Salling, Toguchi, Ajifu, Kuroda, Aki, Cayetano, Hagino, Henderson, Mizuguchi, Kawasaki, Chang, Yamasaki, Uwayne, Solomon and Abercrombie.

By unanimous consent, S.C.R. No. 61 was referred to the Committee on Transportation.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 70 to 72) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 70), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW ITS ADMINISTRATIVE SUPPORT FOR BOARDS AND COMMISSIONS WHICH ARE SUBJECT TO THE SUNSET LAW," was offered by Senators Cobb, Aki, Fernandes Salling, Ajifu, George, Hagino, Carpenter, Mizuguchi, Yamasaki and Holt.

By unanimous consent, S.R. No. 70 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 71), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF CHANGES TO IMPROVE THE REGULATION OF HAIRDRESSERS, COSMETICIANS, BEAUTY SHOPS, AND BEAUTY SCHOOLS," was offered by Senators Cobb, Aki, Fernandes Salling, George, Ajifu, Mizuguchi, Yamasaki, Hagino, Holt and Toguchi.

By unanimous consent, S.R. No. 71 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 72), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PORT AUTHORITY FOR HAWAII," was offered by Senators Carpenter, Young, George, Fernandes Salling, Toguchi, Chang, Cayetano, Hagino, Kuroda, Aki, Henderson, Mizuguchi, Ajifu, Kawasaki, Yamasaki, Abercrombie, Uwayne and Solomon.

By unanimous consent, S.R. No. 72 was referred to the Committee on Transportation, then to the Committee

on Legislative Management.

#### STANDING COMMITTEE REPORTS

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 467-84) recommending that Senate Concurrent Resolution No. 39, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE BIG ISLAND OCEAN RECREATION AND TOURISM PROJECT," was adopted.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 468-84) recommending that Senate Resolution No. 45, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STATUS REPORT ON THE BIG ISLAND OCEAN RECREATION AND TOURISM PROJECT," was adopted.

#### ORDER OF THE DAY

##### ADVISE AND CONSENT

Standing Committee Report No. 393-84 (Gov. Msg. No. 230):

Senator Cobb moved that Stand. Com. Rep. No. 393-84 be received and placed on file, seconded by Senator Carpenter and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Russel S. Nagata as Director of Commerce and Consumer Affairs, term to expire December 1, 1986, seconded by Senator Carpenter.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused 2 (Abercrombie and Kawasaki).

##### RE-REFERRAL OF SENATE RESOLUTION

The President re-referred Senate Resolution No. 63 which was introduced on March 19, 1984 to the Committee on Health, then to the

Committee on Legislative Management.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

Senator Cayetano rose on a point of privilege and stated as follows:

"Mr. President, I've been a member of this body now for ten years and if there is anything that I think I've learned in those ten years it is that when one gives his word in this body, one should hold to it.

"The past few days, the chairman of the Housing Committee has been under tremendous pressure. I don't think I have to go through the details. We've all seen the chairman subjected to the scrutiny of the press, the television media, when she declared a moratorium on House Bill 2246.

"Whether you agree with the chairman or not on the moratorium, I don't think anyone here will deny that her move was one based on principle and courage. What bothers me, Mr. President, however, is that some of the members here, in terms of their conduct with respect to this particular issue, have not lived up to the code that I spoke about.

"After the chairman put herself out on the limb and declared that she would be for the moratorium, yesterday, the Minority members of this Senate issued a press release, dated March 22, 1984, on this particular issue and I would like to read it for the record and for the benefit of the members here.

'Excessive increases in lease rents at renegotiation have threatened the home and family incomes of leaseholders throughout our state. The Senate and the House Republicans firmly believe that action must be taken during this legislative session to institute an equitable system of lease rent renegotiation.

'While Republicans generally believe in the traditional GOP philosophy of private property rights, the situation in which we find ourselves has to be resolved outside of that conservative tradition. We cannot sit on the sidelines while people whom we represent are in the dreadful dilemma of not being able to afford their new lease rentals or not being

able to sell their homes which in many cases represent their lifetime investment.

'We believe that the current process works a severe hardship on many citizens of our state. And we believe that it is the responsibility of this Legislature to address this unfair situation.

"The release then ends with this paragraph:

'The Senate and House Republicans, therefore, urgently request the chairman of the Senate Committee on Housing move House Bill 2246, relating to residential leases of real property, out of committee in order that the inequities suffered by the leaseholders may be swiftly redressed.'

"Mr. President, the information that I have available to me indicates that the chairman, one of the reasons the chairman took the stand that she did, was she was concerned about members who are opposed to the bill having to show their 'colors' in public -- a very generous concern, I might add, that not many chairmen would hold for the members of their committees -- but that she also checked with each individual member of her committee and asked them whether or not they would agree to the proposed moratorium. And the answer in each case was 'yes.'

"Having polled her committee, the chairman then went public and after having gone public and being bombarded with telephone calls and letters castigating her for holding back this important bill, the Minority members of this Senate came out with this press release.

"Now, there are five Minority members who I assume are part of this press release. I don't begrudge those members who have had a history in this Senate of favoring leasehold legislation which would help resolve the dilemma of lessees. But I do take exception when I read a committee report, Senate Bill 1813, and I see the signature of one Minority member who signed 'I do not concur.' That Minority member represents a district which has many, many leaseholders. I do take exception when that person gives the chairman his word, he agrees to a moratorium and then, in total contradiction to that agreement, joins this kind of a press release, subjecting the chairman to the vilification that she has been

subjected to.

"All of us in this Senate, I think, have taken sides on this issue and I don't begrudge anyone who has a philosophical difference or who has philosophical differences on this particular issue. One can respect that. But one cannot respect where a member of this body has had a history, a history, of opposing reform for lessees...I do object when that person for political reasons, because he's up for re-election, takes part in this kind of a press release.

"The chairman has called for a moratorium. I wonder, after the re-election, if this particular Senator is re-elected, how will he vote. Will he vote according to this press release, or will he vote according to the pattern that he has established in the Legislature over the years?

"Last week I introduced an amendment to the milk bill. That amendment was proposed to me by another Senator of this body who rather surprised me by voting against the very amendment that he proposed. I could excuse that one particular action, but it seems that this kind of conduct is becoming contagious. It's happening more frequently. While you can excuse this kind of conduct happening once on an issue like this where a chairman is subjected to so much heat and vilification, I think that these things have to be made public.

"We have an election coming up in 1984 and I can say this, that as far as I'm concerned, whoever the Democratic candidate is in that particular district, if I'm asked for my opinion about the conduct of his opponent on this particular issue, I will gladly volunteer it so that the constituency of that particular district will know fully and exactly what they are voting for."

Senator Ajifu rose to comment on the previous speaker's remarks as follows:

"The previous speaker has not talked to me about that press release. The press release was discussed in our caucus. So far as the press release coming out, it was discussed in our caucus, however, I had said in our caucus that this is a very important issue and it should not be a political issue. It's too important to play politics. This is what I have said in the caucus.

"I'd like to also inform this body

and the speaker that when the press release had gone out I had not seen the press release.

"So, Mr. President, I'd like to set the record straight that what was implied here was that I was part of the press release. We did agree to a press release but I didn't know what the content of the press release was at that time but I had indicated at the caucus and, I repeat, that it should not be a political issue. Thank you."

Senator Cayetano responded and stated: "Mr. President, we are not talking about a political issue, we are talking about a code of conduct for our Senators here.

"The point that I'm trying to make is that if a person gives his word and a chairman or another Senator goes out on a limb, because of that word, then one should live up to that word and not try to pull the rug or carpet from under the Senator or chairman."

Senator Soares also rose on a point of personal privilege and stated:

"Mr. President, I think it's important as the leader of the Republicans who've worked very hard over the years to maintain credibility on the floor of this Senate. I concur with Senator Cayetano in terms of the conduct of all of us here -- how we vote, how we represent our constituency and how we stand up for what is right and what is wrong.

"It has been my stance for the last 18 years, both here and in the House, to call a spade, a spade. Senate and House Republicans together issued a press release and while it may appear to be purely political, we have been consistent in our stance for years trying our best to get the residential leasehold problems solved for the good of our constituents, mine in particular. Eighty percent of the residents in my district reside on Bishop Estate leases. We have been meeting for years on the need to control the spiraling and outrageous cost, accelerated by the lease negotiations. We have also been discussing leasehold conversion to fee and the possibility of condemnation by HHA.

"Leasehold and Land Reform is a very, very critical issue. It is not political as far as I am concerned. On the other hand, when we issued our press release yesterday, both the House and Senate Republicans discussed the need to have this bill

brought to the floor of the Senate for a vote. It passed the House unanimously, 47 to 4; one signature with 'I do not concur'. And it has been the history here in the Senate to have open dialogue, great debate, pro and con on all the issues. Respect for one another is what's critical on the floor of the Senate as is the respect for one another, vote the issues up or down. Express your opinion on what you want and call it like it is.

"As far as I am concerned, there are seven on the committee. If my two colleagues want to vote it down, there are five more votes to bring it to the floor. And I think the real bottom line of our discussion today is this, the floor is the basis for debate, the floor is where you can vote, bring the bill to the floor of the Senate, we can debate it and vote up or down. That's the bottom line, Mr. President. This bill deserves a floor vote, roll call vote to see exactly where everyone stands. I regret, I really regret, to see us not respect one's own credibility.

"That is why I agree with Senator Cayetano. The fact is that we should not, never, hide behind the fact that a person should take all the heat, bury the bill in the drawer and say 'let's go on to something else.' The bill should be voted on, Mr. President.

"It is our great desire to see exactly where we all stand. The House did it, why can't we? We're supposed to be the upper house, the smarter guys, the tougher guys and if we are, let's be counted. That's the basic idea what we're here for.

"Thank you."

At this time, Senator Young rose and stated:

"Mr. President, talking about drawers, I thought maybe this issue might come up so I have this letter written to all lessees that have voiced their concerns. I feel that the Senate is entitled to an explanation by the chairperson on her decision for imposing the moratorium. I will read from a letter written to all lessees who have written to my office. I will not go through all of it; I will read portions of it and it goes as follows:

'I assure you the Legislature realizes some relief must be provided to the lessees. It is with this interest at heart I have decided a moratorium is the responsible action

to take.

'The United States Supreme Court hears the Land Reform Act case on March 26, 1984. It may render its decision after the close of the 1984 Hawaii State Legislative Session. Its decision regarding the constitutionality of Hawaii's Land Reform Act will directly affect this related issue of renegotiated lease rents and this will have an impact on you.

'If the Land Reform Act is found unconstitutional, the Legislature must ensure that the rent renegotiation statute is free of any of the defects which caused the Land Reform Act to be held unconstitutional. This will assure that the protection under this rent renegotiation statute is not jeopardized.

'If the Land Reform Act is upheld as constitutional, a rent limitation measure will affect the value of the fee interest purchased by lessees under the Land Reform Act. The legislature must safeguard this aspect of the Land Reform Act, by ensuring that this rent control measure does not unfairly decrease the "just compensation" which must be provided to a landowner as required by the United States Constitution.

'Two formulas have been proposed this session (H.B. 2246, H.D. 2 used a 5.5 percent factor by which rents would increase; S.B. 1813, S.D. 1 used a CPI ratio in order to attain renegotiated rents). Both solutions presume the rent determined at the onset of the lease is an intrinsically fair and true representation of land value.

'I also considered that both the existing statute and the proposed amendments do not open the umbrella of protection above those lessees who need to renegotiate at an earlier date than specified in their leases for financing purposes, nor do they include those lessees of State land used for residential purposes. The extension of protection to these and other excluded lessees should be considered during the interim study.

'While I am extremely sympathetic to the plight of the lessees, I am concerned about enacting a bill as far reaching and as complex as this measure without 1) being knowledgeable of the Supreme Court's decision and directives, and 2) having all considerations thoroughly investigated. I am cognizant of the economic burden placed on the taxpayers of our State whenever a piece of

legislation is challenged in court. The legislature should feel confident that in its best judgment the laws enacted will withstand a court challenge.'

"Thank you."

Senator Soares replied:

"Mr. President, I would like to make a comment in reply to the chairman. While I admire her having the letter read on the floor of the Senate, I think the basic idea I am trying to raise is that in this case the chairman herself has decided the course of action. I am saying the committee should have the right to discuss the course of action, like the House did, and if you have some 'no' votes or 'I do not concur,' then decide it for bringing it to the floor for a vote.

"I think H.B. 2246 better addresses the problem, as far as I am concerned, and I would like to have it heard."

Senator Uwayne then commented as follows:

"Mr. President, in response to the Minority Floor Leader's comments. I think all members of this body at one time or another, including the Republicans have served as chairmen of committees, in particular, the Minority Floor Leader. It is well known by all committee members, as well as chairmen here, that not all bills that are referred to committee come before the body for a vote. Although it may be preferable that we all decide as a body, as a committee-as-a-whole, to vote on all issues, it is not practical. The previous speaker, as a former chairman of the Public Utilities Committee, is well versed on the fact that all committee bills that are referred to his committee at times, he had to, as chairman take the initiative to decide what would be discussed by the committee, as well as what would come before the body as a whole.

"So for all practical purposes although I would agree with the previous speaker that we would as a body like to vote on all bills, it is not practical."

Senator Soares further stated:

"I do think, also, in fairness to the chairman, that if she's going to have a problem with members of her committee not supporting her, by the same token thinking he is not fair to

her either. I think each member of the committee should be ready at any time on any bill to take all the heat, not one person."

Senator Cayetano then commented as follows:

"Mr. President, just to get back to my original point. This chairman did what not many chairmen do. She consulted with the members of her committee, Majority as well as Minority. The point that I am trying to make is that the Minority committee members agreed with her course of action. Having agreed with the course of her action, it seems somewhat hypocritical to join this kind of a press release. That's the point I'm trying to make."

Senator Cobb rose and stated:

"Very briefly, Mr. President, while I sat through the rather long Judiciary Committee hearing on the so-called companion bill, S.B. 1813, as related to the residential leaseholds, the point of concern of most members of the committee was of basic fairness or equity to both sides. I think that in the consideration of any moratorium, we have to be more cognizant of the problem that is faced by lessees in which I hope is the solution that is arrived at, and that is where an individual lessee is either going to be in a position of buying or selling property that unless they have a minimum 20 year term for their lease rent, if they are not able to buy that they be able to receive such a term in order to acquire or be eligible for bank

financing.

"I am not addressing this in the context to the lessee who would want to buy or sell for a quick profit. Those wanting to do so as a fundamental matter of finding, acquiring or disposing of their housing; individuals who are transferring, individuals who have growing families, individuals who find themselves in circumstances where a new house is needed. I earnestly hope that if the moratorium is to be the arrived at a solution that this particular problem is addressed because otherwise we would be facing a crisis situation with people not being able to buy or sell their homes as being one of my principal concerns throughout this matter and I think we have to keep this in context in terms of the situation lessees find themselves in.

"Thank you."

The Chair made the following observation: "I know that we are heading into the second crossover and I want to again remind all the chairmen who have the various functional plans to work on them over the weekend or perhaps the early part of next week. Please try to get them moved on to the Committee on Economic Development as quickly as possible."

#### ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 27, 1984.

## FORTY-THIRD DAY

Tuesday, March 27, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Allan Fisher of Waiakeola Congregational Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Forty-Second Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 232 to 267) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 232), submitting for consideration and confirmation to the Board of Barbers, the nomination of Marion F. Oki, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 233), submitting for consideration and confirmation to the Board of Chiropractic Examiners, the nomination of Harvey T. Sato, D.C., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 234), submitting for consideration and confirmation to the Board of Cosmetology, the nomination of Rick Hoo, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 235), submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of Warren M. La France, term to expire December 31, 1984, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 236), submitting for consideration and confirmation to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, the nominations of Thomas P. Papandrew and Rodney M. Kawamura,

terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 237), submitting for consideration and confirmation to the Board of Hearing Aid Dealers and Fitters, the nominations of the following:

Howard K. Tamashiro, term to expire December 31, 1987;

George Kimata, M.D., term to expire December 31, 1984; and

Carolyn U. Canubida, term to expire December 31, 1986,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 238), submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of William Neil Rapozo, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 239), submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nominations of Adrian P. Awai and Will E. Miyake, terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 240), submitting for consideration and confirmation to the State Board of Nursing, the nominations of Tomi S. Haehnlen and Robert B. Desuacido, terms to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 241), submitting for consideration and confirmation to the Board of Pharmacy, the nomination of Sylvia Karen Shimonishi, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 242), submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of Nelson K. Moku, Jr., term to expire December 31, 1987, was referred to the Committee on



Consumer Protection and Commerce.

December 31, 1989,

A message from the Governor (Gov. Msg. No. 243), submitting for consideration and confirmation to the Real Estate Commission, the nominations of Peter N. Yanagawa and Douglas R. Soretani, terms to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

was referred to the Committee on Education

A message from the Governor (Gov. Msg. No. 250), submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of Gabe K. Kilakalua, Jr., term to expire December 31, 1987, was referred to the Committee on Government Operations and County Relations.

A message from the Governor (Gov. Msg. No. 244), submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of Roger M. Kondo, D.V.M., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 251), submitting for consideration and confirmation to the Advisory Commission on Drug Abuse and Controlled Substances, the nominations of John P. O'Brien and Theodore I. Sakai, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 245), submitting for consideration and confirmation to the Hawaii Fisheries Coordinating Council, the nomination of Warren E. Akiona, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 252), submitting for consideration and confirmation to the State Emergency Medical Services Advisory Committee, the nominations of Mark Sperry, Joseph A. Grote, M.D., Eleanor L. Nelson and Theodore T. Inouye, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 246), submitting for consideration and confirmation to the Land Use Commission, the nomination of Toru Suzuki, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 253), submitting for consideration and confirmation to the Commission on the Handicapped, the nominations of Jack Tadashi Matsui, Lydia Sumiko Ranger and Sidney Jane Berg, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 247), submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nominations of Fred I. Kamemoto and James A. Brock, D.V.M., terms to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 254), submitting for consideration and confirmation to the East Honolulu Subarea Health Planning Council, the nominations of Tomoe Komata, Rix Maurer, III, and Dean M. Matsushima, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 248), submitting for consideration and confirmation to the Library Advisory Commission, County of Maui, the nomination of Katharine T. Cannon Eger, term to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 255), submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nominations of Bonnie-Jay Sanchez, Merlyn E. Raco, William Thomas Takaba, Katherine Grace Takehiro and Robert M. Kawakone, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 249), submitting for consideration and confirmation to the Board of Public Broadcasting, the nominations of the following:

Rochelle Lee Gregson, term to expire December 31, 1984;

Al Harrington, term to expire December 31, 1989; and

Teruo Ihara, Ph.D., term to expire

A message from the Governor (Gov. Msg. No. 256), submitting for consideration and confirmation to the Hawaii

County Subarea Health Planning Council, the nomination of Mark Onaka, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 257), submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of Sally Britton, Stanley L. Solmonson, Claire Ueno and Richard K. Nii, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 258), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, the nomination of Rizalino R. Vicente, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 259), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Hawaii County Hospital System, the nominations of the following:

Fred J. Koehnen, term to expire December 31, 1987; and

Viola M. Watson, term to expire December 31, 1986,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 260), submitting for consideration and confirmation to the County Hospital Management Advisory Committee, Maui County Hospital System, the nomination of Joseph Pontanilla, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 261), submitting for consideration and confirmation to the Advisory Council for Housing and Construction Industry, the nomination of Walter S.S. Zane, term to expire December 31, 1986, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 262), submitting for consideration and confirmation to the Advisory Council for Children and Youth, the nomination of David M. Nakada, term to expire December 31, 1987, was referred to the Committee

on Human Resources.

A message from the Governor (Gov. Msg. No. 263), submitting for consideration and confirmation to the Advisory Commission on Manpower and Full Employment, the nominations of the following:

Glenn T. Minami, term to expire June 30, 1987;

John Roger Campbell, term to expire June 30, 1987;

Robert M. Monden, term to expire June 30, 1987;

Jean H. Miyahira, term to expire June 30, 1987;

Patricia K. Osgood, term to expire June 30, 1987; and

Roy K. Fujimoto, term to expire June 30, 1986,

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 264), submitting for consideration and confirmation to the Commission on Transportation, the nomination of George K. Sano, term to expire December 31, 1987, was referred to the Committee on Transportation.

A message from the Governor (Gov. Msg. No. 265), submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District, the nomination of Roy K. Amemiya, Jr, term to expire December 31, 1987, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 266), submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District, the nominations of Hideo Matsushita and Joseph A. Frye, terms to expire December 31, 1987, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 267), submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District, the nomination of Antone De Morales, term to expire December 31, 1987, was referred to the Committee on Ways and Means.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 321 and

322) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 321), transmitting House Concurrent Resolution No. 11, H.D. 1, which was adopted by the House of Representatives on March 23, 1984, was placed on file.

By unanimous consent, H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A BAN ON THE DISPOSAL OF NUCLEAR WASTE MATERIALS IN THE PACIFIC BASIN," was referred to the Committee on Economic Development.

A communication from the House (Hse. Com. No. 322), transmitting House Concurrent Resolution No. 74, H.D. 1, which was adopted by the House of Representatives on March 23, 1984, was placed on file.

By unanimous consent, H.C.R. No. 74, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE ESTABLISHMENT OF A NATIONAL MARINE SANCTUARY FOR HUMPBACK WHALES IN HAWAIIAN WATERS," was referred to the Committee on Economic Development.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 62 to 70) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 62), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY OF THE PUBLIC AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 62 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 63), entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO PROMPTLY NEGOTIATE THE RETURN OF HAWAIIAN HOME LANDS AT LUALUALEI, ISLAND OF OAHU, STATE OF HAWAII, TO THE JURISDICTION OF THE HAWAIIAN HOMES COMMISSION," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 63 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 64), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY INTO THE FEASIBILITY OF PROVIDING ALTERNATIVE MEANS OF FINANCING THE CONSTRUCTION OF DWELLINGS AND OTHER IMPROVEMENTS ON HAWAIIAN HOME LANDS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 64 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 65), entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' INTENT TO EXPAND THE USE OF CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was offered by Senator Wong, by request.

By unanimous consent, S.C.R. No. 65 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 66), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF THE PUNA SUGAR COMPANY," was offered by Senators Solomon, Henderson, Soares, Carpenter, Toguchi, Aki, Ajifu, Cobb, Machida, Cayetano, Kuroda, Young, Hagino and B. Kobayashi.

By unanimous consent, S.C.R. No. 66 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 67), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM," was offered by Senators Solomon, Carpenter, Aki, Cayetano, Kuroda, Hagino, Machida, Ajifu, Young, Mizuguchi, Toguchi and Kawasaki.

By unanimous consent, S.C.R. No. 67 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 68), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO

DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES," was offered by Senators Aki, Yamasaki, Kuroda, Fernandes Salling, Ajifu and Machida.

By unanimous consent, S.C.R. No. 68 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 69), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AMOUNT GUARANTEED TO THE DEPOSITORS OF MANOA FINANCE COMPANY AND GREAT HAWAIIAN FINANCIAL CORPORATION BE PAID FORTHWITH," was offered by Senators Abercrombie, Uwaine, A. Kobayashi, Carpenter, Aki, Fernandes Salling and Cayetano.

By unanimous consent, S.C.R. No. 69 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 70), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was offered by Senators Kuroda, Cayetano, Yamasaki, Chang, B. Kobayashi, Mizuguchi, George, Wong, Soares, Hagino, Uwaine, A. Kobayashi, Henderson, Cobb, Holt, Kawasaki, Toguchi, Ajifu and Solomon.

By unanimous consent, S.C.R. No. 70 was referred to the Committee on Tourism.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 73 to 77) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 73), entitled: "SENATE RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF THE PUNA SUGAR COMPANY," was offered by Senators Solomon, Henderson, Soares, Carpenter, Toguchi, Young, Aki, Cobb, Machida, Cayetano, Kuroda, Hagino, Ajifu and B. Kobayashi.

By unanimous consent, S.R. No. 73 was referred to the Committee on

Human Resources.

A resolution (S.R. No. 74), entitled: "SENATE RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM," was offered by Senators Solomon, Carpenter, Cayetano, Kuroda, Hagino, Machida, Ajifu, Young, Mizuguchi, Toguchi and Kawasaki.

By unanimous consent, S.R. No. 74 was referred to the Committee on Agriculture.

A resolution (S.R. No. 75), entitled: "SENATE RESOLUTION REQUESTING EFFORTS TO ESTABLISH THE BEEKEEPING INDUSTRY IN SOUTH KOHALA," was offered by Senators Solomon, Soares, Aki, Carpenter, Cayetano, Kuroda, Hagino, Machida, Ajifu, Young, B. Kobayashi, Mizuguchi, Toguchi and Kawasaki.

By unanimous consent, S.R. No. 75 was referred jointly to the Committee on Economic Development and the Committee on Agriculture.

A resolution (S.R. No. 76), entitled: "SENATE RESOLUTION REQUESTING THE AMOUNT GUARANTEED TO THE DEPOSITORS OF MANOA FINANCE COMPANY AND GREAT HAWAIIAN FINANCIAL CORPORATION BE PAID FORTHWITH," was offered by Senators Abercrombie, Carpenter, Young, Uwaine, A. Kobayashi, Aki, Fernandes Salling and Cayetano.

By unanimous consent, S.R. No. 76 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 77), entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was offered by Senators Kuroda, Cayetano, Yamasaki, Chang, B. Kobayashi, Mizuguchi, George, Wong, Soares, Hagino, Uwaine, A. Kobayashi, Henderson, Cobb, Holt, Kawasaki, Toguchi, Ajifu and Solomon.

By unanimous consent, S.R. No. 77 was referred to the Committee on Tourism.

#### STANDING COMMITTEE REPORTS

Senator Kuroda, for the Committee on Tourism, presented a report

(Stand. Com. Rep. No. 469-84) recommending that Senate Resolution No. 50, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 50, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CONVENING OF A STATE TRAVEL INDUSTRY CONGRESS TO REVIEW AND ESTABLISH A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 470-84) recommending that Senate Concurrent Resolution No. 43, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A STATE TRAVEL INDUSTRY CONGRESS TO REVIEW AND ESTABLISH A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY," was adopted.

#### ORDER OF THE DAY

##### THIRD READING

House Bill No. 212, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 212, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Uwaine rose to request a conflict of interest ruling by the Chair because he is employed by a public employees union.

The Chair ruled that Senator Uwaine was not in conflict.

The motion was put by the Chair and carried, and H.B. No. 212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Carpenter, Cayetano, Chang, Hagino, Henderson and Toguchi).

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of

the Chair.

The Senate reconvened at 11:50 o'clock a.m.

House Bill No. 223, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 223, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Henderson and Toguchi).

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

At this time, Senator Kawasaki rose on a point of information as follows:

"Mr. President, in this particular case, I am going to provide the information.

"Mr. President, you recall last week when the controversial corporation bill was in discussion, both in caucus and on the floor, people had some reservations, specifically Senator Abercrombie and I, had reservations about the constitutionality of the title being broad enough to include the corporate bill along with the bank corporation takeover bill. I requested an attorney general's opinion on the particular bill and have it in writing.

"To not consume too much time, I just want to say that the Attorney General had ruled that the title of that bill as it emanated from the House was not broad enough for us to consider the corporation bill. As a consequence, I think, and along with ... I would suspect the demerits of the proposal, the bill was ... any mention of the corporate section of the bill was deleted by the chairman of the Consumer Protection Committee.

"I thought this would be of interest to the members of this body."

The Chair responded: "I think the issue of the bill is moot. The committee in its wisdom has decided to delete the corporation section of the

bill, therefore, this matter is not really before Senate to discuss."

Senator Cobb then remarked: "Very briefly, Mr. President, next year we'll have a bill with the title relating to shark repellent."

Senator Abercrombie also rose on a point of information as follows:

"Mr. President, I too shall provide some prefaces for the benefit of the Ways and Means chairman who indicated there were several bills that he was going to hear. I would like to know what a quantity of bills would be rather than several if I understand what the pile ... I think he could fracture his foot if he dropped it ... so I would say rather than several bills being heard there are plethora of bills being heard.

"Lest you think that plethora is not the correct word, I would like to give you its definition ... a condition

characterized by an excess of blood marked by turgescence and a florid complexion.

"Thank you."

Senator Cobb then stated: "Mr. President, in reference to the prior remarks of the Senator from the 14th District, I would like to take this opportunity to express my thanks to him publicly for sharing the attorney general's opinion even though it did not arrive until after the hearing. As I understand it, he didn't receive it either until after the hearing but the courtesy is very much appreciated."

#### ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 28, 1984.

## FORTY-FOURTH DAY

Wednesday, March 28, 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 James D. Saunders, Captain, United States Air Force, after which the Roll was called showing all Senators present with the exception of Senators Aki, Kawasaki, Solomon and Yamasaki who were excused.

The Chair announced that he had read and approved the Journal of the Forty-Third Day.

At this time, the following introductions were made to the members of the Senate:

Senator Abercrombie introduced Mr. John Henry Felix and read portions of the Senate certificate presented to him in recognition of over 20 years of volunteer service to the Red Cross, and stated as follows:

"Mr. President, I had the privilege of attending the Red Cross volunteers dinner Monday evening and believe me, it was quite an incredible sight to see, literally hundreds and hundreds of people arriving at the banquet honoring the more than 2700 volunteers working assiduously throughout the State on a year-round basis and the recognition of these volunteers was under the command of John Henry Felix and as a result of his leadership over the years, especially in the last decade, the Red Cross in this State has taken on the tremendous foresight, insight and capacity it has right now to deal with emergencies from, as we know, the hurricane which received a lot of publicity, to the daily efforts that are made by volunteers, some of them the other night, receiving their service pins up to 40 plus years. So with that in mind, I would like to introduce to you, Dr. John Henry Felix, and with him is his wife and my good friend, Pat Felix."

Senator Abercrombie also indicated to the members of the Senate and guests in the gallery that Dr. Felix is also chairman of the Honolulu Police Commission.

Senator Carpenter then introduced on behalf of Senators Solomon, Henderson and himself, teachers

from Ka'u High School, Irene Maguire and Jim Simpson; and students, Stephen Sakata from Ka'u High School, and Kalani Simpson and Eric McCarthy from Na'alehu School.

At this time, leis were presented to Dr. and Mrs. Felix by Senators Young and Carpenter.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 268), transmitting a report entitled: "Hawaii's Environment: The Tenth Annual Report of the State Environmental Council 1983" prepared by the Office of Environmental Quality Control, in response to Chapter 341, HRS, was read by the Clerk and was referred to the Committee on Health.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 71 to 73) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 71), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE'S SUPPORT FOR THE AUSTRALIAN FEDERATION (AFTA) OF TRAVEL AGENTS CONVENTION AT KEAUHOUKONA, HAWAII FROM JULY 27, to AUGUST 2, 1985," was offered by Senators Kuroda, Solomon, Henderson, Carpenter, B. Kobayashi, Aki, Soares, Mizuguchi, George, Cayetano, Toguchi, Abercrombie and A. Kobayashi.

By unanimous consent, S.C.R. No. 71 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 72), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF," was offered by Senators Mizuguchi, Young, Cobb, Aki, Holt, A. Kobayashi, Soares, Henderson, Solomon, Cayetano, Fernandes Salling, Toguchi, Yamasaki and Machida.

By unanimous consent, S.C.R. No. 72 was referred to the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 73), entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED EFFORT BY THE UNITED STATES CONGRESS TO PERMIT HAWAII TO ENACT AMENDMENTS TO ITS PREPAID HEALTH CARE ACT WITHOUT THE RESTRICTIVE WORDING OF SECTION 514(b) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)," was offered by Senators Mizuguchi, Young, Aki, Soares, Holt, A. Kobayashi, Henderson, Fernandes Salling, Toguchi, Yamasaki, Solomon, Cayetano and Machida.

By unanimous consent, S.C.R. No. 73 was referred to the Committee on Human Resources.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 78 and 80) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 78), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE'S SUPPORT FOR THE AUSTRALIAN FEDERATION (AFTA) OF TRAVEL AGENTS CONVENTION AT KEAUHOU-KONA, HAWAII FROM JULY 27, TO AUGUST 2, 1985," was offered by Senators Kuroda, Solomon, Henderson, Carpenter, B. Kobayashi, Aki, Soares, Mizuguchi, George, Cayetano, Toguchi, Abercrombie and A. Kobayashi.

By unanimous consent, S.R. No. 78 was referred to the Committee on Tourism.

A resolution (S.R. No. 79), entitled: "SENATE RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO ELIMINATE THE SURPLUS IN THE CABLE TELEVISION FUND THIS YEAR," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 79 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 80), entitled: "SENATE RESOLUTION REQUESTING THE COMMITTEE ON HUMAN RESOURCES TO RECOMMEND WHETHER ANY CHANGES SHOULD BE MADE TO THE MORATORIUM PERIOD GOVERNING INCREASES IN WORKERS' COMPENSATION INSURANCE

PREMIUM RATES," was offered by Senators Mizuguchi, Wong, Henderson and Cobb.

By unanimous consent, S.R. No. 80 was referred to the Committee on Human Resources.

#### STANDING COMMITTEE REPORTS

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 471-84) recommending that Senate Resolution No. 31, as amended in S.D. 1, be adopted.

On motion by Senator A. Kobayashi, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 31, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT OF WATER HAZARD WARNING MEASURES AT STATE AND COUNTY BEACH PARKS," was adopted.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 472-84) recommending that Senate Concurrent Resolution No. 31, as amended in S.D. 1, be adopted.

On motion by Senator A. Kobayashi, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF WATER HAZARD WARNING MEASURES AT STATE AND COUNTY BEACH PARKS," was adopted.

Senator Abercrombie rose on a point of personal privilege as follows:

"Mr. President, I note that there is now some discussion in public of some of the measures being taken in the Kaka'ako area with respect to relocation of small businesses and I just want to indicate for the record that I have advocated for some time that we do not need any further legislative recourse for much of what needs to be done in Kaka'ako, but rather to have the HCDA (the Hawaii Community Development Authority) and business people in that area to simply act on the plan as it now exists and have the government back up what it already started.

"I am pleased to see that that's the direction that's being taken. Not everything needs to be subjected to arduous and lengthy legislative process and law making. I am



pleased to see this development ongoing. Thank you."

Senator Mizuguchi, chairman of the Committee on Human Resources, then requested a waiver of the 48-hour Notice of a Public Hearing for the subject listed on the addendum to the agenda of the Senate Human Resources Committee's hearing notice

for Thursday, March 29, 1984, and the President granted the waiver.

#### ADJOURNMENT

At 11:57 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 29, 1984.

## FORTY-FIFTH DAY

Thursday, March 29, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Ned Brown, Pastor of Pali View Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Hagino, Henderson and Solomon who were excused.

The Chair announced that he had read and approved the Journal of the Forty-Fourth Day.

The following introductions were then made to the members of the Senate:

Senator Aki introduced Mr. Francis Haar who was designated by the Hawaii Honpa Hongwanji Mission as one of the 1984 Living Treasures in the field of art, and his wife, Irene Papa Haar, and stated as follows:

"Mr. Haar's well-recognized expertise in the field of photography and filmmaking has taken him from his birthplace in Budapest, Hungary, to Paris, France, to Tokyo, Japan, to the United States, and to Hawaii where he has made his home since 1959.

"Mr. Haar has been recognized for his many exhibitions, collections, commissions, and publications. His outstanding 50-year retrospective exhibit displayed at the Amfac Plaza this year. It is remarkable -- not only as a record of his life's work but as a sliver of 20th century history."

The honoree was asked to rise and be recognized, and was presented with a Senate Certificate by Senator Aki and a lei by Senator A. Kobayashi.

Senator Kuroda, on behalf of the President, introduced the following persons and stated as follows:

"The Hawaii State Youth Legislature has completed its session here in the Capitol and it observes 35 years of operation, serving 8,000 young people who have gained lifelong skills and understanding.

"On the floor with us this morning is Youth Governor Kathleen Schneider

who is a Baldwin High School senior; Mr. Robert Stivers, the outgoing state director who is the senior program director at the Central YMCA has served as state director of the Youth Legislature from 1976 to 1983 and instrumental in the activities that have been carried out by the Youth Legislature; and Ms. Ellen Kusano, the newly-elected state director of the 1984 Hawaii State Youth Legislature who serves as the director of the Waiakea Settlement YMCA in Hilo. Ms. Adell Fullaway is the Senate President of the Youth Legislature, a student of Maui High School, and is not with us today because she had to return to Maui."

The honorees were asked to rise and be recognized, together with the 40 student participants from throughout the state who were sitting in the gallery, and were presented with the Senate Certificate by Senator Kuroda and leis by Senators Young, Carpenter and Machida.

Senator B. Kobayashi, on behalf of the Senate, introduced Mr. Thomas Low and a group of 10 students from the Central YMCA Holiday Program who were also sitting in the gallery.

The Chair then introduced Brother Clarence Hohu, Jr., "a very good friend of many years, who is a musician with the Danny Kaleikini show at the Kahala Hilton, and whose mother is Martha Hohu, a truly great authority on Hawaiian history with the Bishop Museum."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

At this time, Senator Aki introduced Aunty Kau'i Zuttermeister as follows:

"Mr. President, I wish to introduce to you someone to whom the apt description of 'a great and superlative human being, a very special person' is still not descriptive enough.

"Aunty Kau'i is a woman of deep and brilliant talent, an artist committed to the perpetuation of the purity of her culture -- our culture -- and her heritage -- our heritage.

"She is a kupuna. In fact, a few

weeks ago on March 8, she became 75 years old, and nearly 50 of those years, or a half-century, were devoted to the intense study, practice, performance, instruction, and transmittal of the hula, more specifically, the hula kahiko and, in particular, the hula of her uncle and mentor, the much respected and renowned Sam Pua Ha'aheo.

"This woman, thus, is best known to us as a kumu hula, although she is also very well known as an outstanding chanter -- she opened the Wilson Tunnels in Kalihi in the fifties, for example -- as well as a composer, a craftswoman, and, even, in her earlier years, as a civic leader of Windward Oahu.

"But she is more than just a venerable kumu hula, she is a loea hula--a high expert of the hula! Twenty-five years ago, she was designated by the Bishop Museum as one of the only five kumu hula to be classified as loea. Today, only two of those loea remain with us: Tutu Pukui and this very wonderful human being, this very special person, who last year was recognized as a Living Treasure of Hawai'i; who for three times was chosen as hula master of the State Foundation on Culture and the Arts; who for the past four years plus this year will be the senior judge of our internationally famous Merrie Monarch Festival.

"Mr. President, and colleagues, I am very much honored to present to you today, this very special person, this Living Treasure of Hawai'i Nei, Aunty Kau'i Zuttermeister!"

At this time, Aunty Kau'i and her troop of chanters and dancers honored the members of the Senate with their performance of three hula pahu.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 269 and 270) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 269), notifying the Senate of an error in Governor's Message No. 251 which transmitted two nominations to the Advisory Commission on Drug Abuse and Controlled Substances, was placed on file.

A message from the Governor (Gov. Msg. No. 270), submitting for consideration and confirmation to the State

Planning Council on Developmental Disabilities, the nominations of the following:

Amy Higuchi, term to expire December 31, 1987;

Masayoshi Fujita, term to expire December 31, 1987;

Edith Dung, term to expire December 31, 1987;

Leslie S. Matsubara, term to expire December 31, 1987;

Mark Yasuo Yabui, term to expire December 31, 1987;

Steven H. Muranaka, term to expire December 31, 1986;

Patricia D.G. Otake, term to expire December 31, 1987;

Elaine Wilson, term to expire December 31, 1987;

Carolyn H. Bockhaut, term to expire December 31, 1986;

Helen Alexina Dye, term to expire December 31, 1986;

Lura L. O'Connell, term to expire December 31, 1986;

Katherine Anne O'Reilly, term to expire December 31, 1987;

Camille Hansen Almy, term to expire December 31, 1987;

Betsy A. Cotter, term to expire December 31, 1986; and

Amy S. Sakihama, term to expire December 31, 1987;

was referred to the Committee on Health.

#### STANDING COMMITTEE REPORTS

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 473-84) recommending that House Bill No. 1632-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1632-84, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 474-84) recommending that House Bill No. 2020-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 2020-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 475-84) recommending that House Bill No. 267, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cpbb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 267, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF PETROLEUM PRODUCTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 476-84) recommending that House Bill No. 2110-84, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2110-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FILMMAKING,"

passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 477-84) recommending that House Bill No. 2261-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2261-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

The Chair then made the following observation:

"Before adjourning, the Chair would like to request all Senators to remain in the building today and tomorrow morning in order to sign committee reports. We are trying to avoid a late session tomorrow evening.

"If we can get all the committee reports finished by today or by tomorrow morning there may not be a need for an afternoon session tomorrow.

"Again, the Chair would like to request that members of the Senate make themselves available for signatures on the various reports circulating in the Senate."

#### ADJOURNMENT

At 12:12 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 30, 1984.

## FORTY-SIXTH DAY

Friday, March 30, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:48 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Charles Kaleikoa of the Holy Trinity Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Forty-Fifth Day.

The following introductions were made to the members of the Senate:

Senator Kuroda introduced Mr. Takashi Amari and Mr. Shuji Takahashi from the Production Division of the Nippon Television Network Corporation, Tokyo, Japan, who are here in Hawaii making preparations for their 10th anniversary production which will be taped on October 18 at the NBC concert hall. Accompanying them in the gallery was Mrs. Yoko Ohki, president of Unified Communications System, a locally based advertising firm.

Senator Young introduced Ms. Karen Ahn, former newscaster for Channels 2 and 4, presently a law student at the University of Hawaii, accompanied by her niece, Kristin Sugihara, and nephews, Jonathan Sugihara and David Minami.

Senator Kawasaki introduced Mr. Richard Choy, a member of the Land Use Commission and proprietor of Paradise Optical Company.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 271), transmitting a report entitled: "Capital Improvements Program, Status Report - 1983," prepared by the Department of Planning and Economic Development, was read by the Clerk and was referred to the Committee on Ways and Means.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 323 to 325) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 323), transmitting

House Concurrent Resolution No. 12, which was adopted by the House of Representatives on March 29, 1984, was placed on file.

By unanimous consent, H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT RONALD REAGAN, SECRETARY OF STATE GEORGE P. SCHULTZ, AND THE UNITED STATES CONGRESS TO WORK TOWARD THE BANNING OF ALL FORMS OF NUCLEAR WEAPONS TESTING IN THE PACIFIC BASIN," was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 324), transmitting House Concurrent Resolution No. 35, H.D. 1, which was adopted by the House of Representatives on March 29, 1984, was placed on file.

By unanimous consent, H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE BIG ISLAND OCEAN RECREATION AND TOURISM PROJECT," was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 325), returning Senate Bill No. 26, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 26, S.D. 1, H.D. 1., entitled: "A BILL FOR AN ACT RELATING RELATING TO MOTOR VEHICLES," was deferred to Monday, April 2, 1984.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 74 to 77) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 74), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF RENT CONTROL IN HAWAII," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 74 was referred to the Committee on Housing and Urban Development.

A concurrent resolution (S.C.R. No. 75), entitled: "SENATE CON-

CURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY OF DEVELOPING UNDER-GROUND PARKING FOR THE IOLANI PALACE," was offered by Senator Wong.

By unanimous consent, S.C.R. No. 75 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 76), entitled: "SENATE CONCURRENT RESOLUTION URGING THE TERMINATION OF THE PRACTICE OF HOLDING NON-CRIMINAL IMMIGRANT DETAINEES IN STATE CORRECTIONAL FACILITIES," was offered by Senators Cayetano, Kuroda, Machida, Young, Fernandes Salling, Abercrombie, Uwaine, Holt, Carpenter and Toguchi.

By unanimous consent, S.C.R. No. 76 was referred to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 77), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO REQUEST THE U.S. DEPARTMENTS OF NATIONAL MARINE FISHERIES SERVICE AND FISH AND WILDLIFE SERVICE, BY APRIL 1, 1984, TO ALLOW THE TAKING OF GREEN SEA TURTLES AROUND THE HAWAIIAN ISLANDS FOR DAILY SUBSISTENCE PURPOSES ONLY," was offered by Senators Carpenter, Fernandes Salling, Aki, Cayetano, Soares, Ajifu, Kawasaki, Mizuguchi, Uwaine, Machida, Holt and Toguchi.

By unanimous consent, S.C.R. No. 77 was referred to the Committee on Economic Development.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 81 to 85) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 81), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF RENT CONTROL IN HAWAII," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 81 was referred to the Committee on Housing and Urban Development, then to the Committee on Legislative Management.

A resolution (S.R. No. 82), entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY

OF DEVELOPING UNDERGROUND PARKING FOR THE IOLANI PALACE," was offered by Senator Wong.

By unanimous consent, S.R. No. 82 was referred to the Committee on Tourism.

A resolution (S.R. No. 83), 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 offered by Senators Holt, Machida, Ajifu, Hagino and B. Kobayashi.

By unanimous consent, S.R. No. 83 was referred jointly to the Committee on Higher Education and the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 84), entitled: "SENATE RESOLUTION URGING THE TERMINATION OF THE PRACTICE OF HOLDING NON-CRIMINAL IMMIGRANT DETAINEES IN STATE CORRECTIONAL FACILITIES," was offered by Senators Cayetano, Kuroda, Machida, Young, Fernandes Salling, Abercrombie, Uwaine, Holt, Carpenter and Toguchi.

By unanimous consent, S.R. No. 84 was referred to the Committee on Judiciary.

A resolution (S.R. No. 85), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO REQUEST THE U.S. DEPARTMENTS OF NATIONAL MARINE FISHERIES SERVICE AND FISH AND WILDLIFE SERVICE, BY APRIL 6, 1984, TO ALLOW THE TAKING OF GREEN SEA TURTLES AROUND THE HAWAIIAN ISLANDS FOR DAILY SUBSISTENCE PURPOSES ONLY," was offered by Senators Carpenter, Fernandes Salling, Aki, Soares, Kawasaki, Machida, Ajifu, Uwaine, Holt, Cayetano, Toguchi and Mizuguchi.

By unanimous consent, S.R. No. 85 was referred to the Committee on Economic Development.

#### STANDING COMMITTEE REPORTS

Senator Mizuguchi, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 478-84) recommending

that House Bill No. 1747-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 1747-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 479-84) recommending that House Bill No. 1753-84, H.D. 1, as amended in S. D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1753-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE HAWAII FISHERIES COORDINATING COUNCIL," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 480-84) recommending that House Bill No. 1757-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1757-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 481-84) recommending that House Bill No. 2139-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2139-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL CATAMARANS," passed

Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 482-84) recommending that House Bill No. 1432, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1432, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACTORY-BUILT HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the majority of the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. 483-84) recommending that House Bill No. 1571, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 1571, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 484-84) recommending that House Bill No. 2192-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2192-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 485-84) recommending that

House Bill No. 2193-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2193-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 486-84) recommending that House Bill No. 2194-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2194-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 487-84) recommending that House Bill No. 2195-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2195-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 488-84) recommending that House Bill No. 2597-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2597-84, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 489-84) recommending that House Bill No. 2108-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2108-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 490-84) recommending that House Bill No. 1892-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1892-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST PUBLIC ADMINISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 491-84) recommending that House Bill No. 1848-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1848-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 492-84) recommending that House Bill No. 1842-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.



On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1842-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE MAINTENANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 493-84) recommending that House Bill No. 1989-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1989-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 494-84) recommending that House Bill No. 1816-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1816-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 495-84) recommending that House Bill No. 1777-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1777-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 26H, HAWAII REGULATORY LICENSING REFORM ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce,

presented a report (Stand. Com. Rep. No. 496-84) recommending that House Bill No. 1815-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1815-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 497-84) recommending that House Bill No. 1878-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1878-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND SALES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 498-84) recommending that House Bill No. 1788-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 1788-84, entitled: "A BILL FOR AN ACT RELATING TO ITINERANT VENDORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 499-84) recommending that House Bill No. 2396-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2396-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS,"

passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 500-84) recommending that House Bill No. 537, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 500-84 and H.B. No. 537, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTION RECORDS," was deferred until Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 501-84) recommending that House Bill No. 654, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 501-84 and H.B. No. 654, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS," was deferred until Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 502-84) recommending that House Bill No. 2028-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2028-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 503-84) recommending that House Bill No. 1906-84, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 503-84 and H.B. No. 1906-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL ACTIVITIES," was

deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 504-84) recommending that House Bill No. 1727-84, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 504-84 and H.B. No. 1727-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 505-84) recommending that House Bill No. 271, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 505-84 and H.B. No. 271, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 506-84) recommending that House Bill No. 1905-84, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 506-84 and H.B. No. 1905-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 507-84) recommending that House Bill No. 2402-84, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 507-84 and H.B. No. 2402-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 508-84) recommending that House Bill No. 1921-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third

Reading.

By unanimous consent, action on Stand. Com. Rep. No. 508-84 and H.B. No. 1921-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 509-84) recommending that House Bill No. 2527-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 2527-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 510-84) recommending that House Bill No. 1956-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 510-84 and H.B. No. 1956-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 511-84) recommending that House Bill No. 1976-84, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 511-84 and H.B. No. 1976-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 512-84) recommending that House Bill No. 2294-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 512-84 and H.B. No. 2294-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 513-84) recommending that House Bill No. 2612-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 513-84 and H.B. No. 2612-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 514-84) recommending that House Bill No. 1811-84, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 514-84 and H.B. No. 1811-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIVER OF NONRESIDENT TUITION DIFFERENTIAL AS IT APPLIES TO PACIFIC ISLAND AND FOREIGN STUDENTS AT THE UNIVERSITY OF HAWAII," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 515-84) recommending that House Bill No. 1940-84, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 515-84 and H.B. No. 1940-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 516-84) recommending that House Bill No. 2169-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 516-84 and H.B. No. 2169-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO HIGHER EDUCATION," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 517-84) recommending that House Bill No. 183, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 517-84 and H.B. No. 183, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 518-84) recommending that House Bill No. 1120, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 518-84 and H.B. No. 1120, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 519-84) recommending that House Bill No. 1431, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1431, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 520-84) recommending that House Bill No. 1749-84, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 520-84 and H.B. No. 1749-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee

on Ways and Means, presented a report (Stand. Com. Rep. No. 521-84) recommending that House Bill No. 1751, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 521-84 and H.B. No. 1751-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 522-84) recommending that House Bill No. 2406-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 522-84 and H.B. No. 2406-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 523-84) recommending that House Bill No. 2407-84, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 523-84 and H.B. No. 2407-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 524-84) recommending that House Bill No. 791, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 524-84 and H.B. No. 791, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 525-84) recommending that House Bill No. 847, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 525-84 and H.B. No. 847, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 526-84) recommending that House Bill No. 1950-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 526-84 and H.B. No. 1950-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 527-84) recommending that House Bill No. 2002-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 527-84 and H.B. No. 2002-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 528-84) recommending that House Bill No. 2320-84, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 528-84 and H.B. No. 2320-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 529-84) recommending that House Bill No. 1828-84, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 529-84 and H.B. No. 1828-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a

report (Stand. Com. Rep. No. 530-84) recommending that House Bill No. 2486-84, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 530-84 and H.B. No. 2486-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 531-84) recommending that House Bill No. 1807-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1807-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 532-84) recommending that House Bill No. 1873-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1873-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 533-84) recommending that House Bill No. 1874-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1874-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

Senator Young rose on a point of personal privilege as follows:

"Mr. President, a recent Star Bulletin article dated Saturday, March 24, 1984, entitled 'Senators in a Wrangle Over Rent Ceiling Bill,' implied or insinuated that the Senate President had influenced the committee chairman in killing the measure.

"Mr. President, many times we read articles about our committee dealings and feel that the report is inaccurate and shrug it off. When I read this article and came across certain passages, I felt my blood pressure rising but later shrugged it off and said, 'Oh, well.' But, Mr. President, the more I thought about it, the angrier I got, I told myself, 'Well, if you won't stand up and be counted, then it is your own fault for whatever is written, accurate or inaccurate.'

"Mr. President, I would like the media and this body to know that at no time did you decide the fate of this bill for me. In fact, when you realized what was happening, you came to see me and said, 'Young lady, do you know what you're doing?' When I explained the complexity of this measure, you said, 'Well, I guess we'll support your stand.'

"Mr. President, I think the media should give more credit to committee chairpeople. They are Senators, who do what they believe is right and are responsible against the odds, and that they are not going to yield and buckle under pressure. As we are accountable for our actions and our decisions here, can we not expect the media to do the same? Thank you."

Senator Cobb rose to add to the previous speaker's remarks as follows:

"Mr. President, I support the chairman's comments, the great lady who just spoke. She is not ever subjected to pressure from anyone, only to persuasion on logic and the merits, and that very much includes the Senate President. Thank you."

The Chair then made the following announcement:

"The Chair would like to announce that we will reconvene at 5:00 o'clock p.m., this evening.

"Again I would like to make it very clear that we passed very rapidly some bills on second reading; should there be any members of the Senate wishing to amend those bills that were passed, we will reconsider those actions this afternoon.

"Secondly, it is hopeful that all of the committee reports will be printed and on the members' desks at 5 p.m. At that time, we will offer the opportunity to members of the Senate to take a look at those bills that had been printed in the late afternoon and should anyone want to amend those bills, we will take up those actions at that time.

"The Chair would like to ask that all Senators, if possible, remain in the Capitol the rest of the afternoon to sign committee reports."

Senator Kawasaki then rose and stated:

"Mr. President, since this being the day of setting the media straight, on a point of personal privilege, may I just make a correction, quite an important correction that has to be made.

"Yesterday or the day before yesterday, during the course of a Government Operations and County Relations Committee hearing, in order to describe the magnitude of the federal budget, I used an illustration to say that the magnitude of the federal deficit today is comparable to a stack of \$1,000 bills, not \$1 bills, as the newspaper item cited -- \$1,000 bills stacked 67 miles high, that's quite a difference from \$1 bills stacked 67 miles high. I just wanted to make that correction."

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

At 12:11 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 5:00 o'clock p.m.

#### AFTERNOON SESSION

The Senate reconvened at 5:45 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Nos. 326 to 333) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 326), informing the Senate that the amendments proposed by the Senate to House Bill No. 212, H.D. 1, were agreed to by the House, and H.B. No. 212, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 327), returning Senate Bill No. 1507-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 328), returning Senate Bill No. 1553-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 329), returning Senate Bill No. 1757-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 330), returning Senate Bill No. 1786-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 331), returning Senate Bill No. 1871-84, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 332), returning Senate Bill No. 1950-84, S.D. 2, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 333), returning Senate Bill No. 1951-84, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

## STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

534-84) recommending that House Bill No. 1640-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1640-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1983 TO JUNE 30, 1985," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 535-84) recommending that House Bill No. 1697-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1697-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senators Solomon and B. Kobayashi, for the Committee on Education and the Committee on Transportation, presented a joint report (Stand. Com. Rep. No. 536-84) recommending that House Bill No. 2036-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committee was adopted and H.B. No. 2036-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 537-84) recommending that House Bill No. 1362, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1362, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 2 AND 3, AND ARTICLE IV, SECTION 4, OF THE HAWAII CONSTITUTION, TO MAKE VARIABLE THE NUMBER OF SENATORS AND REPRESENTATIVES TO BE ELECTED FROM RESPECTIVE SENATORIAL AND REPRESENTATIVE DISTRICTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 538-84) recommending that House Bill No. 162, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 162, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 539-84) recommending that House Bill No. 1740-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1740-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 540-84) recommending that House Bill No. 1742-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1742-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Machida, for the Committee

on Health, presented a report (Stand. Com. Rep. No. 541-84) recommending that House Bill No. 2075-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2075-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 542-84) recommending that House Bill No. 2308-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2308-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 543-84) recommending that House Bill No. 2523-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2523-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 544-84) recommending that House Bill No. 1758-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1758-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CLEARINGHOUSE," passed Second



Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 545-84) recommending that House Bill No. 2143-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2143-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 546-84) recommending that House Bill No. 1637-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1637-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 547-84) recommending that House Bill No. 1725-84, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 547-84 and H.B. No. 1725-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 548-84) recommending that House Bill No. 1933-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 548-84 and H.B. No. 1933-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was

deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 549-84) recommending that House Bill No. 2257-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 549-84 and H.B. No. 2257-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 550-84) recommending that House Bill No. 1746-84, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 550-84 and H.B. No. 1746-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 551-84) recommending that House Bill No. 1319, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 551-84 and H.B. No. 1319, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 552-84) recommending that House Bill No. 1726-84, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 552-84 and H.B. No. 1726-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS TO COMPANY BIDS," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 553-84) recommending that House Bill No. 1946-84, S.D. 1, as amended in

S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 553-84 and H.B. No. 1946-84, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERSONAL CARE SERVICES," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 554-84) recommending that House Bill No. 2092-84, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 554-84 and H.B. No. 2092-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Monday, April 2, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 555-84) recommending that House Bill No. 1549, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 555-84 and H.B. No. 1549-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," was deferred until Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 556-84) recommending that House Bill No. 2078-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2078-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 557-84) recommending that House Bill No. 2161-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 2161-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE BICYCLE LAWS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 558-84) recommending that House Bill No. 2275-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2275-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 559-84) recommending that House Bill No. 2337-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2337-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAIL LIGHTS ON VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 560-84) recommending that House Bill No. 2201-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 560-84 and H.B. No. 2201-84, H.D. 1, was deferred to the end of the calendar.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 561-84) recommending that House Bill No. 1799-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1799-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 562-84) recommending that House Bill No. 1985-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1985-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 563-84) recommending that House Bill No. 1796-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1796-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 564-84) recommending that House Bill No. 1926-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1926-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 565-84) recommending that House Bill No. 2429-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2429-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 566-84) recommending that House Bill No. 2044-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2044-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 567-84) recommending that House Bill No. 2268-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2268-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 568-84) recommending that House Bill No. 1845-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1845-84,

H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 569-84) recommending that House Bill No. 1863-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1863-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 570-84) recommending that House Bill No. 1838-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1838-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERING THE MARRIAGE STATE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 571-84) recommending that House Bill No. 2203-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2203-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 572-84) recommending that House Bill No. 1711-84, H.D. 1, as amended S.D. 1, pass Second Reading and be placed on the calendar for Third

Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1711-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 573-84) recommending that House Bill No. 2107-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 2107-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 574-84) recommending that House Bill No. 177, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 177, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

At 5:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

#### EVENING SESSION

The Senate reconvened at 8:15 o'clock p.m.

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 560-84 (H.B. No. 2201-84, H.D. 1)

On motion by Senator Aki, seconded by Senator Cobb and carried, Stand.

Com. Rep. No. 560-84 and H.B. No. 2201-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES" were recommitted to the Committee on Economic Development.

#### STANDING COMMITTEE REPORTS

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 575-84) recommending that House Bill No. 1748-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1748-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 576-84) recommending that House Bill No. 2179-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2179-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FENCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senators Hagino and Aki, for the Committee on Agriculture and the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 577-84) recommending that House Bill No. 2540-84, H.D. 1 as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the joint report of the Committees was adopted and H.B. No. 2540-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 578-84) recommending that House Bill

No. 2151-84, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 578-84 and H.B. No. 2151-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," was deferred until Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 579-84) recommending that House Bill No. 556, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 580-84) recommending that House Bill No. 1779-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1779-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 581-84) recommending that House Bill No. 1817-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1817-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on

Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 582-84) recommending that House Bill No. 1818-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1818-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 583-84) recommending that House Bill No. 1819-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1819-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 584-84) recommending that House Bill No. 1880-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1880-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 585-84) recommending that House Bill No. 1895-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1895-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPENSING

OF DRUGS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 586-84) recommending that House Bill No. 1784-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1784-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 587-84) recommending that House Bill No. 1790-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1790-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 588-84) recommending that House Bill No. 1821-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1821-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 589-84) recommending that House Bill No. 2224-84, H.D. 1, as amended in S.D. 1, pass Second

Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2224-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 590-84) recommending that House Bill No. 1882-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1882-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS OF SALE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 591-84) recommending that House Bill No. 2196-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2196-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 592-84) recommending that House Bill No. 1912-84, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1912-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Second Reading and was placed on the calendar for Third

Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 593-84) recommending that House Bill No. 2012-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2012-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 594-84) recommending that House Bill No. 2026-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2026-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 595-84) recommending that House Bill No. 2181-84, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2181-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDLORD AND TENANT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 596-84) recommending that House Bill No. 2281-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 2281-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 597-84) recommending that House Bill No. 2477-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2477-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 598-84) recommending that House Bill No. 2484-84, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2484-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT REGARDING CHAPTER 421C, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

At 8:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:22 o'clock p.m.

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the adoption of standing committee reports received by the Senate Clerk prior to midnight. In consequence thereof, and subsequent to its recessing at 8:23 o'clock p.m., the Senate took the following action on the following bills and standing committee reports:

#### STANDING COMMITTEE REPORTS

Standing Committee Report No. 599-84 was adopted and House Bill No. 538, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMITATION CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 600-84 was adopted and House Bill No. 787, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 601-84 was adopted and House Bill No. 788, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 602-84 was adopted and House Bill No. 1721-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 603-84 was adopted and House Bill No. 1852-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 604-84 was adopted and House Bill No. 2006-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 605-84 was adopted and House Bill No. 2077-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 606-84 was adopted and House Bill No. 2333-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS UNDER



THE FIREARMS LAWS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 607-84 was adopted and House Bill No. 2604-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 608-84 was received and House Bill No. 1932-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 609-84 was received and House Bill No. 2340-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFUSAL TO PROVIDE IDENTIFICATION UNDER THE STATE-WIDE TRAFFIC CODE," was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 610-84 was adopted and House Bill No. 2163-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 611-84 House Bill No. 1785-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 612-84 was adopted and House Bill No. 1925-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 613-84 was adopted and House Bill No. 2016-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' COMPENSATION FUND," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 614-84 was adopted and House Bill

No. 2029-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 615-84 was adopted and House Bill No. 2054-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 616-84 was adopted and House Bill No. 2418-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 617-84 was adopted and House Bill No. 2201-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 618-84 was adopted and House Bill No. 2451-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 619-84 was received and House Bill No. 2142-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 620-84 was adopted and House Bill No. 1983-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A DUTY TO ASSIST IN CERTAIN CIRCUMSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 621-84 was adopted and House Bill No. 1794-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 622-84 was received and House Bill No. 1729-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 623-84 was adopted and House Bill No. 1681-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 624-84 was received and House Bill No. 1629-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 625-84 was adopted and House Bill

No. 1220, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 626-84 was adopted and House Bill No. 2032-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 2, 1984.

Standing Committee Report No. 627-84 was received and House Bill No. 1148, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCOVERY," was placed on the calendar for Third Reading on Monday, April 2, 1984.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Monday, April 2, 1984.

## FORTY-SEVENTH DAY

Monday, April 2, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 10:20 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Mr. L. Graeme McIntosh of the Christian Science Society of Hawaii, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Forty-Sixth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 272 to 275) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 272), transmitting the Annual Report of the Public Utilities Commission for Fiscal Year 1982-1983, pursuant to Act 165, SLH 1976, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 273), informing the Senate of the withdrawal of the nominations of Donald D. Chapman and Cesar Portugal to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, terms to expire December 31, 1987, under Gov. Msg. No. 129, was placed on file.

In compliance with Gov. Msg. No. 273, the nomination listed under Gov. Msg. No. 129 was returned.

A message from the Governor (Gov. Msg. No. 274), submitting for consideration and confirmation to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, the nomination of Donald D. Chapman, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 275), submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nomination of Charles K. Fu, term to expire December 31, 1984, was referred to the Committee on Health.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 334 to 342) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 334), returning Senate Bill No. 1503-84, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 335), returning Senate Bill No. 1520-84, S.D. 2, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 336), returning Senate Bill No. 1525-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 337), returning Senate Bill No. 1546-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 338), returning Senate Bill No. 1675-84, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 339), returning Senate Bill No. 2183-84, S.D. 2, which passed Third Reading in the House of Representatives on March 30, 1984, was placed on file.

A communication from the House (Hse. Com. No. 340), returning Senate Bill No. 1509-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, in an amended form, was placed on file.

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 Tuesday, April 3, 1984.

A communication from the House

(Hse. Com. No. 341), returning Senate Bill No. 1718-84, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1718-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was deferred until Tuesday, April 3, 1984.

A communication from the House (Hse. Com. No. 342), returning Senate Bill No. 2213-84, which passed Third Reading in the House of Representatives on March 30, 1984, in an amended form, was placed on file.

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 Tuesday, April 3, 1984.

#### SENATE RESOLUTION

A resolution (S.R. No. 86), entitled: "SENATE RESOLUTION REQUESTING A MORATORIUM ON LEASE RENT INCREASES FOR RESIDENTIAL HOUSELOTS AND AN INTERIM STUDY," was offered by Senator Young.

By unanimous consent, S.R. No. 86 was referred to the Committee on Housing and Urban Development, then to the Committee on Legislative Management.

#### STANDING COMMITTEE REPORT

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 628-84) recommending that the Senate advise and consent to the nomination of Herbert S. Tsuda to the State Highway Safety Council, in accordance with Governor's Message No. 223.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 628-84 and Gov. Msg. No. 223 was deferred until Tuesday, April 3, 1984.

At 10.26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:43 o'clock a.m.

#### ORDER OF THE DAY

#### THIRD READING

House Bill No. 1632-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1632-84, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2020-84, S.D. 1:

By unanimous consent, action on H.B. No. 2020-84, S.D. 1, was deferred to the end of the calendar.

House Bill No. 267, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 267, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF PETROLEUM PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2110-84, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2110-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILMMAKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2261-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2261-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1747-94, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1747-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1753-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1753-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE HAWAII FISHERIES COORDINATING COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1757-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1757-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2139-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2139-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOORING OF COMMERCIAL CATAMARANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1432, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1432, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FACTORY-BUILT HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1571, H.D. 2, S.D. 1:

Senator Cobb moved that H.B. No. 1571, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Fernandes Salling then rose to inquire if the chairman of the Housing and Urban Development Committee would yield to a question.

The Chair posed the question and Senator Young having answered in

the affirmative, Senator Fernandes Salling asked: "Mr. President, do we know how many people will be affected by this bill?"

Senator Young answered: "Mr. President, presently, there are about 41 positions affected. They are on temporary basis. The 41 positions, throughout the various programs such as developing, implementing and managing programs and projects, housing and agricultural development, financing and real estate planning, are positions under contractual basis for a period of six years. These people won't be able to continue this employment at the seventh year."

Senator Fernandes Salling continued: "Mr. President, I will support this bill with some reservations.

"I feel that it is important for us to know, as the chairman has advised us today, how many people will be affected by this bill. I'm quite alarmed at the number of people that are under contract with the department, but because no one can be allowed to extend the contract without the approval of the Governor, I will support this measure."

Senator Kawasaki then rose to speak against the measure as follows:

"Mr. President, I speak against passage of this bill, primarily, because I think the six-year contractual limitation is a reasonable limitation.

"Certainly, if an employee in the Hawaiian Homes Commission program has proven his ability and what not, there's nothing to prevent, with the Governor's approval, an extension of that contractual period.

"However, if you happen to find someone who is not quite up to standard, not quite up to snuff, sometimes a prolongation of the six-year term just might hamper the director from having the flexibility to replace that person after six years.

"Let's assume that the contractual period runs beyond that, then at the end of six years the director or the administrator has no opportunity to replace that person, short of a gross neglect of his duties.

"So, I would support the status quo, which is to say, a six-year limitation. And, if the employee is good, then the director certainly can ask the Governor for approval for an

extension of that six-year period."

Senator Young then responded: "Mr. President, this is what the bill does.

"Any time after the fifth year, many of these temporary employees, because they know that they cannot continue on after the sixth year, and they leave after the fifth year and seek other more permanent positions, which leaves many programs in jeopardy.

"All this bill is saying is that after the sixth year, the director has the discretion to extend the contract. Without this bill, many people are leaving at the fifth year and, usually, at the sixth year, for greener fields and more secure positions."

The motion was put by the Chair and carried, and H.B. No. 1571, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 2192-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2192-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2193-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2193-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2194-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, H.B. No. 2194-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2195-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2195-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2597-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2597-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2108-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2108-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS," was deferred to the end of the calendar.

House Bill No. 1892-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1892-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST PUBLIC ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1848-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1848-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE

PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1842-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1842-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATE MAINTENANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1989-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1989-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1816-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1816-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1777-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1777-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 26H, HAWAII REGULATORY LICENSING REFORM ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1815-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1815-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed Third Reading on the following showing of

Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1878-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1878-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1788-84:

By unanimous consent, action on H.B. No. 1788-84, entitled: "A BILL FOR AN ACT RELATING TO ITINERANT VENDORS," was deferred to the end of the calendar.

House Bill No. 2396-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2396-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 500-84 (H.B. No. 537, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 500-84 was adopted and H.B. No. 537, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTION RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 501-84 (H.B. No. 654, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 501-84 was adopted and H.B. No. 654, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2028-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2028-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Soares).

Standing Committee Report No. 503-84 (H.B. No. 1906-84, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 503-84 and H.B. No. 1906-84, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 504-84 (H.B. No. 1727-84, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 504-84 was adopted and H.B. No. 1727-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 505-84 (H.B. No. 271, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 505-84 was adopted and H.B. No. 271, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 506-84 (H.B. No. 1905-84, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 506-84 and H.B. No. 1905-84, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 507-84 (H.B. No. 2402-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 507-84 was adopted and H.B. No. 2402-84,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 508-84 (H.B. No. 1921-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 508-84 was adopted and H.B. No. 1921-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PRIORITY FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:01 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:05 o'clock a.m.

House Bill No. 2527-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2527-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I'm voting 'no' on this bill because I think this is too much of a concession to the local banks, who unlike banks in the other states and, particularly the State of New York, are doing fine from the standpoint of assets growth...growth of deposits and bottom line net profits.

"I am not so idealistic to think that my discussion here is going to change the votes here. I know this bill is going to pass, but I trust that the banks, because they are going to save quite a bit of money with this bill passing, that some of that savings and some of the earnings that they can derive out of the language of the bill will be passed on to the bank consumers.

"I notice a trend, particularly with all the banks here, of charging you for practically everything that was



formerly free. As a matter of fact, if you overdraw on your checking account, there is a charge of \$10 on every check that you overdraw.

"So, I think that savings that come about as a result of statute that we pass here should be, at least a portion of that, should be passed on to the people who are the clients of the banks. I am curious to see what happens with the additional earnings that the banks are going to enjoy. I hope that some of that will dribble down to the ordinary clients of the banks."

Senator Carpenter also rose to speak against the measure as follows:

"Mr. President, in the second paragraph of the committee report, the last sentence, 'Under this provision, banks will be able to take assets already on their books and put them to more productive use.'

"I believe that on the one hand the banks certainly are being relieved of some of the pressures required by our security deposits; on the other hand, they will indeed gain from the assets and put them to more productive use.

"But, Mr. President, nowhere in this bill does it speak to a greater return on the investment for one of the largest depositors in this state, if not the single largest, with three-quarters of a billion dollars at any point in time as gains to either depositors or, in this particular case, to the taxpayers of the State of Hawaii through whose means these revenues come about.

"Mr. President, I believe that there should be some language, at least in the committee report, attesting to whatever gains should certainly be passed on to the taxpayers of the State of Hawaii. I would hope that that can be discussed at a future date, should there be a conference committee on this particular bill.

"Thank you very much."

Senator Kawasaki then rose to ask: "Mr. President, could I ask the chairman of the committee from which this bill emanated, what is the average going rate of interest paid to the state on these tremendous deposits that are in the large banks?"

The Chair posed the question to the chairman of the Ways and Means Committee, to which he replied: "Mr. President, I don't have those figures at the moment."

The motion was put by the Chair and carried, and H.B. No. 2527-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Carpenter, Fernandes Salling and Kawasaki).

Standing Committee Report No. 510-84 (H.B. No. 1956-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 510-84 was adopted and H.B. No. 1956-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 511-84 (H.B. No. 1976-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 511-84 was adopted and H.B. No. 1976-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENT EMPLOYMENT PROGRAM AT FACILITIES FOR THE TREATMENT OF PERSONS SUFFERING FROM HANSEN'S DISEASE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 512-84 (H.B. No. 2294-84, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 512-84 and H.B. No. 2294-84, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 513-84 (H.B. No. 2612-84, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 513-84 and H.B. No. 2612-84, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 514-84 (H.B. No. 1811-84, H.D. 1, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 514-84 be adopted and H.B. No. 1811-84, H.D. 1, S.D. 1,

having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie then rose to speak in support of the measure as follows:

"Mr. President, I will vote for this bill but I want to register my view with respect to some of the elements in it and what it represents from a philosophical point of view. And, I hope that the Board of Regents will take the views into account and that we might address this issue again after some experience over the next year.

"If the members would look at page 3, we see, 'East-West Center student grantees pursuing baccalaureate or advanced degrees....'

"Some members may recall from days past when the East-West Center was only too anxious to get out of the University of Hawaii, take full advantage of whatever was available at the University of Hawaii, but separate itself out from the activities to the University, other than in such a manner as in their minds that the East-West Center strictly benefited them, and has pursued this separate course, and now we find ourselves having to make this exception for them because, otherwise, students from our own country would be discriminated against.

"I find this...well, in other circumstances, quite frankly, would be extortion. But this is from my point of view, not untypical of the way the East-West Center operates.

"As far as the Board of Regents is concerned, I think the cooperation with the East-West Center is primarily a one-way street. And I wish that with respect to...I hope this flags out for the Board of Regents that they should pay a great deal more attention to the relationship with the East-West Center in making sure that it's more equitable.

"I want to add to that that any arguments that's made with respect to expenditure of federal dollars is all taxpayers dollars and that if the East-West Center was under the control and direction of the University, I think we'll be accomplishing far more than is now the case.

"And that takes me to the next step which is, 'The board may waive the nonresident tuition differential for

selected students from Pacific and Asian jurisdictions when their presence would be beneficial to the university or the State.'

"I think the last part of the phrase is too vague. I think it is always beneficial to the University of Hawaii to have foreign students matriculating here in the State of Hawaii.

"Some of us here, perhaps, get to travel more than others; some of us used to be able to travel more than we do now but those things are amorphous in nature. Nonetheless, the fact of the matter is that for those who have, shall we say, a more sophisticated attitude as a result of their good fortune to be able to have visited lands and places, regions other than the State of Hawaii, they recognize the importance of broadening one's perspective.

"In this particular instance, Mr. President, many of our students, if not the overwhelming majority of our students, have not had the opportunity to travel very extensively outside the state itself. This, obviously, is not true on the mainland of the United States, including the capacity and the possibility of travelling to foreign countries on the North American continent; also, the capacity because of airline and bus connections to travel to offshore countries and regions and to be able to travel within them at a reasonable rate. We can't do that very easily here.

"So, if we are to give our students the maximum opportunity for exposure, we should be welcoming students from all over the world.

"It has been stated in hearings and elsewhere that, for example, this discounts Africa. Why we would want to do that, I don't know, in particular. I myself have had the experience of meeting people in other countries and other continents, including the Continent of Africa, where chiefs of ministries in their governments who have enjoyed an education in the United States and as a result of that experience have very fond memories about their education and were inclined to want to take the United States into consideration when formulating their views or offering their views in their countries.

"Inasmuch as we purport to be a Pacific power in the United States, and inasmuch as the cutting edge, if you will, of the university education is located at the University of Hawaii,

it would seem to me not only to our advantage but simple common sense that if we have those pretensions with respect to the University, that we not only welcome but encourage foreign students from all over the world to come here.

"It's not as if they would not be paying any tuition at all; it's merely the resident versus the nonresident tuition. That could make a difference for some student who does not have the advantage of perhaps being sponsored by the government or having an education in their own country, or the possibility of an education in their own country or elsewhere, as a result of their families not being well off.

"So if this bill passes, I would like the record to reflect that I would ask the Board of Regents to take into consideration that they establish some criteria with respect to foreign students; to either offer them scholarships or to offer them tuition waivers, especially if they are not able to be sponsored by their governments or they do not have families that are materially well off.

"I want to point out, in conclusion, Mr. President, that to make a residential tuition available to a foreign student does not guarantee that student a place at the University of Hawaii. No local students are left out of their opportunity or forbidden their opportunity to attend the University of Hawaii as a result of any kind of arrangements that are made with respect to foreign students. Local students are always given first preference and the various exceptions and exemptions and additional student entries that are made with respect to foreign students always come after that item is taken care of. So, no one is in any danger from this.

"What this speaks to, essentially, is provincialism in the thinking of the University that is not warranted. So, my hope is that we do not look upon passage of this kind of legislation is in some ways protecting us from outsiders.

"The world of knowledge, I think, is universal in context and not parochial. Thank you."

Senator Kawasaki spoke against the measure and stated:

"Mr. President, I am voting against this bill because I think, first of all, that it's rather inappropriate at this

time that we grant these tuition waivers to foreign students at a time when we're increasing tuition to our own local students, students from our own country, particularly, deserving students who are not financially able to have the benefit of this kind of tuition waivers.

"Secondly, I think, most of these foreign students who come here, as a general rule, come from rather affluent families. And to grant tuition waivers, again, to the third category of people, those looking for advanced degrees, at a time when our own kids don't have this kind of privilege, I think, perhaps, is inappropriate.

"For those reasons, I speak against passage of this bill."

Senator Abercrombie, in rebuttal, stated:

"Mr. President, I would like to rebut the previous remarks.

"No one on this floor is more vociferously against the raising of tuition than myself. I have spoken out against it privately, publicly, testified at the hearings held by the Board of Regents for tuition increase.

"I indicated then, and I'll say it again now, that this is in fact a tax increase. Regardless of what anybody says, it's a way to get a tax increase because those revenues go right into the general fund from the tuition increase without having to pass a bill.

"It is, in fact, taxation without representation in terms of being able to make an appeal to the legislative body which presumably has taxing powers; that was, nonetheless, passed.

"That money disappeared into the general fund to be spread, God knows where, and the University has not derived the benefit. The argument is made that the University tuition does not cover the cost of the University.

"I daresay that anybody on this floor who has a university education did not pay for their education either, regardless of what they...and I'm sure no one will rise to rebut that because all of us attended school, whether public or private, in which the tuition did not even begin to cover the cost of the education and it is never intended, especially in a public university for tuition to cover

the cost of education. That's because it is a public investment upon which we may expect a return not only in individual earning capacity but in the betterment of our society.

"In this particular instance, I would have to then say that because a wrong was committed with respect to raising tuition, it does not, therefore, make sense to continue to commit other wrongs in other contexts, based on that original wrong. I think the argument, essentially, then, becomes non sequitur -- one does not have anything to do with the other. Either it is important to have foreign students come here or it is not.

"I have indicated in my remarks that I'm certainly aware of the fact that more well-to-do people are more likely to have the opportunity to have the education. If they can, in fact, be attracted to the University of Hawaii, I believe it is to our advantage to have them come here and it's a recognition that we have an offering at the University of Hawaii, especially if they have means to go elsewhere, that it's attractive enough to them, to the students, and to their ambition that it reflects well on the faculty of the University of Hawaii and what it can offer.

"So, I take into consideration what the previous speaker said but I do not believe that it obviates the remarks that I made -- quite the opposite. I think it helps to make my point."

Senator Cayetano also spoke in support of the bill as follows:

"Mr. President, I rise to speak in favor of this bill, with reservations.

"Mr. President, I find myself in somewhat of a quandry. I certainly share the reservations of the previous speaker, but I also believe that for one to argue that public education is a public investment, which I think we all agree with, then to argue that tuition should not go into the general fund, that, in my opinion, is a non sequitur.

"If the University, Mr. President, was funded on a special fund basis, it could never exist."

Senator Abercrombie, on a point of clarification, stated:

"Mr. President, I did not make myself clear enough. I did not mean to indicate, if that was the

interpretation of the previous speaker, that the tuition increase should not go into the general fund. I have no argument with that, that the tuition increase, if it was granted, go into the general fund.

"My argument is, is that at the time of the tuition increase it was presented to the students that there would be an increase in the quality of the University, as a result. That, of course, really is a non sequitur."

Senator Cobb also spoke in support of the measure and stated:

"Mr. President, I would like to add something, speaking in favor of the measure, and that is a caveat that I hope the Board of Regents looks at closely at the question of need of the foreign students in this bill as they do the same question involving local students, exempting tuition both for foreign students as well as local students. Need ought to be one of the governing criteria. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 514-84 was adopted and H.B. No. 1811-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIVER OF NONRESIDENT TUITION DIFFERENTIAL AS IT APPLIES TO PACIFIC ISLAND AND FOREIGN STUDENTS AT THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 515-84 (H.B. No. 1940-84, H.D. 2, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 515-84 be adopted and H.B. No. 1940-84, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie then spoke in support of the measure as follows:

"Mr. President, this bill represents the culmination of a great deal of work. I am very grateful to the chairman for taking the time and effort to not only understand the implications of this but to try to carry through in a responsible way with respect to the wording of it.

"I had, when I entered the Legislature ten years ago, a goal with respect to higher education of raising the overhead research training and

revolving fund, the overhead recovery, if you will, at the University to 50 percent. You'll notice in this bill that it is now at 30 percent, which would, at the present time, be approximately \$2 million.

"Mr. President, when I came into the Legislature, that figure was \$200,000. So, over time, in discussion with many, many Representatives and Senators, I think that an awareness has taken place and is current now that the research and training revolving fund is one of the most important, if not the most important, revolving fund in the state.

"It is in this fund that the entire research apparatus of the University of Hawaii exists. Without it, without its expansion, the capacity for the University to extend itself both on an individual faculty level and as an overall research program is impossible.

"You may, Mr. President, have had the opportunity this morning to glance at the Honolulu Advertiser and you will see in the first section, a story involving the contest, and it is that. It is a competition for a new telescope at Mauna Kea. The competition taking place with the facilities presently existing in Arizona.

"Mr. President, we're talking here probably a figure of \$100 million in expenditure. We're talking dozens, if not hundreds, of jobs in this state. We're talking true high-tech, and not just talking about it but showing an actual implementation of it just in this one area. And it is an example of the kind of things that is possible with active support on behalf of research and training inside the University.

"So, it's very important that this bill pass and I would hope that if the record, as a result of its passage, continues to be as good as the record has been in the past, since we have been moving the figure up from the \$200,000 figure, that this Legislature would consider what I believe to be is not only supportable but mandatory, if we want to maintain, let alone provide advanced leadership in research, that we move to the 50 percent figure.

"This is one of the best investments that this Legislature can make in our state university."

The motion was put by the Chair

and carried, and Stand. Com. Rep. No. 515-84 was adopted and H.B. No. 1940-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 516-84 (H.B. No. 2169-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 516-84 was adopted and H.B. No. 2169-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 517-84 (H.B. No. 183, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 517-84 was adopted and H.B. No. 183, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 518-84 (H.B. No. 1120, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 518-84 and H.B. No. 1120, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1431, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1431, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 520-84 (H.B. No. 1749-84, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and

carried, Stand. Com. Rep. No. 520-84 was adopted and H.B. No. 1749-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY RETIREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 521-84 (H.B. No. 1751-84, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 521-84 was adopted and H.B. No. 1751-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 522-84 (H.B. No. 2406-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 522-84 was adopted and H.B. No. 2406-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 523-84 (H.B. No. 2407-84, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 523-84 was adopted and H.B. No. 2407-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB-SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 524-84 (H.B. No. 791, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 524-84 was adopted and H.B. No. 791, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 525-84 (H.B. No. 847, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 525-84 was adopted and H.B. No. 847, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 526-84 (H.B. No. 1950-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 526-84 was adopted and H.B. No. 1950-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 527-84 (H.B. No. 2002-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 527-84 was adopted and H.B. No. 2002-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Soares).

Standing Committee Report No. 528-84 (H.B. No. 2320-84, H.D. 2, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 528-84 be adopted and H.B. No. 2320-84, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Carpenter rose to speak in support of the measure as follows:

"Mr. President, I speak in favor of this bill, with reservations.

"Mr. President, besides saving

\$150,000, approximately, I'm not exactly sure that this bill will accomplish what it's intended to accomplish.

"The committee report is less than emphatic. In paragraph 3, the proposed changes would allow the Commission to focus on certain concerns and misconceptions and contribute to the improvement and understanding of our system of criminal justice. I'm not sure that it's going to do that.

"Mr. President, the commission, besides having its name changed, also is charged with a directional change in that it will act as an agency, initially created by the Legislature, now under the Lieutenant Governor's office for administrative purposes only, and basically charged with only two functions on page 7, item '(1) Research, evaluate, and make recommendations regarding the criminal justice system; and (2) Develop, recommend, and implement public education programs relating to the criminal justice system.'

"Mr. President, we already have an indication from the prosecutor of the City and County of Honolulu who has refused to participate with this functional group, on a personal bias and personal disagreement with the present director of the Hawaii Crime Commission. And I think we have to acknowledge that, at least he has outspokenly said that he would not continue to participate with this group.

"We have not heard from those who have not spoken, who are part of the criminal justice system and who will, because the language here is very vague, as it suits them participate and as it doesn't suit them not participate in the mission of this organization.

"I believe that one of the major functions that this newly-charged commission can serve is to have as a part of its responsibility a critique of any of the agencies within the criminal justice system including the Judiciary, the police departments of various counties, the prosecuting attorney's offices, and the correctional system.

"So, in effect, Mr. President, if this commission is really to serve the purpose for which it is intended, I think in the future, the language is going to have to be strengthened and this commission is going to have to be charged with carrying out a program

that has some merit and some meat. Otherwise, we would just be spending more and more money and not accomplishing any more than it's already accomplished by way of a public education program in every one of the existing criminal justice systems. That is already a duplication, as I read the language here.

"So, unless the language, Mr. President, in the future is changed to charge this commission with a program management-audit type function so they can critique and use that critique towards recommendations for improving the coordination within our criminal justice system, then we will not have the full use of the \$302,000 nor the cooperation of all the agencies that need, in fact, to cooperate to do a better job.

"Thank you."

Senator Soares rose to speak against the bill and stated:

"Mr. President, I share some of the comments that have been articulated by the previous speaker.

"This bill has no teeth; it has no investigative powers. The research and evaluation, recommendations, and developing an education system is quite expensive for \$302,000.

"I had hoped that we would have a stronger role for the commission to play, but as I see it now, it's just something that could be done by either the Judiciary or the Attorney General's office.

"I just can't see us spending the amount of money here in this appropriation for this research and development. I will vote against the bill."

Senator Kawasaki also spoke against the measure and stated:

"Mr. President, I am voting 'no' on this bill and it kind of saddens me because, as you well recall, you and I were the principal proponents of an effective crime commission. Probably, that body has been emasculated to a degree where it's absolutely meaningless to me now.

"Really, that concept that we had has deteriorated into a 'paper tiger' kind of organization and I can't see, for what is intended here, the expense of \$300,000 or in excess of that. For that reason, I vote against it."

Senator Abercrombie also spoke against the bill and stated:

"Mr. President, I speak against the bill because I feel that, as has been stated by others, what this does in effect is give the idea to the public that there is some capacity, let alone desire, to comment on the judicial system in terms of how it operates, etc., and I don't see, given the language here, what possibly can be accomplished that cannot already be accomplished, say, by a graduate student or even someone working on a thesis paper at the University in the Sociology Department.

"It's not a comment on the members of the commission nor on its director, in terms of their sincerity, but it's just a question of whether it really can do anything other than provide rather an illusion, and not much of an illusion at that, as to whether or not there will be anything genuine in the way of research or evaluation.

"It would seem that it would be far better for the Chief Justice, for example, simply to, as he has in the past, contract with competent professionals in the University system and elsewhere for this kind of information and, in turn, the probation department, for example, could probably do more in the way of public education programs than about anybody else as regards the criminal justice system or this much touted and little utilized Intake Service Center and all the other elements that we put into the corrections system that's supposed to be providing statistical and informational background and recommendations and analysis.

"So what does it accomplish? It accomplishes nothing.

"I suppose somebody can stand up and say that we have a crime commission, but the only crime I can see being committed is to keep the commission going."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 528-84 was adopted and, Roll Call having been requested, H.B. No. 2320-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Abercrombie, George, Henderson, Kawasaki, Soares and Wong).

Standing Committee Report No. 529-84 (H.B. No. 1828-84, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 529-84 was adopted and H.B. No. 1828-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 530-84 (H.B. No. 2486-84, H.D. 2, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 530-84 was adopted and H.B. No. 2486-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1807-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1807-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1873-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1873-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1874-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1874-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:



Ayes, 25. Noes, none.

House Bill No. 1640-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1640-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1697-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1697-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

House Bill No. 2036-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2036-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1362, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 1362, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 2 AND 3, AND ARTICLE IV, SECTION 4, OF THE HAWAII CONSTITUTION, TO MAKE VARIABLE THE NUMBER OF SENATORS AND REPRESENTATIVES TO BE ELECTED FROM RESPECTIVE SENATORIAL AND REPRESENTATIVE DISTRICTS," was recommitted to the Committee on Judiciary.

House Bill No. 162, H.D. 2, S.D. 1:

Senator Cobb moved that H.B. No. 162, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki the rose to inquire as follows:

"Mr. President, I'd like to direct a question, a point of inquiry, to the chairman of the Judiciary Committee?"

The Chair posed the question to the chairman and the chairman asked to

hear the question.

Senator Kawasaki asked: "Mr. President, what does the federal government provide in the way of immunity from suits to someone who served on a federal board or commission that is not compensated?"

Senator Chang answered: "Mr. President, in answer to that question, I do not know.

"If the inquirer would prefer to move this bill to the end of the calendar, I can ask the staff to check on that."

Senator Kawasaki responded: "That will not be necessary. I'll vote against this bill, anyway."

By unanimous consent, action on H.B. No. 162, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1740-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1740-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE HANDICAPPED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1742-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1742-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DETERMINATION OF DEATH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2075-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2075-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2308-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2308-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie spoke against the measure as follows:

"Mr. President, I will vote against this bill on the grounds that there is probably not anybody on the floor that can define formally or tell me what any of these drugs do, let alone pronounce them."

The motion was put by the Chair and carried, and H.B. No. 2308-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

House Bill No. 2523-84, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2523-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1758-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1758-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CLEARINGHOUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2143-84, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2143-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1637-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1637-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 547-84 (H.B. No. 1725-84, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 547-84 was adopted and H.B. No. 1725-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR'S BOND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 548-84 (H.B. No. 1933-84, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 548-84 and H.B. No. 1933-84, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 549-84 (H.B. No. 2257-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 549-84 was adopted and H.B. No. 2257-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 550-84 (H.B. No. 1746-84, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 550-84 and H.B. No. 1746-84, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Standing Committee Report No. 551-84 (H.B. No. 1319-84, H.D. 2, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 551-84 be adopted and S.B. No. 1319-84, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator

Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, this concept, of course, originated with those people who were in the category of squatters on Sand Island a number of years back.

"It just seems to me that this opens the door to people wanting to set off other areas throughout the state as live-in parks and perhaps be used as an excuse for those who do not want to assume the responsibility of either owning their own properties to live in or to rent or lease properties, and I'm afraid this is going to open a Pandora's box for requests of this sort and eventually provide some incursion on the general public's right to have most of these attractive parks set aside by the Land and Natural Resources Department for the public use.

"It just seems to me that they are going to develop squabbles, controversies between the live-in tenants of these state lands and the general public who may want to use these areas. For that reason, I speak against passage of this bill."

Senator George also spoke against the measure and stated:

"Mr. President, not necessarily any new project that they have in mind, but I think we ought to bear in mind that Kahana Valley was acquired 17 years ago, designated as a live-in park shortly thereafter, and in all this time we have not been able to decide exactly what a live-in park is or a living park. What we should do with it. What the public's rights and privileges are. What the residents should do in exchange for their residency within the park.

"I think we already have one 'can of worms' and I'm not really anxious to have any more of them. Thank you, Mr. President."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 551-84 was adopted and H.B. No. 1319-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS AND RECREATION AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Ajifu, Cobb, George, Henderson, Kawasaki, and

Soares).

Standing Committee Report No. 552-84 (H.B. No. 1726-84, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 552-84 was adopted and H.B. No. 1726-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS TO ACCOMPANY BIDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 553-84 (H.B. No. 1946-84, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 553-84 be adopted and H.B. No. 1946-84, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cobb then rose on a point of information as follows:

"Mr. President, does this measure have to pass before or after the budget?"

The Chair answered: "No, it is not necessary to pass the budget bill first.

This bill is not for final reading."

Senator Abercrombie then rose on a point of inquiry as follows:

"Mr. President, I would like to vote for this bill, but I do have just one question.

"There has been quite a big reduction in the amounts that were asked for. Would I be correct, perhaps the chairman could answer, would I be correct in assuming that's because the necessary services are absorbed in already existing budgetary allocations?"

Senator Yamasaki answered: "Yes, Mr. President, there are some allocations in the existing budget and, also, we'll take this into conference."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 553-84 was adopted and H.B. No. 1946-84, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERSONAL CARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 554-84  
(H.B. No. 2092-84, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 554-84 was adopted and H.B. No. 2092-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

Standing Committee Report No. 555-84  
(H.B. No. 1549-84, H.D. 1, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 555-84 be adopted and H.B. No. 1549-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak in support of the measure as follows:

"Mr. President, I am happy to be able to vote for this bill.

"I think that some of the language might need some further expansion, perhaps in a conference meeting, that will more specifically indicate the role of the University of Hawaii athletic department and physical education department, more adequately indicate what its role would be. But I am pleased to see this although it is coming in a slightly different form than I had originally intended.

"I have entered in the past, bills with respect to establishing a physical fitness testing center at the University of Hawaii with the Department of Health, physical education and recreation at the University of Hawaii being in charge.

"I think for all intents and purposes when the Director of Planning and Economic Development seeks, as is indicated in this legislation, to promote Hawaii as an Olympic training center the practical effect will be to incorporate the ideas that I have put forward in the past with respect to building up a physical fitness testing center.

"There are facilities now available at the University of Hawaii not in use for this and I expect that while the bill talks about dealing with a training center for athletes who have the potential for competing in the Summer games of the World Olympic games, I do not mean this summer, I am sure they will be talking about future Olympic games. So I am pleased to see that the idea that I put forward is now being incorporated into a training center whether it's for the Olympics or not.

"It seems to me that the University of Hawaii could quite reasonably be expected to expand its athletic capacity not only locally but for attracting some of the students, and they might even be from Africa, who might want to take advantage of such a training center and we might even be able to find a way to deal with their tuition, as a result.

"So I expect, Mr. President, that if we vote for this bill and I hope that we will, that those who are enthusiastic in their approbation for this bill by voting 'yes' will be just as enthusiastic when the CIP and operating requirements come in next year. Thank you."

Senator Kawasaki, not in support of the measure, stated: "Mr. President, in the interest of time that we are consuming here, my whole feeling about this bill is described by one word and I shall vote accordingly. This is a 'silly' bill."

Senator Kuroda rose to speak in support of the bill and stated:

"Mr. President, I rise to speak in favor of this 'silly' bill.

"This House bill came through the Tourism Committee and we had an interesting and enlightening public hearing and we sent the bill on to the Ways and Means Committee for further consideration. The idea expressed here is not only good with regards to a place to prepare for athletics such as for the Olympics and other games, but also the idea which, in addition to another idea which has been proposed, Hawaii as 'the healing islands'.

"I think it's important for people abroad to know more about Hawaii, not just as a place of waving palms and sunshine, but as also a place where these things can take place, such as preparation of athletes, and a place where people can look forward to coming as far as utilizing the

islands as a place to be healed emotionally, physically, and in other aspects. Thank you."

Senator Abercrombie in response to a previous speaker's remarks stated as follows:

"Mr. President, I will try to be as succinct and brief as Senator Kawasaki with respect to rebutting what he had to say. He has indicated that the bill is 'silly'. In response, I would like to say that I can understand how, when you start out relating to sports and end up the Olympic training center, okay, maybe that satisfies some.

"The reason that I am voting for the bill is, and I thought I had indicated enough, is not that because I think it is going to necessarily be an Olympic training center. I am sure that the Director of Planning and Economic Development when he gets through will come up with some other orientation, shall we say. There's nothing in the bill actually that requires it merely be for the Olympics.

"The reason I favor it is, is that the capacity that now exists at the University in terms of personnel to be utilized for a physical fitness testing center already exists. That capacity already exists among the faculty.

"The idea is not new; we are talking about sports medicine here. I am sure the members are aware that we have in the Islands right now one of the most far-flung recreational athletic activity programs of various kinds, organized and unorganized, probably anywhere in the world. It only makes sense inasmuch as we are already spending such a great deal of money on the medical school and other areas in (this is a little bow toward Senator Soares on that) that we get something useful.

"In fact, as you know, Senator Soares is certainly ready to enter the master league in jogging right now, and Senator Cayetano and Senator Toguchi can attest to that. He has left them in the dust, so to speak, on several occasions recently which indicates that jogging is not always a question of how you look but what you can do. And I am sure that even Senator Soares despite his reservations about the medical school would be happy to test himself against other Senators here at such a testing center. This is a practical result of what would come about.

"If it happens to be that the Olympics have fired the imagination of the Senators and Representatives here in terms of getting their enthusiasm generated for such a facility at the University then I say all well and good. That it just goes to show that even good things can come from something that might otherwise be thought of as silly.

"The idea behind this is fundamentally sound. We have the personnel actually all ready here in the state if we would utilize them. The investment, from my point of view, in the end will be relatively modest in terms of capital and operating budgets and the benefits to be derived for our state, as a result of the establishment of such a facility, will more than justify the expenditure."

Senator Toguchi, in response to the previous speaker's remarks, stated: "I just want to clarify something. I might have been behind Senator Soares but I just want you to know that I was ahead of Senator Cayetano when we were jogging."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 555-84 was adopted and H.B. No. 1549-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 2078-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2078-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2161-84, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2161-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE BICYCLE LAWS," having been read throughout, passed Third Reading on the following showing of

Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2275-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2275-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2337-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2337-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAIL LIGHTS ON VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1799-84, S.D. 1:

Senator Cobb moved that H.B. No. 1799-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the bill as follows:

"Mr. President, while I have signed the committee report in concurrence, in further reading the bill I find that I am at cross-purposes here.

"For one thing, I support the moratorium on the establishment of the leasehold rents for these lessees who are about to have their rents renegotiated. The first part of the bill, however, provides that all information relative to the preliminary negotiations between lessees and landlords, all information generated at that preliminary discussion, including information such as appraisals involving a property are not subject to discovery.

"It seems to me, we want an open and free discussion as the first page of the committee report suggests, in the course of litigation, in the course of trying to determine what is a fair rent that could be enjoyed by the owner of a property, leasing his lands out or leasing his property out and what would be a fair rent that perhaps could be established for the lessees. The fact that we preclude appraisals of the property, the market price, the values, this kind of information which may have been discussed in a part of the preliminary

negotiations are not subject to discovery, I think is not what we want.

"If we really want to be fair to both the landlord and lessees, information, appraisals, etc., should be allowed to be used in the course of subsequent litigations. For that reason, I vote against this bill."

Senator Young spoke in support of the measure as follows:

"Mr. President, this amendment was agreed to by both the lessees as well as the lessors, mostly the lessees."

The motion was put by the Chair and carried, and H.B. No. 1799-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Carpenter and Kawasaki).

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:12 o'clock p.m.

House Bill No. 1985-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1985-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1796-84, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1796-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1926-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, H.B. No. 1926-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 2429-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2429-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2044-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2044-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2268-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2268-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1845-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1845-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1863-84, H.D. 1, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 1863-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1838-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1838-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERING THE MARRIAGE STATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2203-84, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2203-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1711-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1711-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2107-84, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2107-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was recommitted to the Committee on Economic Development.

House Bill No. 177, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and

carried, H.B. No. 177, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

House Bill No. 1748-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1748-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2179-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2179-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FENCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2540-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2540-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 578-84 (H.B. No. 2151-84, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 578-84 and H.B. No. 2151-84, H.D. 2, S.D. 2, was deferred to the end of the calendar.

House Bill No. 556, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1779-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1779-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1817-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1817-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1818-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1818-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1819-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1819-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1880-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1880-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1895-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1895-84, H.D. 1, entitled: "A BILL FOR AN ACT



RELATING TO DISPENSING OF DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Ajifu, Henderson and A. Kobayashi).

House Bill No. 1784-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1784-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1790-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1790-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS NAMES AND MARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1821-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1821-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2224-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2224-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE RATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1882-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1882-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO AGREEMENTS OF SALE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2196-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2196-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1912-84, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1912-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2012-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2012-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2026-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2026-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2181-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2181-84, S.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO LANDLORD AND TENANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2281-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2281-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2477-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2477-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2484-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2484-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT REGARDING CHAPTER 421C, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 538, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 538, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMITATION OF CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 787, H.D. 1, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 787, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 788, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 788, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1721-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1721-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1852-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1852-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2006-84, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2006-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2077-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2077-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2333-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2333-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS UNDER THE FIREARMS LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Cobb, George, Henderson and Soares).

House Bill No. 2604-84, S.D. 1:

By unanimous consent, action on H.B. No. 2604-84, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 608-84 (H.B. No. 1932-84, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 608-84 was adopted and H.B. No. 1932-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 609-84 (H.B. No. 2340-84, H.D. 1, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 609-84 was adopted and H.B. No. 2340-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFUSAL TO PROVIDE IDENTIFICATION UNDER THE STATEWIDE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2163-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2163-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1785-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1785-84, H.D. 1,

S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1925-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1925-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2016-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2016-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' COMPENSATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 2029-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2029-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2054-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2054-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2418-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2418-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie, speaking in favor of the bill, stated:

"Mr. President, I want to indicate that I'm voting in favor of this bill, and I do not think that it has any implications with respect to taking one side or another in any controversies that might exist."

Senator Cobb responded: "Mr. President, the previous speaker is correct, there is another bill also I'm sure will be subject to discussion on the same issue of chiropractors."

The motion was put by the Chair and carried, and H.B. No. 2418-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2201-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2201-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2451-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2451-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 619-84 (H.B. No. 2142-84, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 619-84 was adopted and H.B. No. 2142-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading, on the following showing of Ayes and Noes:.

Ayes, 25. Noes, none.

House Bill No. 1983-84, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1983-84, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1794-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1794-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR SUPPORT ENFORCEMENT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 622-84 (H.B. No. 1729-84, H.,D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 622-84 was adopted and H.B. No. 1729-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY CIVIL COMMITMENT UNDER MENTAL HEALTH LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1681-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1681-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Ajifu and George).

Standing Committee Report No. 624-84 (H.B. No. 1629-84, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 624-84 and H.B. No. 1619-84, H.D. 1, S.D. 2, was deferred to the end of the calendar.

House Bill No. 1220, H.D. 1, S.D. 1:

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 1220, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2032-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2032-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 627-84 (H.B. No. 1148, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 627-84 and H.B. No. 1148, H.D. 1, S.D. 2, was deferred to the end of the calendar.

MATTER DEFERRED  
FROM MARCH 30, 1984

Senate Bill No. 26, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 26, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Tuesday, April 3, 1984.

At 12:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

AFTERNOON SESSION

The Senate reconvened at 1:30 o'clock p.m.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

House Bill No. 2020-84, S.D. 1:

Senator Cobb moved that H.B. No. 2020-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

At 1:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:32 o'clock p.m.

Senator Kawasaki, against the measure, stated: "Mr. President, I don't know about this land of the healing. It hasn't done very much for my bad cold but in order to save this body some time, I will just vote against this bill."

The motion was put by the Chair and carried, and H.B. No. 2020-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Kawasaki). Excused, 4 (Abercrombie, Ajifu, Chang and Kuroda).

House Bill No. 1747-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 1747-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Mizuguchi, in support of the measure, stated as follows:

"Mr. President, may we insert in the Journal a memorandum to Senator Abercrombie from Mr. Gilkey that redefines reasonable assurance that is mentioned in this bill, for further clarification. Thank you."

The memorandum to Senator Abercrombie from Robert C. Gilkey, Deputy Director, Department of Labor and Industrial Relations, dated March 29, 1984, subject: "H.B. 1747, H.D. 1," reads as follows:

"As a follow up to our phone conversation yesterday afternoon, the following is our interpretation of the term 'reasonable assurance' as contained in H.B. 1747, H.D. 1. This interpretation is taken from our UI training manual.

"In determining the application of reasonable assurance, our claims examiners are instructed to 'obtain evidence of notification from the educational institution to the individual for re-employment on essentially the same or better terms, provided there are specific facts to establish that the reasonable assurance is bona fide. The specifics that should be considered are: availability of job opening at the time of the notification; no conditional factors such as future enrollment, availability of funds or position vacancies; individual's history of

past employment; hiring  
practices.'

"Under H.B. 1747, H.D. 1, these same criteria would be applied to non-professional educational employees, similar to those presently applied to professionals."

Senator Abercrombie then added as follows:

"Mr. President, I just want to express my appreciation to the chairman and to the Department of Labor for seeing to it that a group of employees who might otherwise find themselves in that circumstances, through no fault of their own, have been accommodated and taken care of. It shows a sensitivity, I think, that sometimes people feel is lacking and I appreciate it."

The motion was put by the Chair and carried, and H.B. No. 1747-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Machida).  
Excused, 2 (Ajifu and Kuroda).

House Bill No. 2108-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2108-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Holt spoke in support of the measure as follows:

"Mr. President, I am going to vote for this bill, with reservations.

"My reservations relate to the amendments made by the committee to the bill with respect to the bullpen section. I have conveyed my observations to the chairman of the committee and he has agreed to take those suggestions into conference and they will be addressed later. Thank you."

The motion was put by the Chair and carried, and H.B. No. 2108-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Abercrombie

and Carpenter). Excused, 1 (Ajifu).

House Bill No. 1788-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, was adopted and H.B. No. 1788-84, entitled: "A BILL FOR AN ACT RELATING TO ITINERANT VENDORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 503-84 (H.B. No. 1906-84, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 503-84 was adopted and H.B. No. 1906-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR AGRICULTURAL ACTIVITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 506-84 (H.B. No. 1905-84, H.D. 1, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 506-84 be adopted and H.B. No. 1905-84, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, you know, for many years, for decades in fact, we have been providing state funds for research activities for our major agricultural industry which is the sugar industry.

"It just seems to me, research for the sugar industry should be pretty well developed by now and, certainly, the industry should have set aside research funds in those good years that they have had back in 1980, 1975, and I understand from reading some of the commodity reports, while sugar prices are low now, that they anticipate within the next two or three years a good rise in the price of sugar.

"That being the case, it just seems to me, perhaps it's about time we stopped subsidizing the research activities of the sugar industry which have been in existence for over a

century now. This allocation of several million dollars of our taxpayers' funds, I think, should be stopped, if not in this session, in the very short future.

"We have been subsidizing an industry that, basically, I think have already developed their research program to a point where they don't require this kind of millions of dollars of subsidization.

"I think it's about time we stopped this and, because of this feeling, I urge 'no' votes for this bill."

Senator Carpenter then rose to ask the Chair for a conflict of interest ruling because he is an employee of C. Brewer & Company.

The Chair ruled that Senator Carpenter was not in conflict.

Senator Carpenter then rose to speak in support of the measure and in response to the remarks of the previous speaker as follows:

"Mr. President, in response to the preceding speaker, I would like to say that the research projects carried on by HSPA is shared with the University of Hawaii. Probably, HSPA has the best entomological laboratory in the entire State of Hawaii and, as such, serves the entire agriculture industry, irrespective of commodities grown, including the beef industry.

"So the information gleaned from the research not only bears on sugar but every conceivable agricultural product and commodity grown and raised in the State of Hawaii. Thank you."

Senator Abercrombie then stated: "Mr. President, with reference to the previous speaker's remarks, I am happy to learn at last as to the location of 'where's the beef.'"

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 506-84 was adopted and H.B. No. 1905-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 512-84 (H.B. No. 2294-84, H.D. 2, S.D. 2):

Senator Cobb moved that Stand.

Com. Rep. No. 512-84 be adopted and H.B. No. 2294-84, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki, against the measure, stated: "Mr. President, with the desire of saving some time for a bill coming at the bottom of the calendar, I will just vote 'no' for this bill."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 512-84 was adopted and H.B. No. 2294-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 513-84 (H.B. No. 2612-84, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 513-84 was adopted and H.B. No. 2612-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Carpenter, Cayetano and Kawasaki).

Standing Committee Report No. 518-84 (H.B. No. 1120, H.D. 1, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 518-84 be adopted and H.B. No. 1120, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Fernandes Salling then inquired: "Mr. President, will the chairman of the Hawaiian Homes and Housing Committee yield to a question?"

The Chair posed the question to the chairman, and the chairman having answered in the affirmative, Senator Fernandes Salling inquired as follows:

"Is the chairman in favor of placing a cap of some sort on this administration account that we are creating in the statute?"

Senator Young replied as follows:

"Mr. President, the department has

requested for a sum of \$489,000 to go into the administration account for its loans program.

"In the last, I would say, about eight years, I think we have had more residents on Hawaiian Home lands than in the past fifty years.

"The Department has really accelerated its program to put more residents on homestead lands and they have never increased their staffing. I feel, at this time, that it's very unfair...if you want to put more native Hawaiians on Hawaiian Home lands and if we are going to 'beef up' that program, then we need personnel to administer the program.

"Presently, there is only one permanent position and ten temporary positions. I feel that they need this program. It's a good program and they are asking for this \$489,000 to administer this program, and six other programs.

"It's not fair to say 'place a cap' because in the future if they do open more homestead lands, and with the workload, it's very difficult to say that this is all that they are going to utilize; and that they can have only eleven positions. So, at this time, I don't think I will concur with placing 'a cap.'"

Senator Fernandes Salling further inquired: "Madam Chairman, the chairman of the Department of the Hawaiian Homes is requesting \$489,000 to fund how many positions?"

Senator Young answered: "This money comes from programs that accrue interest and this interest is just lying idle in the funds, so all the administration is asking for is that these interests be put into the administration loan which would administer the home loan program and other programs."

At 1:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:46 o'clock p.m.

Senator Fernandes Salling then spoke in support of the measure as follows:

"Mr. President, I will rise to reluctantly speak in favor of this bill and express my concerns about this new amendment to the bill.

"As I understand it, annually, what

we generate from the interest account in the Department of Hawaiian Home Lands is about \$2 million and that money is used to go into the home loan funds to make loans for the Hawaiians who want to build new homes, to go into their operating fund, and their development fund.

"This new amendment is asking that these interest monies also be used to go into the administration account which shall be used to fund the salaries and other administrative expenses related to loan services and delinquent collection activities.

"Now, as I understand it, the department is asking for approximately \$498,000 or one-fourth of those interest monies.

"My concern is that, in the future, we really take a good look at how these monies are being allocated from the interest account into these revolving loan funds because I would hate to see any of the other revolving funds that would directly benefit the native Hawaiians, such as money to be made available to provide loans to build homes, to see these monies being diluted because it is then being turned into this administration account which is to be used to pay for salaries to administer the loan services and the collection of delinquent accounts.

"For those reasons, and I hope the concerns will be addressed at some future point in time, I will reluctantly vote in favor of this measure."

At 1:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:51 o'clock p.m.

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 518-84 was adopted and H.B. No. 1120, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

House Bill No. 1640-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1640-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN



ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1983 TO JUNE 30, 1985," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 162, H.D. 2, S.D. 1:

Senator Cobb moved that H.B. No. 162, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie then rose to inquire as follows:

"Mr. President, I believe there were some questions raised before with respect to the boards and commissions and, I believe, federal standards. I wonder if the chairman of the Judiciary Committee would elucidate for us as to what the civil liabilities, etc. are with respect to this bill and similar legislation at the federal or other state level?"

The Chair posed the question to the chairman and Senator Chang answered:

"Mr. President, I have discussed this matter in the interim, between the asking of the question and the present time, and persons who have conducted research into this area have told me that it is well nigh impossible to provide a succinct summary of the various positions held by courts and authorities on this matter. But, I may summarize by reading from the leading case in the Hawaii Judiciary that discusses such matters.

"Reading from Medeiros v. Kondo (I don't have the citation at the present time), on page 501, the court says, 'In the balancing process the scales need not tip in favor of one interest or the other. It is sometimes possible to fashion a remedy that provides relief to both interests. Although the federal courts have opted for tipping the scale in favor of absolute immunity for federal officers, a majority of state courts have attempted to find a middle ground, at least in regard to inferior state officers. California is one state that has adopted the absolute immunity rule which appellee urges upon us.'

"So, in answer to the question, at least in regard to federal officers, it appears that the federal courts have determined that absolute immunity is to be the rule.

"I should note that this particular bill conforms with the spirit that is enunciated by the court in Medeiros v. Kondo in that we seek a middle ground, at least in regard to members of boards and commissions.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 162, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Carpenter, George, Kawasaki and Soares).

Standing Committee Report No. 548-84 (H.B. No. 1933-84, H.D. 2, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 548-84 be adopted and H.B. No. 1933-84, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano spoke against the measure as follows:

"Mr. President, this bill, as I read it, proposes to clear up the functions of the State Health Planning and Development Agency, the organization better know as SHPDA.

"Mr. President, a few years ago I introduced a bill to do away with this organization. I don't dispute the good intentions which were the basis of the creation of this organization; however, I think experience has shown that the organization has not been effective in terms of carrying out the functions that it was designed to carry out, and achieving some of the goals that it was designed to achieve.

"Certainly, with respect to health care costs, in my view, this organization has been particularly ineffective. Now that may have been because of leadership, although I doubt it because I think, nationwide, the experience has been the same.

"With the advent of the Reagan Administration, Mr. President, I think that the philosophy of the Reagan Administration has also been to rely less and less on this organization and, in fact, it is my understanding and recollection that there has been serious talk in the Administration of doing away with this body altogether.

Of course, that has not happened. But, clearly the de-emphasis in terms of relying on this organization to achieve changes in health care costs has been less and less.

"For example, looking at the budget, there will be approximately a half-a-million dollars in federal money provided, and that will be matched by \$190,000 in state general funds. This is, the federal portion, if I recall correctly, is a drastic reduction in the amount of federal money that was provided in prior years. And I think as we go further along the road, we will see that the federal money will become less and less.

"Quite frankly, I am of the impression that one of the reasons the state got into this was because of the so-called 'federal carrot.' The federal government, in trying to get states to take part or participate in certain programs it deems necessary, always holds out the federal money as a carrot, and some years ago this state gobbled up that carrot 'hook, line, and sinker.'

"Unfortunately, that carrot is becoming smaller and smaller and, one day, I think that if this bill becomes law, we will find ourselves and the state stuck with an increasing share of the cost of keeping this body going.

"I may have considered voting for this bill, if it went one step further.

"The bill, I think, is well drafted. Certainly, it quite succinctly sets out some of the functions and responsibilities that the Committee on Health wanted this organization to have and, in that sense, it clears up some confusion, mostly on the part of the Department of Health, as to what this organization was supposed to do.

"There are some good aspects to this bill. One of them being that the membership of the State Advisory Commission, I think it is, has been drastically reduced and adjusted where the input of health care providers to this body has been brought in better balance.

"The problem, as far as I am concerned, with this bill is that it does not go far enough. It proposes all kinds of planning and all kinds of responsibilities which certainly will require more expenses on the part of the state, but there is no authority for implementation, except with respect to the function of certificate

of need.

"This bill, in my view, will establish SHPDA further in our laws; certainly, clearly enunciate certain kinds of activities, all of which will cost money, but will do very little, I think, to bring health care costs under control."

Senator Machida, in response, and in support of the measure stated as follows:

"Mr. President, in rebuttal to some of the statements made by the previous speaker.

"Mr. President, I think the process of health planning is a very important function, and as enumerated by the previous speaker, maybe SHPDA did not carry out its programs to its fullest; however, the Health Committees of both the House and Senate, during the interim, focussed on the area of cost containment and are, by this measure, assigning this responsibility to SHPDA with the hope that this additional responsibility of health care cost control will help to process the certificate of need requests in a more adequate manner.

"This measure is partly due to the controversial decision made by SHPDA, concerning the two hospitals in the Leeward area.

"So, with health care cost control as a primary function of SHPDA, hopefully, their decisions in the future will more adequately reflect health care cost containment for the good of the citizens of our state.

"I agree that this bill does not do all that we had hoped it would do. We had another measure before us creating a cost control commission and regulating the hospital rate-setting process. However, if this bill goes through and the responsibility of health care cost control is absorbed by SHPDA and becomes a successful function for the state, we might eventually consider the rate control commission measure in the future.

"Thank you."

Senator Kawasaki spoke against the measure as follows:

"Mr. President, just a comment.

"I know that there are enough votes on this floor to pass this bill, but I think, perhaps, along with voting for this bill, we should consider very seriously the

responsibility that we have as Senators, confirming the man who is going to be appointed to that position. I understand that the present incumbent is not quite the person that we wanted; neither was his predecessor. As a consequence, we never confirmed his predecessor.

"I think it's incumbent upon this body to make sure, in the course of hearings, that whoever assumes the job of being the director of that agency be a very competent person because with all the staffing that we provide, if the organization is not led by a competent person capable of holding that job, then I think all this money we pour into it, all the additional staff we give to it, is going to waste. So, this, I think we should keep in mind the confirmation of the person who goes into that position should be one that is qualified."

Senator Cayetano then added:

"Mr. President, just in brief response to the chairman of the committee and his remarks.

"It is my understanding that the House version of this bill contained a cost containment section, and I am of the opinion that the question of cost containment in this state has been studied and studied. And, the one conclusion I keep coming to is that there has to be some governmental agency, and I think I'm the last one in this body who wants to see government have any control over cost. But, I think what it boils down to in this particular area is that government will have to get into this area to bring health care costs to a level where our people can receive health care and not have to mortgage their lives."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 548-84 was adopted and H.B. No. 1933-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Abercrombie, Carpenter, Cayetano, Henderson, Kawasaki and Soares).

Standing Committee Report No. 550-84 (H.B. No. 1746-84, H.D. 2, S.D. 1):

Senator Cobb moved that Stand. Com. Rep. No. 550-84 be adopted and H.B. No. 1746-84, H.D. 2, S.D. 1,

having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I speak against passage of this bill in its present form, and while voting 'no' for this bill, I must give due credit to the chairman of the Human Resources Committee who sincerely tried to take a step in the right direction. My only disagreement with the committee's decision is that the step is a little too small a step, considering that certain categories of our employers in this state of ours, specifically the small businessman category, have been paying more than their share of the burden of keeping this program going.

"Two years ago, Mr. President, the Legislature decided to spend \$73,000 for the Legislative Auditor's study of, first of all, the adequacy of the fund because businessmen in certain sectors of our business world were saying that perhaps \$100 million in that fund was too much to have in reserve. The study, as a consequence, went to examine the adequacy of the fund, the over-adequacy of the fund. The report comes out with the finding that it is not excessive; that it's not out of line.

"The other aspect was to find out whether the cost of keeping this program going on to provide benefits for the unemployed employee was allocated fairly.

"The findings showed that for 18 years the small business segment of employers were paying more than their share of taxes into this fund. And, passage of this bill providing for the increase of that unemployment fund from 4.5 to 5.4 percent in conformity with what is going to be the requirement of the federal government next year is not quite enough.

"The Legislative Auditor very emphatically said that because of the inequity in the program as it exists today, the small business sector paying more than their share of taxes, in effect, subsidizes two categories -- the agricultural employers and construction employers; that we should increase that rate to 7.5 percent. This bill does not do that. It increases to 5.4 percent.

"We are continuing the inequity

imposed upon these small businessmen, which they have assumed for 18 years. And for that reason I will vote 'no' for this."

Senator Cayetano spoke in support of the measure as follows:

"Mr. President, I'm going to vote for this bill, but with reservations which I'd like to state for the record.

"I agree with Senator Kawasaki as to his remarks about the auditor's report and about the inequity that presently exists under the present law; for example, those who are in the services industry, employee benefits paid out were only \$42 million. This is over 1972-78. But, the employer contributions for the same period was \$72 million. Clearly, there is an inequity there.

"I am a small businessman and I happen to be in the service industry, in that particular area that's being affected right now. However, I recognize and sympathize with the chairman that there is a political problem, and the chairman has indicated to me that, as far as he is concerned, this is a step toward achieving the recommendations stated in the auditor's report. It may not be as big a step that I would like, but I think it's a step in the right direction. And as I read the chairman's remarks to me, personally, and to some of the other committee members, there will be a commitment next year to moving further in this direction."

Senator Abercrombie also spoke in support of the bill and stated:

"Mr. President, I speak in favor of this bill, making reference as I do to the remarks of the previous two speakers as they reflect views of my own. I wish to add that I have sought an experience rating, have been in favor of the experience rating now for the entire portion of my legislative service here, and we're now seeing a movement toward accomplishing that.

"I want to add for emphasis, especially to the remarks just made, that the path is now clearly being trod. There will be no going back from this and, I think, on the part of those industries who have failed to recognize that the other businesses in the state which have been adversely affected should receive recognition and receive relief from the conditions that are imposed. Failure to do that on the part of especially the large

businesses is a measure of their lack of commitment to small business in this state.

"One gets a little bit tired, Mr. President, of hearing about bad business climate and all the rest of it, especially from some of the major businesses in the state, criticism coming our way, and then find these same people coming here to the Legislature, trying to get us and I'm afraid succeeding, in some respect, in preventing necessary and legitimate relief coming to those people also in the business world who do not enjoy the same kind of clout, shall we say, monetarily in terms of the sheer power of capital that is arraigned against them. In this instance, the small businesspeople of the state are at last and at least receiving recognition that they are, in fact, being discriminated against.

"And I think that if you look at the bill itself, you will see that we have in place in this bill a mechanism for raising the percentage rate on a steady basis. It will take some time; however, it will be accomplished. It could be accomplished a lot faster if some of the big interests in the state would start backing up some of their rhetoric with solid action on behalf of supporting small business."

Senator Mizuguchi then added his remarks as follows:

"Mr. President, as chairman of the Human Resources Committee, I appreciate those comments made by previous speakers.

"It's correct that this bill is the first step in building an experience rating system for unemployment insurance. Your Senate committee fully understands the plight of small business. This is why we combined the extended six-month period for the workmen's compensation moratorium along with this bill to assist in their efforts in 1985. Thank you."

Senator Fernandes Salling also rose to support the measure as follows:

"Mr. President, I rise to speak in favor of this measure with the same reservations expressed by Senator Cayetano and Senator Abercrombie.

"I just hope that in the third year, when looking at another increase in this rate, that it will be what the Auditor's report has recommended, 7.5, rather than something less which is something that the committee, I understand, is considering. Thank

you."

Senator Cobb also spoke in support of the measure as follows:

"Mr. President, incorporating the remarks of the previous speakers, in general agreement, I would like to say that this bill constitutes both a prophecy and a warning -- a prophecy of more equity to come, and a warning that I don't think the Senate is going to be holding back in terms of moving towards a more equitable rate, up to and including 7.5.

"This is only the first step in the direction, I think, that needs to be fully implemented of going to a 7.5 percent rate to reflect the actual experience of categories of employers. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 550-84 was adopted and H.B. No. 1746-84, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Ajifu, George, Kawasaki and Soares).

House Bill No. 2275-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2275-84, H.D. 1, S.D.1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, according to the committee report, the purpose of this bill is to regulate the height of bumpers on motor vehicles with a gross vehicle weight rating of 10,000 pounds or less. Discussions on this bill have led me to believe that the bill is designed to correct a problem, and a problem which is viewed primarily in terms of safety of vehicles which have been reconstructed and have been elevated. We see a lot of these vehicles around town, primarily pickup trucks Toyotas, Datsuns, those kind of trucks.

"The problem that I have with this bill is that those vehicle owners who have elevated their vehicles have done so in compliance with existing City rules and regulations or ordinances; at least that is my

understanding. And, in that sense, this bill, I think is unfair in these terms.

"Vehicle owners having complied with the ordinance of one level of government, namely, the City, we on the state level are now passing this bill which would make compliance with the City ordinance now a criminal action. I have serious questions about the constitutionality of this bill.

"For example, it seems to me, certainly, an argument can be made that on the effective date of this bill, this bill would be considered an ex post facto law with respect to owners of vehicles who had bumpers on their vehicles raised in accordance with the City ordinances.

"During the discussion on this bill I was surprised to learn that the City and County came in and testified for the bill and did not have any objection.

"Quite frankly, when this bill goes to conference, I would like the conferees to consider this one aspect, that those who are forced to comply with the requirements of this bill be allowed to be reimbursed from the City. After all, it was the City which allowed them to do it, and now to have the City come in and testify and say that this bill is okay, it seems to me, a bit contradictory.

"I am also informed by the chairman that, to take into consideration the hardship that may be imposed on those who have elevated their vehicles, the effective date of this bill will be shifted to a date effective sometime in December of 1984 or thereabout. I think that's a good move.

"However, in terms of the cost, I just don't think it's fair that if you obey one level of government, I don't think it's fair that you be put in a position where you have to spend more money to take corrective action because of the actions of another level."

Senator B. Kobayashi then responded as follows:

"Mr. President, in regard to this bill, I should point out that the chairman on the House side has agreed that this bill will go to conference and, as previously stated, he is in favor of a change in the effective date from 'upon approval' to 'December 1984.' He recognizes that there should be some time allowed for

the conversion of these vehicles that are presently on the road.

"It should be pointed out that the City and County of Honolulu presently attempts to regulate the heights of vehicles on different grounds than bumper height. Lacking a clear bumper height rule, they are attempting to regulate the heights of vehicles on the basis of headlight height and taillight height. This is inadequate and they have met a great deal of frustration in trying to regulate what they call 'the safety of the vehicle' itself because of its high center of gravity, as well as the safety of people who might be hit by those vehicles, who have a tendency to, shall we say, override the vehicle they might hit, causing damage to the cabin or cab area of the vehicle where the passengers are, of course, and not necessarily on the bumper area.

"Given these difficulties, the City and County does see merit in the bill and so do all of the counties, in fact, as well as the State Department of Transportation.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 2275-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Cayetano, Holt and Kawasaki).

House Bill No. 1748-84, H.D. 1, S.D. 1

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1748-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 578-84 (H.B. No. 2151-84, H.D. 2, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 578-84 be adopted and H.B. No. 2151-84, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to inquire

as follows:

"Mr. President, would the chairman indicate as to what will happen should this bill pass and be substantially left whole in any conference that takes place with respect to the 4 percent excise tax."

Senator B. Kobayashi answered: "Mr. President, the present House position is to continue the 4 percent excise tax transfer from the general fund to the special fund for one year only. It is our intention that this practice should continue, at least as long as the House version, if not longer.

"The problem here is that the 4 percent excise tax is an integral part of the present highway fund, without which the highway fund would be bankrupt shortly. Further, in order that the highway division put together an adequate budget for the next biennium they have to do so in relationship to available revenues. If the 4 percent transfer were not available, their budgets would have to be greatly altered and slashed."

Senator Abercrombie then rose to speak against the bill as follows:

"Mr. President, then, I rise to speak against this bill.

"Mr. President, the circumstances as outlined by the chairman of the Transportation Committee about the highway fund serve to point out that this area of the Department of Transportation is apparently exempt from the kind of restrictions, the kind of cuts that come to every other department in our state government.

"I have a particular interest in referring, as an example, to the area of education. Doesn't it seem odd, at the very least, that we're worried about whether there has to be slashes taken place in the highway fund when we don't have the same kind of concern when it comes to reducing programs, reducing the instructional capacity in our educational system?

"It seems to me that concrete is taking the place of kids in terms of priorities.

"I do not believe that there has been any serious attempt on the part of the department with respect to this matter because they knew perfectly well that the excise tax deferral or, direct excess I think is more appropriate, direct excess to the 4 percent excise tax was available to them. They knew perfectly well that

that was going to end, and they have not budgeted accordingly.

"If it is the will of the Legislature that highways simply be funded regardless of merit, regardless of whether or not there are any alternatives available to us, regardless of whether there is any examination, for example, as to what's being utilized by the various companies that do resurfacing.

"I always find it strange that our highways seem to crumble so quickly when we have the experience in other areas of far more severe weather with far more wear and tear taking place, and the highways being able to exist a lot longer. It seems to me that perhaps there's some ... there is some question in my mind as to whether we're really getting the quality that we should be getting.

"In any event, there doesn't seem to be much in the way of an examination as to whether that kind of quality is available to us. The end result is that there seems to be inordinate concern about whether there are some potholes on the highway, and we seem to always have arguments about accident rates in automobiles, and we talk about alcohol. Well, maybe if there are a few more potholes, people would drive a little slower too; maybe there'll be less accidents.

"I just cannot work up any kind of enthusiasm for making sure that our highways are capable of allowing cars to go even faster than they do, as opposed the kind of concern that I think is necessary to see that our kids advance as fast as they could with respect to their school work. Now, it may be that some will say that I'm drawing an unfair analogy, if not an analogy, at least an unfair parallel. I don't think so, because for myself as someone who has served in that particular committee ... I could cite other committees, as well ... I'm just using education as a primary example because it has the same kind of mass effect in the state ... it seems quite clear that this same kind of concern has not been manifest.

"We're struggling right now, trying to figure out how to deal with cuts that have already taken place in the millions and millions of dollars. If I'm not mistaken, in the past two years or so, we have experienced in the Department of Education alone a \$30 million-plus cut, perhaps between \$30 million and \$35 million. Now, this is roughly equivalent to the kind of cut,

approximately \$18 million a year, \$15 million to \$18 million a year is the way it's averaged out, which is again approximately what we're talking about with the highway fund.

"And, while there may be weeping and wailing and gnashing of teeth as to that cut in education, nonetheless, it has taken place and the department has had to accommodate itself to that cut.

"Now, why shouldn't the Department of Transportation have to do the same thing with highways, especially if we're in a time, as has been cited in various instances upon the passage of various bills on this floor, that we are in a time of fiscal constraints of one form or another. Why shouldn't the highway fund have to do the exact same thing? Why shouldn't it have to retrench? Why don't we make an examination of what we really need in the way of expenditures?

"I see various bumper stickers around town concerning H3, for example, 'We need H3.' Laying aside arguments about H3, as to its desirability or its efficacy in terms of relieving highway congestion or whatever you want to refer to or increasing development for that matter in a different area on the island ... setting aside those arguments, you really don't need it. You may want it; you may desire it; or you may be against it; but you don't really need it.

"What you really need is an education for our children. And if it comes to a contest for funds, it seems to me that I can much more ably make an argument in that area.

"You don't need this! So, if it comes to a compelling interest, if it comes to making a choice, it seems to me that bailing out the highways at this particular stage without concomitant commitment to education and other areas ... I could cite health; I could go on at some length in other areas ... the problems for our aged citizens, with respect to funding ... some of the arguments ... even that could be entertained in the budget that we have just passed over for consideration, page after page in this budget document of grant-in-aids and appropriations of various kinds for private agencies, many of which I daresay could stand some increase in terms of the public benefit.

"All of these items we struggle over, all of these things become

virtually traumatic in their impact and have caused arguments to take place between Senators and on this floor, arguments of great emotion, and arguments which are heartfelt, and in that respect, to then turn around and go to the state highway fund and say, oh yes, this is absolutely vital and must be done with our tax monies, it seems to me to obscure be the issue entirely.

"Reference was made earlier on this floor today to where tuition increase money went -- into the general fund. There's no stipulation that that increase is going to result in a better quality university as a result of guaranteed funding for an agreed upon agenda with respect to higher education.

"So, in this instance, there is no appeal to my logic or reason that succeeds by virtue of an argument with respect to the excise tax being mandated to go to the department. Now, if our highway fund is not sufficiently endowed, you can talk about increasing taxation and all the rest of it aside from the excise tax, going into it, and perhaps then some realism that is necessary for our citizens to be faced with as to what is being done with highways and what the actual costs are will become more manifest. And in those circumstances maybe we can get a discussion of a policy going, a public policy, and what that policy should be with respect to highway construction.

"I don't think this is the way to do it. I think we're selling out our responsibilities with respect to those other areas of government which have had to bear an increased burden over the past couple of years of cuts and the kind of slashing that the highway fund apparently is immune from at this stage."

At 2:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:32 o'clock p.m.

Senator Cayetano also rose to speak against the measure and stated as follows:

"Mr. President, first of all, I'd like to say that I sympathize with the chairman who has stepped into a very difficult situation. I also share the same feelings with respect to the new director of the Department of Transportation who, incidentally, I think had some very encouraging

things to say about his perspective as to where the department would be heading under his directorship. However, I'm voting against this bill because I think I paid my dues on this issue.

"Mr. President, during the four years I was a member of the House I served as chairman of the Energy and Transportation Committee. After two or three sessions, it became evident to me, and I don't think one had to have any special degree of insight or intelligence, quite frankly, it became evident to me that the highway fund would be in trouble. And, accordingly, throughout the years, as a matter of record both on the floor of the House and the Senate and publicly and at committee hearings, I have stated that this would happen.

"I take no pleasure in stating that my forecast came true, and I don't want to take the position of saying that I told you so; that's not the point that I'm trying to raise.

"In 1973, when this state along with the rest of the nation went through the gas crunch, at that particular time it should have become evident to the legislators as well as to the administration that the something had to be done about the highway fund. Something had to be done about the funding -- the manner in which it was being funded.

"Looking at the committee report, I just want to quote one statement. It says, 'Because of the decrease in gasoline used per vehicle due to better fuel efficiency and decreased automobile usage, revenues derived from the state fuel tax have diminished while at the same time, the costs of building and maintaining highways and related facilities and equipment have increased dramatically.'

"Mr. President, that sounds like an echo of committee reports that have been issued by the Transportation Committee throughout the years.

"In 1978 or '77, I believe it was, we pushed for a study on project-funded employees. The question that we hoped to raise in that study was, what would the department do with these employees after the project had been finished? We got a response from the department which, in my view, I was not satisfied with. Which really, if you want to be blunt about it, was a 'whitewash' of this particular problem. There was no reorientation of the way



that the projects were planned or the projects that were chosen; there was certainly no reorientation with respect to the way some of the projects were funded.

"In 1980, 1981, for example, the Senate Ways and Means Committee ... excuse me, 1979, 1980, the Senate Ways and Means Committee attempted to take the position that those highway projects or road projects which were not on the department's list of priorities, and which had come over from the House with 100 percent state highway fund appropriations, should have been deleted. We lost.

"Every attempt that we made in the Legislature to deal with this problem met with defeat because of shortsightedness of the past leadership of the Department of Transportation and, unfortunately, because, I think, of the same here at the Legislature.

"So we now find ourselves in this position, and it's a tough situation. But I think some of us have to vote 'no' so that maybe in the future, when warnings are made, we will take such warnings with more serious consideration."

Senator Abercrombie further remarked as follows:

"Mr. President, may I add something.

"The chairman of the Ways and Means Committee pointed something out to me during the recess which I thought I had made sufficiently clear in my remarks but perhaps I did not.

"Mr. President, when I was referring to repairs, for example, as part of my discussion, part of the example being given, obviously, or it should have been obvious, if it wasn't, I intend to correct that now, that I certainly do not favor the deterioration of roads in the state.

"However, and I thought I had pointed it out clearly enough that if that is, in fact, a problem anywhere in the state that it should be addressed, but in terms of financially how it is addressed, I do not think the automatic transfer of the 4 percent excise tax is the way to handle it. I think that encourages a cavalier attitude towards such projects as repairs and does not force the department into the same kind of budgetary activity that other departments have to involve themselves in in terms of setting

priorities, in terms of making sure that there is quality control, etc. etc.

"And I thought I had indicated, and if I did not clearly enough I will do so now, that I'm perfectly willing to discuss other methods of financing including taxation, various alternative taxation.

"It is the automatic transfer of the 4 percent excise tax under the current circumstances that I outlined at length in my remarks that I oppose. If we could approach it from other points of view and if we required the same thing of the department as other departments have to face, then I would be far more amenable to listening to various and sundry solutions that might be forthcoming."

Senator B. Kobayashi then rose to speak in support of the measure and stated as follows:

"Mr. President, in my heartfelt set of priorities, I would agree with the previous speaker that education is very close to us. But this is not to say that land transportation of the highway division is unimportant.

"Land transportation highways are very important to us and we need to find some sort of balancing between our various priorities. We cannot let a vital link in our transportation system crumble.

"We presently have an awkward situation where the highway is underfunded. The department may have been very unwise in its long-term planning, but it is not a division that can be turned around instantaneously. Let me give you some illustrations of what I mean.

"This current fiscal year, FY 1984, we have approximately \$2.3 million involved in special maintenance. This is for the resurfacing of roads. This is approximately one-third of what was spent last year, that is \$6.9 million. The department would like in its ideal state of state to spend approximately \$10.5 million to \$12.5 million. This would mean that under this \$10.5 million to \$12.5 million, that you would have major road resurfacing once every 15 to 18 years. This is approximately what we need to keep our roads in good repair, while not going through the much, much more expensive process of digging them up and then putting a whole new road bed.

"Also, in areas, for instance, such as cash CIP, this fiscal year 1984, we're spending approximately half-a-million dollars in this cash CIP area. Last year we spent approximately \$6 million. In this cash CIP area of half-a-million dollars, almost all of this money goes for highway planning and research.

"Now, in addition to highway planning and research, we have regularly undertaken programs in this cash CIP area having to do with guardrail safety, and road shoulder protection and improvement. These are vital because these various functions are short-term functions which need continual attention and, again, if not attended to become worse over time. But, this year we have absolutely no monies for those various upkeep maintenance efforts.

"These are the illustrations that lead to support some sort of attempt to turn the highway fund around. It cannot be done overnight.

"What the House has proposed is that we go into a spending program that will cause a \$125 million deficit in the highway fund by FY '89. If this is the policy of the Legislature, we have accepted that we will have in this area of highways an unbalanced budget.

"I think it should be the position of the Senate that we should go toward a balanced budget. The critical question here is on what timeframe do we balance the budget. Do we balance the budget on a one-year timeframe, a biennial timeframe, or a six-year timeframe? Whatever timeframe is chosen is critical.

"If we deny the highway fund money this coming fiscal year, we essentially say to ourselves that next fiscal year or years we will have to have double and triple doses of tax increases in order to turn this department around, a department which I would say we cannot deny has some importance to the State of Hawaii.

"Given these circumstances, I think we're trying to adopt a flexible position to confront the House position which I believe is irresponsible, given the fact that it is a grossly unbalanced budget, with a variety of solutions that would enable the department in the long term to not only balance the budget, but to provide for adequate and regular levels of highway expenditures that will serve all of us.

"Thank you."

Senator Cayetano then added to his remarks as follows:

"Mr. President, first, I'd just like to correct a remark that I made earlier. It occurred to me after I sat down that I said the wrong thing.

"With respect to the 100 percent state-funded projects, I meant to say highway fund, not general fund.

"I think the previous speaker, the chairman's remarks are to be well taken. However, if one really wants to be consistent and live up to the principles of the special fund, then all of this increase that's necessary to make the highway fund solvent should have come within those areas of taxation which the fund can address itself to. I'm talking about the fuel tax and weight tax, etc.

"This diversion of 16, 17, or 18 million dollars from the general fund, in my view, is totally uncalled for. If the fuel tax was increased to bring in an amount that's equivalent to the amount that's needed, instead of diverting the money from the general fund, then perhaps the message will get to the driver or the user of the roads and highways that a reassessment of the department's priorities and the department's operating expenses may be in order."

Senator Abercrombie further remarked as follows:

"Mr. President, I realize that this is at length and I'm getting an opportunity to speak again, but I think the reason that I feel I must stand is with respect to the chairman of Transportation's remark about, and I may not be quoting him exactly but I think I'm quoting him accurately in terms of the thrust of his comments, that in the absence of doing something or in taking the House position that we will find ourselves facing an enormous tax increase or greatly increased tax necessity and I think that, including the remarks of the previous speaker, is my point.

"Mr. President, it's simply unfair to take from the general fund, that which otherwise in every other instance where excise taxes are concerned, no matter what the business proposition, no matter what the purchase circumstances are, would go into the general fund.

"The people have the right to expect to be sponged on; they could

turn around then and take that money and put it in what is otherwise, in virtually every other instance and in the context we're talking about, a special fund privilege. I suppose it's the best way to put it, if that's in fact what it is, dedicated, if you will, the funds are dedicated to specific uses.

"What we're doing is, is taking the department and the drivers, for that matter, off the hook, and everybody else in the state who might otherwise derive some benefit from 15 to 18, or whatever the figure is, million dollars loses thereby.

"So I just want it clear when this vote is made, and I want it clear as to why the negative votes are being made.

"It's not arguing the good Senator's proposition that there is a distinct fiscal problem to be dealt with here, and it is not arguing the Senator's proposition that the position of the House that I think he characterizes as an irresponsible one most certainly is one that is ignoring, if at the least ignoring, the realities that have to be dealt with.

"The argument here is that if you want the special fund to get well, if you are looking for a cure, is the general fund medicine the kind of medicine that you want given to the patient? And that's a policy question here because you are depriving, then, every other potential user of that medicine from being able to get well, as well.

"You are not allowing the other taxpayers who have the right to expect that general fund expenditure to be made on their behalf under the general well-being of the state. You are not allowing them to derive the benefit from it. So, I think it is a policy question, this excise tax element, in the sense that a permanent transfer must be fought, and perhaps if this passes, then in any conference which takes place, that proposition can be addressed.

"I certainly hope that if it comes back to this floor at some point later in the session that that idea will be permanently excised from whatever bill emerges."

Senator Chang, in support of the measure, stated:

"Mr. President, I just wish to state that I concur with the previous speaker that this particular measure

relates to a complex and long-term problem that presents a tremendous challenge to the chairman of the Transportation Committee.

"I also concur with the sentiments and anxieties of a previous speaker that elements of this measure may permit the department to make undesirable, unnecessary, and excessive expenditures that will divert resources from other programs of the state.

"I will vote for the measure to see it further considered in conference and I will await the product of that committee. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 578-84 was adopted and H.B. No. 2151-84, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Cayetano, Fernandes Salling and Kawasaki).

House Bill No. 1821-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 1821-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I will vote 'no' on this bill because I believe that regardless of the motivation or intent with respect to the bill, it will involve us in choosing sides, if you will, philosophically speaking with respect to chiropractic, and it will have an economic effect favoring one side over another.

"I believe the motivations of the people who are bringing this forward from the profession itself are at the very best ... I'm trying to think of the right word because a word that won't ... maybe I should say what I really mean ... I think what it is, is I'll change my way of doing business and tell you what I really think.

"I believe that the people who are pushing this bill are doing so because they think they are going to derive a direct economic benefit from eliminating competition.

"I particularly resent it because I don't know how many others on this floor are patients of chiropractors, but I have been for 33 years.

"If it was not for chiropractic, I do not believe that I could be physically...I would be in a position where I would be unable to walk, possibly. I suffered a condition when I was very young with my spine that, had it not been for chiropractic, would have probably permanently disabled me.

"And I have utilized chiropractors. I have no particular individual in mind. I have utilized the services of several chiropractors over the years in the Islands as well as on the Mainland who represent different schools. So I have no ax to grind on one school versus another or one particular philosophy versus another, anymore than I do with other physicians who have different approaches, say to nutrition, for that matter, and its relationship to disease. That, I think, is up to the individual, and some things work for some people and not for others.

"In this particular instance, I would hope that if the bill passes that the chairman will further review the situation and in consultation with people in the House, perhaps be able to come up with something that would address my concerns. I know he shares these concerns with me and perhaps the language of the bill will be able to, in its final result, take into account what is in fact the public interest with respect to chiropractic, and will minimize or delete entirely any of the perhaps unintended effects of the bill as it may now exist that could result in what might be economic warfare or undue advantage of one side over another.

"Thank you."

Senator Cobb then rose to support the measure and stated as follows:

"Very briefly, Mr. President, the policy that we've discussed at some point, both this session and last, in committee with respect to the extension of the board is that when we have clear evidence of a factional dispute going on in the board, the committee members in general and the chair in particular have been less than inclined to give the board the full six-year term. And the more evidence of factionalism that exist, it's usually the shorter the term of the extension.

"The House, in this particular case,

provided for a two-year extension of the board. We lengthened that to four for conference purposes and utilized the content of House Bill 2025, a separate bill on chiropractic, to put it all in one vehicle, since we found it a more efficient practice to address not only the sunset provisions of the bill, but also the substantive recommendations of the Legislative Auditor in one bill, rather than several.

"We deleted any references to CCE (Council on Chiropractic Education) and SCASA (Straight Chiropractic Academic Standards Association) in the bill and then placed in an appropriate place the language from the board's position on qualifications, namely, that each applicant for chiropractic license will present 'Evidence of having attended and graduated from a chiropractic college, accredited by, or recognized as a candidate for accreditation by, any chiropractic accrediting agency recognized by the U.S. Office of Education.'

"Any students who have matriculated in any chiropractic college prior to the approval of this act shall be exempted from this provision.

"In attempting to do so, Mr. President, the sense of the committee was to avoid taking sides, but at the same time, address squarely the Legislative Auditor's recommendation to deal with the question of accreditation.

"I would note that one of the colleges involved that has been alluded to in the caucus, and then directly on the floor, is in the process of applying for candidacy to accreditation, and that there are a number of other 'straight' colleges, so-called, that are recognized and accredited by a federally approved accrediting agency.

"I think we faced this similar problem in a bill on psychologists where we had to give full faith and credit to recognized accrediting agencies attempting to walk through the mine field of economic interests that exists, without taking sides in any particular case.

"I'm fully open to further discussion on the issue, but I do have the continuing concern of the auditor's recommendation on accreditation and, I think, we here in Hawaii have to be cognizant of the role that accrediting agencies play and the importance of having

graduates of accredited schools whenever possible.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 1821-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Abercrombie and Cayetano). Excused, 1 (Kawasaki).

House Bill No. 1852-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1852-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2604-84, S.D. 1:

Senator Cobb moved that H.B. No. 2604-84, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the bill as follows:

"Mr. President, I will vote against this bill because I believe that it is in the interest of participation in elections to increase as much as possible methodology for enabling people to cast ballots.

"The general bill title is 'Relating to Absentee Voting,' but the central fact involved here is what I would call the mail-in ballot. I think that that is the principal function that's associated with this bill.

"I expect that the argument will be made that, historically, there has been in this country in particular, and other areas, the actual physical movement to a voting booth as being the preferred or desired method for casting a ballot.

"The reason I oppose this bill is that there is no attempt on anyone's part to decrease the availability of voting place or polling places, or to prevent anyone from going and

casting a ballot in person. On the contrary, that is entirely intact. The idea would be to increase, that is to say, make in addition to those people who find it instructive and find that it suits them to go to the polling places ... increase the possibility for those who would like to cast a mail-in ballot to participate to do so.

"Mr. President, in those times in our history where balloting for the most part took place in very small towns, took place under circumstances where people generally had the town meeting idea to go to where decisions were made, in fact for municipal purposes in town meetings. That is the basis for it.

"There's a somewhat nostalgic methodology that operates about that which is on the whole beneficial to us in encouraging people to vote. But, by the same token, Mr. President, you currently represent an area, as do I, which in some great degree ... Mr. President, would you like to take a recess? And maybe straighten out the floor leader."

At 3:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:08 o'clock p.m.

Senator Abercrombie continued: "Mr. President, I realize that my own, as well as everybody else's blood sugar is not at the level it might be, so we may all be a bit tired, we may find that our attention wanders a bit, but I think that we are passing legislation that affects everybody in the state; I think the least we can do is to pay some close attention to the issues that are involved regardless of the way we feel in the end, in terms of the way we vote.

"Now, as a result, Mr. President, I was indicating that I felt this was a measure which would work against increasing voting, and I want to commend this to the attention of the members because it's easy to see this, if you wish, on a partisan basis.

"My own personal belief is, this bill is here because Democratic members fear Republicans will make use of it. I don't think it has much to do with referendums on the neighbor islands as took place on Kauai or anything else, other than that gave a good example of what you can do if you organize well, and make use of mail-in ballots.

"If there is something to make sure that mail-in ballots are not tampered with in some way, then I could see revisions, but very frankly, Mr. President, I do not think this is a partisan issue anymore than I think the Republicans should make an argument against, if they were so inclined, make an argument that in some apartment areas, for example, I was indicating you and I both represent at least a portion of our districts in apartment areas, that those people might be more inclined to vote Democratic if they had a mail-in ballot. I don't think that that is the point which should be at issue.

"I think that arguments can be made in any given jurisdiction on both sides of the ledgers as to which party or which candidate might benefit from mail-in ballots. I feel that my opposition to this is consistent with my views that we should have increased ability to be able to register to vote. It goes beyond that.

"There is postcard registration. There are other methodologies that are utilized in other democratic countries -- in Great Britain, in Australia, for example. The time doesn't permit today but I could cite you some of the methods that are used there in terms of equivalent of social security card numbers, etc., and for registering voters.

"So, whether it's registering votes or whether it's casting votes, we should do nothing which should be construed as anti-voter in nature. And, I feel that when we restrict those who may utilize what is termed the absentee ballot, we are actually decreasing voter participation at a time in our country when it is difficult enough to get anyone to believe that the political forces want to pay any attention to people; when it's more and more difficult to alleviate, either as an individual member of the Legislature or as a party's philosophical position, the demoralization of the voters of the feeling that their participation is not desired or wanted by us. And I think that a bill, such as this contributes to that feeling. What the politicians want to do is find as many ways as possible to decrease participation in the voting process for their own benefit.

"So, I wish that the members will take this into consideration and defeat this bill so that the present law as it exists can continue, and should there be a desire on the part of members, including the chairman of the

Judiciary Committee, to rectify any part of the present law's language which might contribute to criminality or trying to defraud the voting electorate by virtue of tampering with ballots or something of that nature, why, offer a bill to that effect. But to do otherwise, to do what this bill asks us to do is in effect to decrease voter participation and to inhibit those who might otherwise vote from doing so, and as an indication on our part that we do not want to extend the voting franchise in a manner and method which reflect contemporary situation."

Senator George also rose to speak against the measure as follows:

"Mr. President, I think this is the first time I've heard, by the remarks of the Senator from the 11th District, that this might be construed as a partisan measure. It hadn't appealed to me in that way.

"I authored the present law which provides for the broadest possible participation in the voting process, and I hate to see it disturbed. I didn't introduce that measure as a Republican, but as someone ... maybe, I should say as an emeritus or graduate member of the League of Women Voters, the purpose of which is to increase citizen participation in government. And that is sort of where I was coming from.

"Since we heard this measure in committee, Mr. President, it was made clear to me that there is an interesting new precedent which we ought to follow, and that is the federal voting right in the presidential election on the part of the members of the military establishment who can both register and vote, either in this state or in a home state, by mail, and nobody asks them why they want to vote in which state...they are not required to give any reason at all.

"Increasingly in other jurisdictions, voters are able to register by mail. I think this is a demonstration of an intense desire on all of our parts to increase democracy in this country. And I would hate to see us taking a step backward and reducing the availability of the ballot to any of our voters.

"Thank you."

Senator Carpenter also spoke against the measure as follows:

"Mr. President, just to add to the previous speaker's remarks, speaking

against this bill.

"I think that what we have here is, we have had some earlier discussion in caucus on affirmative defense and now what we're saying is that in order to defend your right to vote in an absentee manner you must show that you are going to be absent, confined to a hospital, etc., etc. etc., and the chief elections officer can by promulgating rules which are said to be good and sufficient will add to this list of seven affirmative defenses which will allow people to go ahead and vote by an absentee ballot.

"Eventually, we will come full circle, Mr. President, and we will come back to the very statute that exists in the books today which allows the maximum participation by the maximum number of people, irrespective of party, to participate in any election in the State of Hawaii, as it very well should be.

"We deliberated long and hard and cleaned out the statute in 1981. Here we are a couple of years later reacting to a set of circumstances which may never occur again and, even if they did, certainly would not preclude the maximum participation that is presently allowed in our statute.

"So, for those reasons, Mr. President, I vote 'no on this measure."

The motion was put by the Chair and carried, and Roll Call vote having been requested, H.B. No. 2604-84, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Abercrombie, Ajifu, Carpenter, George, Henderson, Kawasaki, A. Kobayashi and Soares).

House Bill No. 2163-84, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2163-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2201-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2201-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose to speak in support of the measure as follows:

"Mr. President, I'm going to support this measure because I believe this measure is a result of a compromise between differing viewpoints on the objective of this bill. However, I'd like to state for the record my strong objection to the committee report which appears that it could not have been written better than if it was written by the utility company.

"Let me quote it. This is the third paragraph on page 1: 'Any delay of a rate decision is costly to the utility company, the State and County, and in the long run to the customers. While the utility gets to use about one-half of the increase, the other half goes to County, State, and Federal governments in the form of fees and taxes. Ratepayers can be adversely affected because the utilities' investors judge the utility company, in part, by its earnings record and demand higher interest on bonds and higher dividends for investing in utilities that do not have what they consider good earning records which results in higher operating costs. Thus, unanticipated and unreasonable delays deprive the utility company of a fair return, the government of taxes, and customers of the lowest rate in the future.'

"Mr. President, with respect to that sentence which says, 'While the utility gets to use about one-half of the increase, the other half goes to County, State, and Federal governments in the form of fees and taxes.', that seems to be arguing that the way to raise taxes and fees is to raise our utility rates. Okay, that may benefit the county, the state, and the federal governments and certainly the utility at the expense of the consumer. The logic in that statement it seems to me, is a bit absurd.

"Then the sentence, 'Ratepayers can be adversely affected because the utilities' investors judge the utility company, in part, by its earning record and demand higher interest on bonds and higher dividends for investing in utilities...' etc., etc. All this talk about the company' not receiving a fair return and that affecting investors, Mr. President, is not substantiated by the history of the returns that have been received by the utility companies."

Senator Kawasaki then stated and inquired as follows:

"Mr. President, I signed the committee report emanating from this committee 'with reservations.' It was one of the rare instances when I wasn't quite sure voting 'aye' on this was the right thing to do, and relevant to this lack of decision on my part, may I direct a question to the chairman of the committee from which this committee report emanated?"

The Chair posed the question and Senator Aki asked to hear the question.

Senator Kawasaki then asked: "Mr. President, were we able to elicit any response from the two agencies that we had created regarding the final language of this bill, the compromise language that Senator Cayetano refers to?"

Senator Aki answered: "Mr. President, the answer to that question is, yes, we did receive responses from the Consumer Advocate and the Public Utilities Commission."

Senator Kawasaki further inquired: "What was their response to the bill?"

Senator Aki answered: "Mr. President, the response to the bill was that they were not in favor of the bill."

Senator Kawasaki, in opposition to the measure, continued as follows:

"Mr. President, I pay particular deference to the response of these two agencies that we in the Legislature created.

"The Consumer Advocate Agency was created primarily to have somebody from the Attorney General's office look after the interests of the consumers of this state.

"We also created years ago the Public Utilities Commission, again generally to protect the interests of the consumers of this state and, also, to make sure that rate increase requests that go before this body is adjudicated in a fair and objective manner after due consideration is given to all the information or all the data that come before them.

"Because of the answer I received from the chairman of the Economic Development Committee I will have to vote 'no' on this.

"As I said, I pay deference to these two agencies, particularly, because we mandated upon their shoulders, the responsibility of taking all the information that come before them, advanced to them by utility companies making a request for rate increases, spending the time and their expertise in examining rate requests. Generally, I know that the Public Utilities Commission has given an answer either to approve a rate increase requested by utility companies or not, one way or the other, within the time-frame that apparently is comfortable to the public utility company.

"But there have been some rare instances where, because of the complexity of all the information that is required in order that the Public Utilities Commission make a decision, because of that complexity, and sometimes because of the failure on the part of the private utilities to provide the information that is requested by the Public Utilities Commission for reasons only known to the private utilities, sometimes delay becomes necessary.

"And when the two agencies that we created to protect the public interest delay their answers in the way of a rate approval, one way or the other, there must be good reasons for the delay; and for us to enact legislation here even in this so-called compromised language, that would impede the ability of the Public Utilities Commission to make an objective decision, simply because they didn't have the time, I think, perhaps, it is not the right thing to do.

"God only knows they have been requesting of the Legislature in the past appropriations for additional staffing. Their complaints were generally that 'we don't have the staff capability; we don't pay the kind of salaries the private utilities pay to their analysts, to their attorneys to present their side of the case; we don't have a position that's comparable to the private utilities.' We have turned down these requests, probably, because of the financial constraints that we have.

"Even under these limited circumstances, when these people try their best -- the Public Utilities Commission as well as the Consumer Advocate -- to protect the public interest, and we find that their response to the language of this bill is a negative one in their attempt to protect the public interest, then I



think it behooves us to really give deep concern to the response elicited from both the Consumer Advocate's office and the Public Utilities Commission.

"In view of the fact that they say this bill will work a hardship on them, it's not good for them, it's not good for the taxpayers, more importantly, then I will have to vote against this bill and I urge others in this body to vote against this bill."

Senator Abercrombie then rose to speak in support of the measure as follows:

"Mr. President, I speak in favor of this bill on the grounds that Senator Cayetano has indicated very clearly that this was a compromise.

"I do not think that the amount of time indicated in the present bill which would be 30 days upon 30 days after the nine-month period, if necessary, would be there if it was not for the discussion that resulted in this compromise. This, at least, takes into account the historical record, but I also am in agreement with what Senator Kawasaki had to say in great measure, most particularly, with the idea of staffing.

"Mr. President, I do not sit on the committee and before I had an opportunity to go into this in detail, I did not adequately understand the elements involved in evidentiary hearing. I've had a good education in that respect as a result of this bill coming forward. So, Mr. President, I'm going to vote for the bill as an act of good faith, but I will have in mind then next year what we are requiring of the Public Utilities Commission and the Consumer Advocate.

"Making reference then to Senator Kawasaki's remarks, I will support any recommendation that comes from the Consumer Advocate and the Public Utilities Commission which makes a representation as to staffing and expenditures that they will need in order to comply with the language of this law, should they feel that an increase is necessary in order to do so. And I would hope that others who find themselves voting for this bill will have that in mind next year, and that it will be very clearly on the record as an admonition to the Public Utilities Commission and to the Consumer Advocate that while we expect a decision-making process to take place as expeditiously as

possible, we do not expect of them that they perform miracles in the absence of the knowledge that is necessary for them to make a proper decision and to the degree and extent that they need assistance in arriving at those decisions as a result of the legislation we pass. And I think it's up to us to provide it."

Senator Cayetano added to his remarks as follows:

"Mr. President, I just want to again register objection to the language in the committee report. On the first page, the second full paragraph, it states in part: 'Based on the National Association of Regulatory Commissioners' Annual Report for 1981, the national average for telephone rate cases decided in that year was slightly less than seven months from the date of application until the final order. In 1982 the average was 7.12 months. According to the Regulatory Research Associate's report covering all state telephone and electric rate case decisions for the four-year period of 1980 through 1983, only 25 of over 900 decisions exceed 17 months, the time required in Hawaiian Telephone's last rate case.'

"Again, Mr. President, this is language that I think is one-sided and misleading. The fact of the matter is that the testimony we received at the hearing indicated that most of the jurisdictions, many of the jurisdictions cited by the utility companies and which are cited in these annual reports, follow a different method than that followed by our PUC.

"In most of these jurisdictions, they follow the historical data method; in other words, you look through the history of the utilities and their expenses and go from there. In our case in this state, the PUC follows the future forecasting method which is much more difficult and which accounts in many cases for the increased length of time.

"The commission, Mr. President, at one of the hearings, offered to go to the historical method but the utilities declined, and the point that the commission was trying to make was that if the commission was to use the historical method it indeed could probably come up with decisions in the average time set forth in these reports."

Senator Aki then rose to speak in support of the measure as follows:

"Mr. President, speaking just briefly in support of this bill, I just wanted to point out that they are not trying to make it such that the Public Utilities Commission will render a fast decision just for the sake of making a decision.

"The purpose of this bill is to set clear guidelines for the Public Utilities Commission to render a decision. This provision is already in the statute whereby the Public Utilities Commission is asked to render a decision, to make a decision within the nine-month period. This bill merely asks that the Public Utilities Commission do make a decision after the tenth month.

"If necessary, the amendment will allow the commission an extra 30 days to give them a little more time to get the information so that they can make a decision.

"But the point I'd like to make, Mr. President, is that the decision that the PUC will be making would be based on the record before it and, at that nine-month period, I believe, that there is sufficient information for the PUC to at least make an interim decision and if the decision that the PUC will be making, if they do not have enough information before them, they can always request additional information from the utility company, or the PUC can render a decision that no rate increases will be sufficient.

"I wanted to point that out to the members of this body. I think it's a fair bill, one that will move us in the first step towards improvement in this area. And I agree wholeheartedly with the comments made by Senator Abercrombie that should we require additional support in the Consumer Advocate and the PUC offices next year, then we should take the next step during the next session. Thank you."

Senator Cayetano then added to his remarks as follows:

"Mr. President, as I stated earlier, I will support the bill although after listening to the last speaker's remarks I'm kind of waivering.

"I won't prolong this debate any longer, Mr. President. We had extended discussion on this matter in caucus and also in committee. I do want to point out, however, that there has been much confusion about what constitutes an evidentiary hearing, about what kind of evidence constitutes the record for the

commission, etc. I'm sad to say that the chairman's last remarks only supports that observation."

Senator Kawasaki then responded as follows:

"Mr. President, I think the longer Senator Cayetano speaks on this measure, the more he's inclined to vote with me.

"Mr. President, I forgot to mention that however inconvenient it may be and however troublesome it may be to the private utility company going before the Public Utilities Commission, all of this time delay that's apparently necessary, imposed upon them by the Utilities Commission, is all part and parcel of the conditions by which this private utility got this very special privilege of being in an exclusive franchise given to no other telephone company. This is something we have to consider very strongly.

"The Telephone Company and the Hawaiian Electric Company are given a very special privilege, a special franchise that says to anyone else who want to compete with them, you will not enter into this business; the state allows only Hawaiian Telephone Company and Hawaiian Electric Company to operate. This is a very special privilege and if delays become necessary during the course of the Public Utilities Commission trying to ascertain whether the requested rate increase is justified or not, that's all part of the conditions by which the state granted this very exclusive franchise to these companies, so they have got to live with any delay...that we can see is not one that's frivolous. It's not a delay imposed upon these people by the Public Utilities Commission for no valid reason.

"I must give credit to the Public Utilities Commission; I must give credit to the Consumer Advocate's office for their diligence in trying to protect the public interest even if it means in the end a delay of several months in rendering a decision."

Senator Cobb then rose to support the measure and stated as follows:

"Mr. President, I rise to speak in favor of the measure. In doing so, I'd like to reflect for the record, as well as an expression of legislative intent, in terms of my support of the bill, the position I enunciated in caucus and which is inherent in my understanding of this measure and my support thereof, and that is, that if

at the end of nine months, including the evidentiary phrase phase of the hearing, that the Consumer Advocate has not been heard from in terms of presenting their side of the testimony and their expert witnesses and evidence, an additional 30 days may be taken for the purpose, and that no interim decision should be taken until at least both sides are heard from at least once. While that's not spelled out in the bill, at least that is one of the purposes for which I understood the additional 30 days to be provided for.

"And I would be hopeful that before any interim rate measure is decided upon that not only the utility, but the Consumer Advocate be heard from in terms of presenting their evidence before an interim decision is taken. Thank you."

Senator Abercrombie then rose on a point of inquiry as follows:

"Mr. President, just so that there's no confusion, when we say an additional 30 days, does that mean ... we're actually talking about two separate 30-day periods following the nine-month period, if the commission decides that's in order, are we not?"

Senator Aki answered: "That is correct, Mr. President."

Senator Abercrombie acknowledged: "Thank you."

The motion was put by the Chair and carried, and H.B. No. 2201-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki).  
Excused, 1 (Henderson).

House Bill No. 1983-84, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 1983-84, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Carpenter rose to speak against the measure and stated as follows:

"Mr. President, my understanding is that there was some discussion on this bill in caucus.

"I find that I think the language is perhaps a little too broad. A very

simple defense is, 'I don't know,' and then another defense, I guess, to this language would be, 'I thought I was in danger or somebody else was in danger.'

"I just don't see how this language, even modified, is going to do anything but add another measure on our books that becomes totally unenforceable.

"If we want to express a concern or an educational effort toward making it a crime not to report a crime, then I think a petty misdemeanor which carries a maximum of \$500 fine and six months in jail is inadequate.

"So, Mr. President, I hope that should this bill pass, as I suspect it will, going into conference, that it emerges very different from that which is represented here in this form."

The motion was put by the Chair and carried, and H.B. No. 1983-84, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A DUTY TO ASSIST IN CERTAIN CIRCUMSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Abercrombie, Ajifu, Carpenter, Fernandes Salling, Holt, Soares and Solomon).  
Excused, 1 (Henderson).

At 3:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:41 o'clock p.m.

Standing Committee Report No. 624-84 (H.B. No. 1629-84, H.D. 1, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 624-84 be adopted and H.B. No. 1629-84, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator George rose to speak in support of the bill as follows:

"Mr. President, I rise to speak in favor of the bill with serious reservations about half of the bill. That half of the bill which deals with roadblock, I find somewhat difficult to come to terms with.

"To me, it seems to put forward a roadblock in the path of the police who are undertaking a very

successful system of roadblocks against drunk drivers. But the rest of the bill incorporates a good many factors which I think we need; therefore, I will vote for the bill."

Senator Chang responded to the previous speaker's concern as follows:

"Mr. President, there have been similar concerns expressed about some of the elements that pertain to the roadblock proposal, in particular, the requirement that a warrant be obtained prior to the establishment of a roadblock, and I have received those concerns and indicated that I will take this bill to conference and cure these perceived deficiencies."

Senator Soares then asked if the chairman would yield to a question.

The Chair posed the question and the chairman asked to hear the question.

Senator Soares asked: "Mr. President, it's my understanding that the police department testified against this measure. Is that correct?"

Senator Chang answered: "Mr. President, the police department did not testify against this measure as it was presented to your Committee on Judiciary. The police department was supportive, however, when there was discussion on the matter of a warrant requirement. They inserted that a warrant be procured by the requesting authority. The police department did express their concern."

Senator Soares stated and further inquired: "Mr. President, I should ask this then. My understanding is that the police department expressed concern that this particular bill makes it harder for them to perform the function than previously before we passed this bill. Is that correct?"

Senator Chang responded: "Mr. President, with respect to the section of this bill that deals with roadblocks and, in particular, the warrant requirement, the police department did testify that they do not establish roadblocks willy-nilly in this city, but consider different factors before they decide on the time and place that a roadblock will be placed.

"In particular, they talked about the number of incidents or accidents that occurred at particular intersections and also the volume of traffic and other traffic related factors.

"Your committee determined, at that time, if this kind of rational decision-making was already taking place with the police authorities, that it would not represent any great obstacle for the requesting authority to present such empirical information to a judge in order that the judge would find that such a roadblock was reasonable and appropriate under the circumstances."

Senator Carpenter, against the measure, stated as follows:

"Mr. President, on the other half the Senator from the Windward District was having trouble with, I have a problem with the section beginning on page 7, Section 286-128.

"Mr. President, I believe that the point awards for points 1, 2 and 3 are inconsistent with the language that we have already adopted into law and are presently modifying, relating to the suspension of licenses for drunk driving, because these are points administered by the Department of Transportation, not the police department nor the Judiciary, and do not necessarily speak to the time of removal of licensure for the offenses of drunk driving, either first, second or third offense within a period of five years.

"Mr. President, I also think that another problem may be that in addition to being inconsistent with the other statute, that at some point in time someone may argue in court that in addition to the penalty received under the present statute that this is a secondary penalty which might, perhaps, nullify that which already is stated in statute, and I'd just like to suggest that when this bill goes to conference that these points be considered because I don't think it necessarily helps to enforce our driving under the influence of alcohol statute and, in fact, may be confusing and unconstitutional. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 624-84 was adopted and H.B. No. 1629-84, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Carpenter, A. Kobayashi, Soares and Solomon). Excused, 1 (Henderson).

At 3:39 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 3:41 o'clock p.m.

Standing Committee Report No. 627-84 (H.B. No. 1148, H.D. 1, S.D. 2):

Senator Cobb moved that Stand. Com. Rep. No. 627-84 be adopted and H.B. No. 1148, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I rise to speak against passage of this bill. I suppose of all the bills that have come before us today, this is the one that I object to most strenuously, as I did back in the late 60's when the first proposition to provide immunity to the Medical Review Board came before the Senate.

"A peer review committee is a committee comprised of medical people -- staff, doctors and so forth -- to review, more often than not, any act of negligence, incompetence, error, but, more importantly, lack of competence on the part of any doctor serving a patient.

"At that time, in my objection to this bill, I said that as I see it from my lay standpoint, this bill we're asked to vote on, as we are asked today for this group of people involved in medical practices, the bottom line is that this is an obstruction of justice.

"What is requested here is that the discussion, but, more importantly, the records of a review committee reviewing possibly the acts of negligence, incompetence on the part of a doctor, when this review committee has a discussion and this discussion is recorded and even if facts are found to prove the case of negligence and incompetence from which consequence a patient suffered, either because of bodily injury or because of great economic loss to himself, even the records are not subject to discovery by that branch of government in our society that is given the responsibility of adjudicating fairly for people in a litigation.

"When we say that we will not make records that are recorded available to the courts or the attorneys representing parties to a litigation in

a case of possible medical malpractice suit, then we are, in effect, obstructing justice.

"For any other group of citizen activities, we require, sometimes by subpoena, the producing of evidence pertinent to a case before the courts. Why is it that only for this medical profession we allow this professional group, who in my judgment is perhaps most flagrantly guilty of covering up...you know, to have a doctor testify against another doctor in a malpractice suit is almost impossible...we have this very exclusive cover-up arrangement in the medical profession?

"As a matter of fact, I have a rather dim view of the American Medical Association to begin with, because, historically, if you study the social legislation that exists on the books today in our country, you will find that when propositions to improve the health, to improve the welfare of citizens of this country was considered before the Congress, from the Social Security Act, from the creation of the National Health Institutes that are a part and parcel of our health programs in this country today, or even for that matter when the first proposition to create Medicare was concerned, the most vocal opponent, the most rigid opponent was the American Medical Association.

"Today, when we find that there is abuse of this program we call Medicare, to attend to the medical needs of our indigent, the greatest perpetrators of abuses in the way of fraud and overcharges, charges not warranted, is the medical profession.

"The point I'm establishing is that I don't know why we accord the medical profession a very special privilege in this country of ours, and a medical peer review committee making discovery impossible, for the records of the peer review committee fall into this category. We are, in effect, as I said, denying the courts, the lawyers in their litigation before the courts the right to examine the records of a particular patient, and the records of medical staff people or the doctors attending to the care of a citizen.

"I think we are doing something that we are going to regret in the years to come by enlarging this special privilege of making discovery impossible for medical records of these groups of people outlined in this bill. It was bad enough when we

provided immunity for the original medical peer review committee. We're expanding this impossibility of discovery by the judiciary system, making it impossible for the judiciary system to have before them to make relevant information intelligent decisions, fair decisions. This, in my judgment, is unspeakable. But I know we have passed propositions like this, in the past.

"I ask this body to consider this very carefully before voting for something as advocated in this bill. I will vote against it."

Senator Abercrombie also spoke against the measure as follows:

"Mr. President, I've mentioned on the floor and I'm not the only one, but I mentioned recently that the people of this state, in the Senate in particular, will have to go a long way in its history before we find someone for whom we can be more thankful for in terms as exists in this body, someone like Senator Kawasaki.

"I want to repeat that because, if you'll notice, Mr. President, that Senator Kawasaki has stood...."

Senator Soares, at this time, interjected: "Point of order, Mr. President, are we in a campaign today?"

The Chair responded: "Senator Abercrombie, you will restrict your comments to the measure before the body."

Senator Abercrombie then remarked as follows: "Mr. President, I believe my comments are directly related to the measure before this body, and I reject that admonition. As far as elections are concerned, I don't think anybody in this room can take Duke Kawasaki on, let alone anybody else in the public who wants to do it. Anybody who cares to get into that buzz saw is welcome to it, so it has nothing to do with an election.

"What it has to do is a recognition and, as I said, Senator Kawasaki stood on this floor this afternoon and has admonished some of us and made his views known and has not prevailed on some occasions; on other occasions, he has.

"The point is that when it comes to pointing out and standing up, pointing out deficiencies, standing up for principles, he is the one that does it. And in this particular instance, I can think of all the

measures he's talked about today, he has done so more eloquently and more to the point than perhaps anything else today or in a long time.

"I support that position. I cannot see a scintilla of evidence as to why these peer review committees and/or the quality assurance committees in hospitals should be exempt from having to own up to what their responsibilities are and to own up to what is necessary in terms of discussion of the adequacies or inadequacies of the activities involved in operations of the hospital, or in terms of people performing their duties, or in the methodology in which those duties are carried out in the institutions themselves.

"How is it possible for us to say that we represent the public and at the same time turn around and exempt these people from having to carry out their duties? It is an open invitation to do exactly as the Senator indicated, which is to prevent the public, individually and collectively, from having any kind of a capacity that ordinarily would be expected in a democratic society, and the kind of capacity for redress of any grievance that they might have.

"If we want to pass this bill, what we are saying, in effect, is that we are going to assure any kind of malpractice, any kind of incompetence, assure that those activities that could be characterized that way would be able to continue unabated.

"How is it possible for anyone who calls himself or herself a physician or in any of these other areas that are indicated or would come under the quality assurance committees, how is it possible for them to call themselves professional, to have a professional attitude and say that they should be exempted, as called for in this bill, from having to own up to their responsibility? There can only be one reason for it, and that is to get out of having any responsibility, is to assure yourselves that no matter how things are fouled up, no matter what kind of outrage takes place, that you will not be responsible.

"The Senator has indicated that, and I will take the same point of view, that if this bill passes, as far as I can tell, not even the courts of this land will be able to compel testimony that would bear any relationship to discussions that took place in these committees in their deliberation.

"The only argument that I've heard put forward is that in the absence of this you will not have free and full discussion, which seems to me to be an argument on its face that people will try and hide the inadequacies or the incompetencies in the hospital, and that the professionals are already engaged in this. And I ask you to take into account, if the argument is that full and fair discussion cannot, is not, or will not take place without this particular kind of immunity, it is implicit, if not in fact explicit, that it is not taking place now, which is an indictment. It's an indictment on its face.

"And so what we're saying is, because this discussion doesn't now take place, because people are covering up, what we want to do is give it the advantage of law. And rather than seeking to open this up and to require people to carry out their duties and responsibilities, what we'll do is admit that this is already going on and we'll help them in terms of the cover-up.

"We haven't quite reached the state in 1984 in this country of complete totalitarianism, but this kind of bill is a helluva good step on that route where we protect the privileged and divorce ourselves from the responsibility of protecting the weak."

Senator Cayetano also rose to speak against the measure as follows:

"Mr. President, I would like to elaborate a bit on the remarks made by the two previous speakers.

"In order to put this into proper perspective, it seems to me that there should be some discussion as to the position of medical providers and physicians in this state with respect to civil liability.

"Mr. President, there is no other group of professionals in this state who are better protected, who have been afforded, through the good graces of this Legislature, greater protection than the ordinary man on the street. Let me illustrate.

"In order to sue a doctor or hospital for malpractice today, one will have to, first of all, find an attorney who is willing to take the case; two, file a claim before the Medical Conciliation Panel, which is a body that was created by this Legislature in 1976, and have a dress rehearsal there before that body in terms of trying the merits of the

case. This of course raises some expense to the person who has been hurt and who seeks redress. After going through the Medical Conciliation Panel, then the plaintiff or the patient, if he wants to proceed further, has to go and file a law suit in court.

"Now, with the exception of the engineers and architects who have a similar agency that gives them the same kind of protection, they knew a good thing when they saw it and came in a couple of years ago and we did the same for them. With the exception of that profession, no one else has this kind of protection. So, the doctor has all of that protection, all of those obstacles in the way of the plaintiffs.

"Yet, if you, Mr. President, driving your car were to run a doctor over in the street (I know you probably will not do that purposely), he could sue you right off the bat; I mean there would be absolutely no problem.

"In a similar vein, what we have done is, we have already in law granted or exempted from discovery the records and proceedings of the peer review committees. I think this bill just adds a little more and clarifies that.

"Now, while one can make a case, I think, although it would be a rather tenuous case for exempting the proceedings of the peer review committee because, after all, in a peer review committee someone has been charged with incompetence or negligence and his peers then review his action. Okay. A case can be made, I think, for keeping those kinds of proceedings privileged, although I might add that lawyers in our disciplinary council, I don't believe we have that kind of a privilege. But, nevertheless, a case can be made.

"But for the hospital quality assurance committees, I don't see the same kind of case being made. The committee report on the second page defines these committees as follows: '...hospital quality assurance committees, which have been created in hospitals to conform to requirements of the Joint Commission on Accreditation of Hospitals, need this same protection to ensure high quality medical services...' etc., etc. So, basically these committees were created to see that their practices and their procedures conform to the requirements of the accreditation

association or committee.

"What may happen, and this is I think my most serious concern, is that during the course of these committee meetings, it may come to the attention of the committee that a certain procedure or practice followed by the hospital may not have been proper. If a person gets hurt as a result of that procedure or practice, that person as part of this case would have to prove, among other things, that the hospital knew or should have known that this practice or procedure poses some harm to the patients.

"Now, if that kind of information was divulged at a committee meeting by one doctor or one staff person, and say you had four or five other members of the committee who learned about it at that meeting, if this bill were to become law, the plaintiff who sued the hospital could not, in deposing the other members, get them to testify about what they had learned in committee. And clearly then, this poses some roadblock or additional roadblocks to patients who have been injured who seek redress from doctors and medical or health care providers.

"I don't think it is fair or equitable for us to continue to provide these kinds of protection for the hospitals, for the medical profession, when we don't for the rest of the community. For that reason, I am urging a 'no' vote on this bill."

Senator Chang, in support of the measure, stated:

"Mr. President, I believe that the reasons for the passage of this bill are adequately presented in the committee report. I just want to add a few remarks as to the role and function of hospital quality assurance committees.

"These committees are mechanisms for reviewing and evaluating patient care and have as their function the identification of potential problems or related concerns in the care of patients. Thus, they serve as a very important sounding board for various kinds of observation that are noted by the hospital staff, and provide for the objective assessment of the cause and scope of problems or concerns, including the determination of priorities of both investigating and resolving problems.

"Thus, it is the committee's determination that it is very important for these committees that there be full

and unfettered discussion of items brought to the committee's attention.

"The speakers who have concerns about this bill overstated, I think, the detrimental effect that would occur if this bill was passed. I believe there were statements made that it will be well nigh impossible to bring malpractice claims against physicians if we were to exempt these quality assurance committees from discovery. Your committee *does* not believe this to be a result of the bill.

"We will note that medical records continue to remain available, including mobility and mortality reviews, reviews of prescriptions, incident reports made into both individual safety and clinical care, utilization review findings, data obtained from staff interviews and observation of hospital activities, and findings of other hospital committees which may relate to items like safety and infection control. And, thus, if a person wishes to initiate a complaint against a physician or a health care facility, the fundamental records would still remain available for the patient's use in processing that claim.

"This bill would in no means eliminate the accessibility of these fundamental documents.

"For these reasons, I do believe that the concerns are overstated and exaggerated, and I recommend the passage of this bill."

Senator Abercrombie responded and stated as follows:

"Mr. President, the chairman has succeeded in convincing me even more the necessity of defeating this bill.

"The chairman, by his own account, states that the quality assurance committees are involved in the area of patient care -- patient care, not doctor's care, patient's care -- and that the committees are to look for potential problems and discuss potential problems, problems or potential problems, and that they are to be the sounding board for these potential problems with respect to an objective assessment of the problems and their solutions.

"He then goes on to indicate that some of us may have overstated the case, and indicates that there are fundamental records, as for example, with safety it will still be involved.

"We passed this legislation not only as an invitation, but any hospital



administrator worth anything, and any board in any hospital would take the point of view, don't put anything in these records...have everything referred to the quality assurance committee and all the records become a part of the activities...formal records will be only in the quality assurance committee; therefore, it can never be touched.

"So you can have certain allegations that might be made, but in terms of the potential problems in their discussion, in terms of objective assessment of the problems, and in terms of possible solutions, all with respect to patient care, now, that can take place entirely within the confines of the privileged quality assurance committee; and all the records which have been referred to by the chairman of the Judiciary Committee will be in effect useless and non-existent. They will all come into the purview in any discussion, in any kind of formal sense that might be able to be subpoenaed or to be questioned in any way that would have an effect, legally or otherwise, will be in that kind of privilege.

"You have to remember, when we pass this stuff...sometimes I wonder if you only stand down here, you run for office, and you think it's because it's in the public interest, and then I get down here and I wonder where in the hell the people are in all this that we do. And, especially, I stand in the Democratic Party and I wonder what the Democratic Party is all about. Are we just for the rich? Of the rich, by the rich, for the rich, take care of the people that have it all to begin with? And that's what this is all about.

"And when you pass a law, people take advantage of it. And so, if you pass a law giving privilege to a group of people in a committee like this, what they're going to do is try and fix things so that that committee gets to have control over all of it because they will never have to account for itself. That's what people do. We're inviting them to do it when we pass this.

"Every once in a while, shouldn't we decide whether to pass a bill or not on the basis of whether it serves the public interest? And as the majority party on this floor, every once in a while, shouldn't we stand up here and actually vote because we think it's good for people, rather than just good for us?"

Senator Cayetano, also in response,

stated as follows:

"Mr. President, just a brief response to the chairman's remarks.

"The chairman stated that the concerns raised were exaggerated and overstated. It is not my intention to do so. I voiced my objections to this bill as the bill creating one more obstacle. Just one more obstacle in addition to the many other obstacles that this Legislature and past Legislatures have put in front of people who have been hurt by the medical profession. Just one more such obstacle to that kind of person.

"I agree with the chairman. This will not cut off discovery completely, but my experience has been that every time you create a privilege, what will happen is that the defense lawyers...and now there are many good defense lawyers in town...will use the privilege to their purpose.

"You will find that probably the cost of medical malpractice suits will go up because in many cases they will attempt to use the privilege to stop the plaintiff from getting certain kinds of information, and that will have to be litigated in court.

"This is my concern and I'm sorry that we seem to be heading in a direction that bothers me."

Senator Chang then stated as follows:

"Mr. President, in brief response, I in no way intended my remarks to characterize the previous speaker's conclusions, but instead directed my response to those characterizations which would seem to imply or state that the initiation and processing of malpractice claims would be completely eliminated by the operation of this bill.

"As I remarked previously, the fundamental means by which such claims may be initiated still remain intact.

"I will note that when this bill was heard that the attorneys who practice in this field expressed no concern at that time.

"I understand, in recognition, that there are varying interests, disparate interests to be weighed here that quality care is assured by the full and free discussion of potential problems in these committees without concern for discovery or suit, and on the other hand, the interest that

patients' claims be initiated with full access and free access to information that pertains to hospital care. Because these interests get to be weighed and the issues not resolved, the attorneys had chosen not to take a position at that position."

Senator Cayetano then added as follows:

"Mr. President, taking a page from Senator Kobayashi's law, as stated in the caucus, I would like to try and determine whether there is a compelling need for this bill and, therefore, would like to ask the chairman if he would yield to a question?"

The Chair posed the question and Senator Chang asked to hear the question.

Senator Cayetano then asked: "Mr. President, would you ask the chairman whether there is a compelling need for this bill with respect to the hospital quality assurance committee?"

Senator Chang answered: "Mr. President, testimony was received from the hospital association that requested the furtherance of this proposal which had come to the Senate from the House and this request was based upon the concern that full and free discussion was not taking place in the proceedings of the committee.

"I will concede to some previous speakers that in catering to this inhibition that is being speculated upon, we appear to be condoning a practice that is not desirable from the standpoint of the entire society. Nevertheless, we as legislators must take the world as we find it and recognize realities as they exist.

"If there are certain evils that need to be addressed, and certain evils that need to be reconciled, then as Judge Learned Hand has stated in another instance, as is so often the case, 'the answer must be found in a balance between the evils, inevitable in either alternative.'"

Senator Cayetano then remarked and queried as follows:

"Mr. President, I'm trying to find out if the evil does exist. I would like to ask the chairman whether the representatives of the hospitals came in and did offer any kind of empirical evidence or evidence which was not speculative to lead to the conclusion

that members of these committees were in fact inhibited and not engaged in full and free discussion."

Senator Chang answered as follows:

"Mr. President, as has been pointed out, the existing law does recognize these considerations, and does exempt, at the present time, peer review committees of local societies and also exempts peer review committees of hospital staffs that do discuss hospital care and quality of that care. So these considerations have been previously weighed and well considered, and I think that the policy judgment has already been made that quality of patient care is at this time the foremost consideration in these situations."

Senator Cayetano then continued:

"Mr. President, I believe the chairman mistook my remarks. I think at the beginning of my remarks, I conceded that there is an argument for this kind of privilege to be given to a peer review committee where a charge has been made against someone and the committee's job was to review the charges.

"My question relates to the hospital quality assurance committee. What empirical evidence or what evidence was submitted by the medical care providers that would indicate that the inhibition, the unwillingness to hold unfettered discourse, if you will, in fact, existed."

Senator Chang answered:

"Mr. President, there was no empirical evidence, and I believe that this particular subject does not yield of the prospect that such empirical evidence could be presented."

Senator Kawasaki added his remarks as follows:

"Mr. President, perhaps it is my very limited McKinley High School education that prevents me from reading into the language of this bill what the chairman of the committee reads.

"Let me just read one section on the first page here. It says here very clearly, '...the proceedings and the records of hospital peer review committees of medical, dental optometric staffs having the responsibility of evaluation and improvement of the quality of care rendered in the hospital, peer review committees of state, county, local, or

speciality medical, dental, or optometric societies, or hospital qualify assurance committees shall not be subject to discovery.'

"In simple language, at my level, this is purely a well-known medical profession's cover-up operation.

"In talking about cover-up, we introduced a resolution asking for a legislative audit of two hospitals and their hospital charges, room rates. And talk about a cover-up, I find that Mrs. Ono who represents the Queen's Hospital has been talking to different Senators here, encouraging that we do not audit the Queen's Hospital, which has the benefit of \$100 million of special purpose, tax exempt revenue bonds we authorized and the savings that they can enjoy thereby.

"Again, I speak against passage of this bill as not being in the public interest."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 627-84 was adopted and, Roll Call vote having been requested, H.B. No. 1148, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Abercrombie, Carpenter, Cayetano, Fernandes Salling, Kawasaki, Solomon, Toguchi and Wong). Excused, 1 (Henderson).

At 4:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:21 o'clock p.m.

At this time, Senator Abercrombie rose on a point of personal privilege and stated as follows:

"Mr. President, I will take it as an article of faith that you will review for your leadership or possibly for the Senate as a whole what is expected of Senators with respect to decorum on this floor."

The Chair responded in the affirmative.

The Chair then made the following observation:

"Members of the Senate, the Chair would like to take this opportunity to thank all of you for being very patient during the six-and-a-half hours that you've been here. I think the debates were lively and everything was done well.

"I look forward to seeing you all again."

#### ADJOURNMENT

At 4:24 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., Tuesday, April 3, 1984.

## FORTY-EIGHTH DAY

Tuesday, April 3, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:15 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Olin Pendleton of Kokokahi Church, after which the Roll was called showing all Senators present with the exception of Senator Ajifu who was excused.

The Chair announced that he had read and approved the Journal of the Forty-Seventh Day.

At this time the following introductions were made to the members of the Senate:

Senator Soares introduced a group of fifth graders from Hahaione Elementary School who are members of the student council, accompanied by their teachers, Ms. Adrienne Yee, Ms. Lorene Kam, and Jill Bowsher, an exchange teacher from Seattle, Washington.

Senator Mizuguchi introduced students from Waimalu Elementary School, who were visiting the Capitol, Washington Place, and the District Court, with their teacher, Mr. Michael Hansen.

Senator Holt introduced twenty-eight 4th to 6th grade student council members from Likelike Elementary School, accompanied by their counselor, Mike Uyehara, and his assistants, Wendi Sato and Elaine Wakasu.

Senator B. Kobayashi introduced a group of Kaimuki High School seniors accompanied by their teachers, Ray Wong and Kathryn Lind.

Senator Abercrombie then introduced a group of members of the Waikiki Acrobatic Troupe as follows: Don and Mike Heafner, Jamie Parker, Dwight Lum, Benji Marantz, Gene Gerrard, Dave Derrickson, Terryl Leong-Maravac, Carol Curry and Abby Brown; and read portions of the Senate Certificate honoring the observance of their 10th anniversary and citing their many accomplishments.

The group then rose to be recognized and gave a brief performance for the Senators.

At 11:30 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:32 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 343 to 427) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 343), returning Senate Bill No. 1726-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 344), returning Senate Bill No. 1733-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 345), returning Senate Bill No. 2208-84, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 346), returning Senate Bill No. 20, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 20, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 347), returning Senate Bill No. 29, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 29, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 348), returning Senate Bill No. 139, S.D. 1, which

passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 139, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 349), returning Senate Bill No. 285, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 285, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATUTE OF LIMITATIONS FOR MOTOR VEHICLE REPARATIONS," was deferred until Wednesday, April 4, 1984..

A communication from the House (Hse. Com. No. 350), returning Senate Bill No. 423, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 423, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 351), returning Senate Bill No. 784, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 784, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 352), returning Senate Bill No. 785, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 785, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 353), returning

Senate Bill No. 878, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 878, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 354), returning Senate Bill No. 905, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 905, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PRODUCT DEVELOPMENT CORPORATION ACT," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 355), returning Senate Bill No. 1115, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1115, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 356), returning Senate Bill No. 1532-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1532-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 357), returning Senate Bill No. 1541-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1541-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 358), returning Senate Bill No. 1551-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1551-84, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 359), returning Senate Bill No. 1577-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1577-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 360), returning Senate Bill No. 1629-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1629-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 361), returning Senate Bill No. 1707-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1707-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 362), returning Senate Bill No. 1709-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1709-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF

CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 363), returning Senate Bill No. 1725-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1725-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 364), returning Senate Bill No. 1729-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1729-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 365), returning Senate Bill No. 1732-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1732-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 366), returning Senate Bill No. 1734-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1734-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 367), returning Senate Bill No. 1744-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2,

1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1744-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 368), returning Senate Bill No. 1788-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1788-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 369), returning Senate Bill No. 1841-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1841-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 370), returning Senate Bill No. 1890-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1890-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 371), returning Senate Bill No. 2072-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2072-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2072-84, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Kuroda and A. Kobayashi as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Com. No. 372), returning Senate Bill No. 2085-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2085-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 373), returning Senate Bill No. 2119-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

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 Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 374), returning Senate Bill No. 2125-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2125-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 375), returning Senate Bill No. 2180-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

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 Wednesday, April 4, 1984.

A communication from the House

(Hse. Com. No. 376), returning Senate Bill No. 2203-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2203-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 377), returning Senate Bill No. 2206-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2206-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 378), returning Senate Bill No. 2209-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on 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," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 379), returning Senate Bill No. 2248-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2248-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 380), returning Senate Bill No. 2249-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2249-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 381), returning Senate Bill No. 2251-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2251-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 382), returning Senate Bill No. 1512-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 383), returning Senate Bill No. 1517-84, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 384), returning Senate Bill No. 1555-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 385), returning Senate Bill No. 1560-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 386), returning Senate Bill No. 1562-84, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 387), returning Senate Bill No. 1565-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 388), returning Senate Bill No. 1704-84, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 389), returning Senate Bill No. 1765-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House



(Hse. Com. No. 390), returning Senate Bill No. 2157-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 391), returning Senate Bill No. 2242-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, was placed on file.

A communication from the House (Hse. Com. No. 392), returning Senate Bill No. 300, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 300, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 393), returning Senate Bill No. 328, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 328, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 394), returning Senate Bill No. 761, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 395), returning Senate Bill No. 934, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 934, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 396), returning

Senate Bill No. 1450, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1450, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 397), returning Senate Bill No. 1516-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1516-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 398), returning Senate Bill No. 1540-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1540-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 399), returning Senate Bill No. 1575-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1575-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 400), returning Senate Bill No. 1693-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1693-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Wednesday, April 4, 1984.

A communication from the House

(Hse. Com. No. 401), returning Senate Bill No. 1694-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1694-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 402), returning Senate Bill No. 1702-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1702-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 403), returning Senate Bill No. 1740-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1740-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 404), returning Senate Bill No. 1745-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1745-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 405), returning Senate Bill No. 1766-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1766-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES,"

was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 406), returning Senate Bill No. 1815-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1815-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 407), returning Senate Bill No. 1835-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1835-84, S.D. 1; H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 408), returning Senate Bill No. 1846-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1846-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 409), returning Senate Bill No. 1854-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1854-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 410), returning Senate Bill No. 1867-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on

S.B. No. 1867-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 411), returning Senate Bill No. 1868-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1868-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 412), returning Senate Bill No. 1872-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1872-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 413), returning Senate Bill No. 1874-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1874-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 414), returning Senate Bill No. 1877-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1877-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 415), returning Senate Bill No. 1878-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1878-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 416), returning Senate Bill No. 2026-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2026-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 417), returning Senate Bill No. 2049-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2049-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 418), returning Senate Bill No. 2056-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2056-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 419), returning Senate Bill No. 2057-84, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2057-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 420), returning Senate Bill No. 2073-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed

on file.

By unanimous consent, action on S.B. No. 2073-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 421), returning Senate Bill No. 2087-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2087-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 422), returning Senate Bill No. 2184-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2184-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 423), returning Senate Bill No. 2193-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2193-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REFORM OF CHAPTER 804," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 424), returning Senate Bill No. 2205-84, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2205-84, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 425), returning

Senate Bill No. 2212-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2212-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 426), returning Senate Bill No. 2243-84, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2243-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was deferred until Wednesday, April 4, 1984.

A communication from the House (Hse. Com. No. 427), informing the Senate that the amendments proposed by the Senate to House Bill No. 223, H.D. 1, were agreed to by the House; and H.B. No. 223, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on March 30, 1984, was placed on file.

#### SENATE RESOLUTION

A resolution (S.R. No. 87), entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO KEEP THE LEGISLATURE APPRISED AND ADVISED AS TO THE NEED OF ADDITIONAL EMERGENCY FUNDS WHICH MAY BE REQUIRED TO ASSIST THE HAWAII COUNTY CIVIL DEFENSE AGENCY IN THE EVENT OF ANY POSSIBLE DANGER TO RESIDENTS POSED BY THE MAUNA LOA VOLCANIC ERUPTION," was offered by Senators Carpenter, Henderson and Solomon.

By unanimous consent, S.R. No. 87 was referred to the Committee on Government Operations and County Relations.

#### STANDING COMMITTEE REPORTS

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 629-84) recommending that Senate Resolution No. 78 be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was

adopted and S.R. No. 78, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE'S SUPPORT FOR THE AUSTRALIAN FEDERATION (AFTA) OF TRAVEL AGENTS CONVENTION AT KEAUHOU-KONA, HAWAII FROM JULY 27, TO AUGUST 2, 1985," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 630-84) recommending that Senate Concurrent Resolution No. 71 be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE'S SUPPORT FOR THE AUSTRALIAN FEDERATION (AFTA) OF TRAVEL AGENTS CONVENTION AT KEAUHOU-KONA, HAWAII FROM JULY 27, TO AUGUST 2, 1985," was adopted.

#### ORDER OF THE DAY

##### MATTERS DEFERRED FROM APRIL 2, 1984

Senate Bill 26, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 26, S.D. 1, and requested a conference on the subject matter thereof.

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 26, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Carpenter and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1509-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. 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 Wednesday, April 4, 1984.

Senate Bill No. 1718-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. 1718-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was deferred until Wednesday, April 4, 1984.

Senate Bill 2213-84, H.D. 1:

By unanimous consent, action S.B. 2213-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred until Wednesday, April 4, 1984.

#### ADVISE AND CONSENT

Standing Committee Report No. 628-84 (Gov. Msg. No. 223):

Senator B. Kobayashi moved that Stand. Com. Rep. No. 628-84 be received and placed on file, seconded by Senator Uwaine and carried.

Senator B. Kobayashi then moved that the Senate advise and consent to the nomination of Herbert S. Tsuda to the State Highway Safety Council, term to expire December 31, 1984, seconded by Senator Uwaine.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ajifu).

At 11:36 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

#### ADJOURNMENT

At 11:52 o'clock a.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 4, 1984.

## FORTY-NINTH DAY

Wednesday, April 4, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Joseph C. McNamara, Major, 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 Forty-Eighth Day.

The following introductions were then made to the members of the Senate:

Senator George introduced Ms. Catherine Tosi from Bordeaux, France, and Mr. David Jackson Grose from Sydney, Australia, "who met in Budapest sometime ago over a student activity, and they have chosen to make a rendezvous here in Hawaii."

Senator Solomon, on behalf of Senators Carpenter, Henderson and herself, introduced Mr. and Mrs. Frank Ishii from Kohala and Dr. and Mrs. William Carse from Kalapana of the Legislative Education Group of the Hawaii County Office of Aging, who were accompanied by Ms. Jane Testa, program developer, Hawaii County Office of Aging.

Senator Kuroda introduced Mr. Jim Jenkins of the Australian Federation of Travel Agents (AFTA), and Mrs. Jenkins, who were accompanied by Mrs. Jean Yagi, deputy director, Hawaii County, and stated as follows:

"Mr. President, I would like to call the members' attention to the action we took on the floor yesterday where this body adopted Senate Resolution 78 and Senate Concurrent Resolution 71, titled: 'Requesting the Hawaii State Legislature Support the Australian Federation of Travel Agents Convention at Keeauhou, Kona, Hawaii, From July 27 to August 2, 1985.' (Portions of the resolutions were read by Senator Kuroda.)

"Mr. Jim Jenkins is a board member of AFTA and the program manager for the 1985 convention.

"AFTA, for the first time in its history, will be holding a convention on American soil and has chosen Hawaii as the American soil; the

convention will be held at the Kona Surf Hotel in Keeauhou, Kona.

"The committee report to the resolutions suggested that Mr. Jenkins be invited to the Senate chambers to be personally welcomed during his stopover from Australia on the way to the Mainland where this invitation will emphatically demonstrate the Hawaii State Senate's full support for the AFTA convention which will help establish a symbiotic relationship."

Senator Kuroda also introduced the following persons "associated with the effort to welcome Mr. and Mrs. Jenkins" -- Mr. Hilary Kelley, Vice-President of Meetings and Conventions, HVB; Mr. Gene Cotter, Vice-President of Marketing, HVB; Mr. Jerry Panso, Director of Public Relations, HVB.; Mrs. Ellen Serra, Inter-Island Resorts, Regional Sales Manager, Mrs. Muriel Anderson, State Office of Tourism, and Mr. George Archer, Aloha Airlines.

Mr. and Mrs. Jenkins and Mrs. Yagi were presented with leis by Senators Solomon, Carpenter and Henderson.

Senator Young then introduced Eric Reformina, Nathaniel Olipas and Aaron Nyuh, students of Ilima Intermediate School who are participating in the Legislative Awareness Program.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 276 to 298) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 276), informing the Senate that on April 3, 1984, he signed into law, House Bill No. 223 as Act 4, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," was placed on file.

A message from the Governor (Gov. Msg. No. 277), informing the Senate

that on March 31, 1984, he signed into law, House Bill No. 212 as Act 3, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was placed on file.

A message from the Governor (Gov. Msg. No. 278), transmitting a report prepared by the Waimano Training School and Hospital Division, Department of Health, in response to House Resolution No. 473 (1983), relating to establishment and implementation of the home and community based services and the small intermediate care facility for the mentally retarded programs, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 279), informing the Senate of the withdrawal of the nominations of Sally Britton, Stanley L. Solmonson, Claire Ueno and Richard K. Nii to the Kauai County Subarea Health Planning Council, terms to expire December 31, 1987, under Gov. Msg. No. 257, was placed on file.

In compliance with Gov. Msg. No. 279, the nomination listed under Gov. Msg. No. 257 was returned.

A message from the Governor (Gov. Msg. No. 280), submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of Francis R. Borges, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 281), submitting for consideration and confirmation to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, the nomination of Edwin H. Nakano, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 282), submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Christian L. Gulbrandsen, M.D., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 283), submitting for consideration and confirmation to the Pest Control Board, the nomination of Edward Aiko Tanaka, Sr., term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 284), submitting for consideration and confirmation to the Board of Pilot Commissioners, the nomination of Kenneth A. Bohlin, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 285), submitting for consideration and confirmation to the Library Advisory Commission, County of Hawaii, the nominations of the following:

Helen K. Tayamen, term to expire December 31, 1987;

Maile Ann Rierison, term to expire December 31, 1987;

Lily Yuriko Inouye, term to expire December 31, 1987; and

Sam Leong, term to expire December 31, 1984,

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 286), submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of the following:

Anne K. Inaina Kaapana, term to expire December 31, 1987;

Rufina K. Molaka-Lee, term to expire December 31, 1985;

Manu Kahaialii, term to expire December 31, 1986;

Ramona N. Teves, term to expire December 31, 1986;

Beatrice H. Rosa, term to expire December 31, 1987; and

Henry Cho, Sr., term to expire December 31, 1987,

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 287), submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nomination of the Erica C. Jones, term to expire December 31, 1986, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 288), submitting for consideration and confirmation to the Drug Product Selection Board, the

nominations of Nadine C. Bruce, M.D., and Ernesto M. Espaldon, M.D., terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 289), submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of the following:

Glenn M. Lovejoy, term to expire December 31, 1986;

Minoru Inaba, term to expire December 31, 1987;

Richard S. Higashi, term to expire December 31, 1987;

Albert P. Moniz, term to expire December 31, 1987;

Eugene Yamamoto, term to expire December 31, 1987;

Harold S.Y. Hee, term to expire December 31, 1985;

Masao Watanabe, term to expire December 31, 1986; and

Peter A. Sybinsky, Ph.D., term to expire December 31, 1987,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 290), submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nominations of the following:

Sue Carpenter Quinn, term to expire December 31, 1986;

Leilani T. Nishimura, term to expire December 31, 1987;

David Edward Gire, term to expire December 31, 1987;

Chiseno Eleanor Miyasaki, term to expire December 31, 1987; and

Ronald H. Takata, term to expire December 31, 1987,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 291), submitting for consideration and confirmation to the Waianae Coast Subarea Health Planning Council, the nominations of the following:

Joyce E. Allosada, term to expire December 31, 1987;

Armand Richaud Hernandez, M.D., term to expire December 31, 1986;

Mark J. O'Donnell, term to expire December 31, 1985; and

Victor G. Romley, term to expire December 31, 1987,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 292), submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nomination of Joseph V. Scazzola, M.D., term to expire December 31, 1986, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 293), submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of Barbara Centeio Yamashita, Warren K. Orikasa and Clarence S. Cravalho, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 294), submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of Sally Britton, Claire Ueno and Richard K. Nii, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 295), submitting for consideration and confirmation to the Hawaii Community Development Authority, the nominations of Ivan M. Lui-Kwan and Kenneth K. Takenaka, terms to expire December 31, 1987, was referred to the Committee on Housing and Urban Development.

A message from the Governor (Gov. Msg. No. 296), submitting for consideration and confirmation to the Policy Advisory Board for Elderly Affairs, the nominations of the following:

Raymond M. Hightower, term to expire December 31, 1987;

George K. Kawelo, Sr., term to expire December 31, 1986;

Jaime Vergara, term to expire December 31, 1987;

Shimeji Kanazawa, term to expire December 31, 1987;



Otto Neurath, M.D., term to expire December 31, 1986; and

Diana P. McKeague, term to expire December 31, 1987,

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 297), submitting for consideration and confirmation to the Board of Registration, Island of Hawaii, the nomination of Warren Hisashi Nishimura, term to expire December 31, 1987, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 298), submitting for consideration and confirmation to the Medical Advisory Board, the nominations of Allan R. Kunimoto, M.D., and Quintin L. Uy, M.D., terms to expire December 31, 1987, was referred to the Committee on Transportation.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 428 to 436) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 428), transmitting House Concurrent Resolution No. 71, H.D. 2, which was adopted by the House of Representatives on April 3, 1984, was placed on file.

By unanimous consent, H.C.R. No. 71, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION AND THE GOVERNOR ACTIVELY ENCOURAGE THE HOME-PORTING OF A LARGER SEGMENT OF THE U.S. FLEET AT PEARL HARBOR," was referred to the Committee on Government Operations and County Relations.

A communication from the House (Hse. Com. No. 429), transmitting House Concurrent Resolution No. 75, H.D. 1, which was adopted by the House of Representatives on April 3, 1984, was placed on file.

By unanimous consent, H.C.R. No. 75, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DESIGNATION OF AN OFFICIAL STATE FISH," was referred to the Committee on Education.

A communication from the House (Hse. Com. No. 430), returning Senate Bill No. 1809-84, which passed

Third Reading in the House of Representatives on April 3, 1984, was placed on file.

A communication from the House (Hse. Com. No. 431), returning Senate Bill No. 1811-84, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1984, was placed on file.

A communication from the House (Hse. Com. No. 432), returning Senate Bill No. 2123-84, which passed Third Reading in the House of Representatives on April 3, 1984, was placed on file.

A communication from the House (Hse. Com. No. 433), returning Senate Bill No. 2182-84, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1984, was placed on file.

A communication from the House (Hse. Com. No. 434), returning Senate Bill No. 2199-84, S.D. 2, which passed Third Reading in the House of Representatives on April 3, 1984, was placed on file.

A communication from the House (Hse. Com. No. 435), returning Senate Bill No. 2240-84, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 1984, was placed on file.

A communication from the House (Hse. Com. No. 436), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2072-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 3, 1984, the Speaker appointed Representatives Stanley, Chairman, Tom and Medeiros as Managers on the part of the House for the consideration of said amendments, was placed on file.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 78 and 79) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 78), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A SMALL BOAT LAUNCHING RAMP IN THE NEW BARBER'S POINT DEEP DRAFT HARBOR/MARINA," was offered by Senators Kuroda, B. Kobayashi, George, Cobb, Machida, Young,

Uwaine, Toguchi, Kawasaki, Aki, Solomon, Mizuguchi and Cayetano.

By unanimous consent, S.C.R. No. 78 was referred jointly to the Committee on Tourism and the Committee on Transportation.

A concurrent resolution (S.C.R. No. 79), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO FOREIGN LANGUAGE," was offered by Senators Toguchi, Solomon, Kawasaki, Abercrombie, Fernandes Salling, Cayetano, Carpenter, George, Young, Mizuguchi and B. Kobayashi.

By unanimous consent, S.C.R. No. 79 was referred jointly to the Committee on Education and the Committee on Higher Education.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 88 and 89) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 88), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A SMALL BOAT LAUNCHING RAMP IN THE NEW BARBER'S POINT DEEP DRAFT HARBOR/MARINA," was offered by Senators Kuroda, B. Kobayashi, Aki, Cobb, Uwaine, Young, Mizuguchi, Machida, Cayetano, Kawasaki, George, Solomon and Toguchi.

By unanimous consent, S.R. No. 88 was referred jointly to the Committee on Tourism and the Committee on Transportation.

A resolution (S.R. No. 89), entitled: "SENATE RESOLUTION RELATING TO FOREIGN LANGUAGE," was offered by Senators Toguchi, Solomon, Kawasaki, Abercrombie, Fernandes Salling, Cayetano, Carpenter, George, Young, Mizuguchi and B. Kobayashi.

By unanimous consent, S.R. No. 89 was referred jointly to the Committee on Education and the Committee on Higher Education.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Senator B. Kobayashi for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 631-84) recommending that Senate Resolution No. 40 be adopted.

On motion by Senator B. Kobayashi, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.R. No. 40, entitled: "SENATE RESOLUTION URGING THE IMMEDIATE RELEASE OF FUNDS FOR THE CONSTRUCTION OF THE AHUKINI CUTOFF ROAD PROJECT," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 632-84) recommending that House Bill No. 1864-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1864-84, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISTRICT ADVISORY COUNCILS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 6, 1984.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 633-84) recommending that the Senate advise and consent to the nominations of the following:

Edwin T. Hara, to the 1984 Hawaii Statehood Silver Jubilee Committee, in accordance with Gov. Msg. No. 96;

John A. Thompson, Ph.D., to the Education Commission of the States, in accordance with Gov. Msg. No. 142;

Betty Hemphill, to the Library Advisory Commission, City and County of Honolulu, in accordance with Gov. Msg. No. 144;

Hideo Kuniyoshi, to the Library Advisory Commission, in accordance with Gov. Msg. No. 145;

Kerry Y. Ogawa, Lawrence Kawasaki and Edward Espiritu, Jr., to the Library Advisory Commission, County of Maui, in accordance with Gov. Msg. No. 146;

Leonora Villatora, Hilda D. Cannon and Helen H. Kaneshiro, to the Library Advisory Commission, County of Kauai, in accordance with

Gov. Msg. No. 147; and

Arthur Fumio Koga, to the Hawaii Education Council, in accordance with Gov. Msg. No. 219.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 633-84 and Gov. Msg. Nos. 96, 142, 144, 145, 146, 147, and 219 was deferred until Thursday, April 4, 1984.

Senator Solomon for the Committee on Education, presented a report (Stand. Com. Rep. No. 634-84) recommending that Senate Resolution No. 21, as amended in S.D. 1 be adopted.

On motion by Senator Solomon, seconded by Senator Toguchi and carried, the report of the Committee was adopted and S.R. No. 21, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO JULY 1983 REPORT BY HAWAII ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS," was adopted.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM APRIL 3, 1984

Senate Bill No. 1509-84, S.D.1, H.D. 1:

Senator Yamasaki moved that the Senate agree to the amendments proposed by the House to S.B. No. 1509-84, S.D. 1, seconded by Senator Chang.

Senator Soares then rose on a point of inquiry as follows:

"Mr. President, before we get into extended discussions later on on agreement or disagreement, I would appreciate it if the committee chairmen would inform the Minority members of the respective committees on matters we are agreeing or disagreeing on, prior to moving to agree especially, so we have an idea as to what we will be voting for."

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

At this time, Senator Yamasaki explained that "in agreeing with the amendments proposed by the House the Senate version of the bill contained a typographical error which was corrected by the House. It was an error of 90 cents."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1509-84, S.D. 1, and 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 placed on the calendar for Final Reading on Monday, April 16, 1984.

Senate Bill No. 1718-84, S.D. 1, H.D. 1:

Senator Yamasaki moved that the Senate agree to the amendments proposed by the House to S.B. No. 1718-84, S.D. 1, seconded by Senator Cobb.

Senator Yamasaki explained that the House inserted a new section, 356-33, to the bill; the Senate version did not contain any numbering of this section."

The motion was put by the Chair and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 1718-84, S.D. 1, and S.B. No. 1718-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was placed on the calendar for Final Reading on Thursday, April 5, 1984."

Senate Bill No. 2213-84, H.D. 1:

Senator Yamasaki moved that the Senate agree to the amendments proposed by the House to S.B. No. 2213-84, seconded by Senator Mizuguchi.

Senator Yamasaki explained that "the Senate version of S.B. 2213 did not contain any figures on the agreements reached under our collective bargaining; the House draft contains the final cost of the health fund agreement and it also provides for the 60-40 sharing of the health fund cost."

The motion was put by the Chair

and carried, and the Senate agreed to the amendments proposed by the House to S.B. No. 2213-84, and S.B. No. 2213-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was placed on the calendar for Final Reading on Monday, April 16, 1984.

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

Senate Bill No. 20, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 20, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING RELATING TO PAYMENT FOR GOODS AND SERVICES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 29, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 29, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING RELATING TO TIME SHARING," was deferred until Thursday, April 5, 1984.

Senate Bill No. 139, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 139, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 285, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 285, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING RELATING TO STATUTE OF LIMITATIONS FOR MOTOR VEHICLE REPARATIONS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 423, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 423, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 784, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 784, S.D. 1, H.D. 1,

entitled: "A BILL FOR AN ACT RELATING RELATING TO ELECTIONS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 785, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 785, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING RELATING TO CREDIT SALES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 878, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 878, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND," was deferred until Thursday, April 5, 1984.

Senate Bill No. 905, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 905, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PRODUCT DEVELOPMENT CORPORATION ACT," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1115, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 1115, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1532-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1532-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1541-84, H.D. 1:

By unanimous consent, action on S.B. No. 1541-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1551-84, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1551-84, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND

COMMISSIONS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1577-84, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1577-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1629-84, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1629-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1707-84, H.D. 1:

By unanimous consent, action on S.B. No. 1707-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1709-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1709-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1725-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1725-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1729-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1729-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1732-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1732-84, S.D. 1, H.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1734-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1734-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1744-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1744-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1788-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1788-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1841-84, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 1841-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1890-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1890-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2085-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2085-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5, 1984.

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 5, 1984.

Senate Bill No. 2125-84, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 2125-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," was deferred until Thursday, April 5, 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 5, 1984.

Senate Bill No. 2203-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2203-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2206-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2206-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2209-84, S.D. 2, H.D. 2:

By unanimous consent, action on 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," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2248-84, H.D. 2:

By unanimous consent, action on S.B. No. 2248-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2249-84, S.D. 2, H.D. 2:

By unanimous consent, action on S.B. No. 2249-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Thursday, April 5,

1984.

Senate Bill No. 2251-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2251-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 300, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 300, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 328, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 328, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 761, H.D. 1:

By unanimous consent, action on S.B. No. 761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 934, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 934, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1450, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1450, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1516-84, H.D. 1:

By unanimous consent, action on S.B. No. 1516-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1540-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1540-84, S.D. 1, H.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1575-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1575-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1693-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1693-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1694-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1694-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1702-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1702-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1740-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1740-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1745-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1745-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1766-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1766-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO SCHOOL VEHICLES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1815-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1815-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1835-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1835-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1846-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1846-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1854-84, H.D. 1:

By unanimous consent, action on S.B. No. 1854-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1867-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1867-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1868-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1868-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1872-84, H.D. 1:

By unanimous consent, action on S.B. No. 1872-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5,

1984.

Senate Bill No. 1874-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1874-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1877-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1877-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 1878-84, H.D. 1:

By unanimous consent, action on S.B. No. 1878-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2026-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2026-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2049-84, H.D. 1:

By unanimous consent, action on S.B. No. 2049-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2056-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2056-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2057-84, H.D. 1:

By unanimous consent, action on S.B. No. 2057-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2073-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2073-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2087-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2087-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2184-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2184-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2193-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2193-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REFORM OF CHAPTER 804," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2205-84, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 2205-84, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2212-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2212-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Thursday, April 5, 1984.

Senate Bill No. 2243-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2243-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was deferred until Thursday, April 5, 1984.

#### CONFERENCE COMMITTEE REPORT

Senator Chang, for the Committee on Conference on the disagreeing vote



of the Senate to the amendments proposed by the House to Senate Bill No. 2072-84, S.D. 1, presented a report (Conf. Com. Rep. No. 1-84) recommending that S.B. No. 2072-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 1-84 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," was deferred until Wednesday, April 18, 1984.

#### ADJOURNMENT

At 12:21 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 5, 1984.

## FIFTIETH DAY

Thursday, April 5, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:20 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Robert Nagamine, Pastor of the First Baptist Church of Waimanalo, after which the Roll was called showing all Senators present with the exception of Senator Toguchi who was excused.

The Chair announced that he had read and approved the Journal of the Forty-Ninth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Ajifu introduced 50 students from the student councils of the Ahuimanu and Heeia Elementary Schools, accompanied by their teachers: Mrs. Margaret Sakoeiki, Mrs. Grace Ing and Mr. John Linsky from Ahuimanu, and Mrs. Marge Bright from Heeia.

Senator Solomon, on behalf of Senators Carpenter and Henderson and herself, introduced students involved in the Big Island Legislative Experience Program, representing high schools from Honokaa, Kau, Pahoa and the Waiakea districts, accompanied by: Mr. Wallace Aki, district advisor for this program and the Big Island district personnel specialist; Mrs. Nellie Yokoyama, faculty advisor; and student coordinators, Whitney Jenkins, Julie Sakasegawa and Beth Choi.

Senator Chang introduced 34 seventh graders from the Cathedral School, accompanied by their teacher, Ms. Sally Rota.

At 11:28 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:31 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 299) informing the Senate of an error in Governor's Message 289 which transmitted nominations to the Statewide Health Coordinating Council, identifying Leonard Paresa, Sr. as the party whom Albert P.

Moniz is to succeed, was read by the Clerk and filed.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 437 to 440) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 437), returning Senate Bill No. 538, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1984, was placed on file.

A communication from the House (Hse. Com. No. 438), returning Senate Bill No. 1943-84, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 1984, was placed on file.

A communication from the House (Hse. Com. No. 439), returning Senate Bill No. 1948-84, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 1984, was placed on file.

A communication from the House (Hse. Com. No. 440), returning Senate Bill No. 1949-84, which passed Third Reading in the House of Representatives on April 4, 1984, was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 80 to 86) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 80), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO STUDY METHODS TO EXEMPT HOTEL OPERATIONS FROM REAL ESTATE LICENSING," was offered by Senators Cobb, Yamasaki, Soares, A. Kobayashi, Mizuguchi, Aki, Henderson, Machida, Toguchi, Fernandes Salling and B. Kobayashi.

By unanimous consent, S.C.R. No. 80 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 81), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO PERFORM AN AUDIT OF THE CANCER CENTER OF HAWAII," was

offered by Senators Kawasaki, Solomon, Chang, Ajifu, Soares, Fernandes Salling, Toguchi, Hagino, Carpenter, Abercrombie, Cayetano, Aki, Holt, George, Henderson and Mizuguchi.

By unanimous consent, S.C.R. No. 81 was referred jointly to the Committee on Higher Education and to the Committee on Health.

A concurrent resolution (S.C.R. No. 82), entitled: "SENATE CONCURRENT RESOLUTION OPPOSING THE PROPOSED TERMINATION OF THE STATE-FEDERAL COOPERATIVE PREDEPARTURE INSPECTION PROGRAM," was offered by Senators Yamasaki, Uwayne, Abercrombie, Aki, Ajifu, A. Kobayashi, Hagino, Machida, Kuroda, Carpenter, Cayetano, Young, Fernandes Salling, Holt and Solomon.

By unanimous consent, S.C.R. No. 82 was referred to the Committee on Agriculture.

A concurrent resolution (S.C.R. No. 83), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO RESUME ITS SUPPORT OF THE MAUI COUNTY VISITORS ASSOCIATION," was offered by Senators Yamasaki, Uwayne, Abercrombie, Aki, Ajifu, A. Kobayashi, Hagino, Machida, Young, Carpenter, Cayetano, Chang, Fernandes Salling, Holt and Solomon.

By unanimous consent, S.C.R. No. 83 was referred to the Committee on Tourism.

A concurrent resolution (S.C.R. No. 84), entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR CONGRESSIONAL ACTION TO INCREASE THE DOLLAR LIMITATION ON THE INFORMAL ENTRY OF IMPORTED GOODS," was offered by Senators Yamasaki, Kuroda, Solomon, Cayetano, Carpenter, A. Kobayashi, Soares, Aki, Young, Hagino, Abercrombie, Toguchi, Cobb, Fernandes Salling, George, Ajifu, Chang, Machida, B. Kobayashi, Kawasaki, Holt, Uwayne and Mizuguchi.

By unanimous consent, S.C.R. No. 84 was referred to the Committee on Economic Development.

A concurrent resolution (S.C.R. No. 85), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF SOCIAL SERVICES AND HOUSING AND LAND AND NATURAL RESOURCES TO

RECOMMEND ALTERNATIVE USES FOR THE OLINDA HONOR CAMP," was offered by Senators Yamasaki, Uwayne, Abercrombie, Aki, Ajifu, A. Kobayashi, Hagino, Machida, Mizuguchi, Kuroda, Holt, Carpenter, Cayetano, Young, Chang, Fernandes Salling and Solomon.

By unanimous consent, S.C.R. No. 85 was referred to the Committee on Judiciary.

A concurrent resolution (S.C.R. No. 86), entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING CONCERN REGARDING THE USE OF KAHO'OLAWA AS A SHELLING TARGET BY THE DEPARTMENT OF THE NAVY AND RIMPAC 1984 PARTICIPANTS," was offered by Senators Young, A. Kobayashi, Holt, Toguchi, Aki and Hagino.

By unanimous consent, S.C.R. No. 86 was referred to the Committee on Housing and Urban Development.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 90 to 96) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 90), entitled: "SENATE RESOLUTION REQUESTING THE REAL ESTATE COMMISSION TO STUDY METHODS TO EXEMPT HOTEL OPERATIONS FROM REAL ESTATE LICENSING," was offered by Senators Cobb, Yamasaki, Soares, A. Kobayashi, B. Kobayashi, Machida, Aki, Henderson, Toguchi, Fernandes Salling and Mizuguchi.

By unanimous consent, S.R. No. 90 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 91), entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO PERFORM AN AUDIT OF THE CANCER CENTER OF HAWAII," was offered by Senators Kawasaki, Solomon, Chang, Ajifu, Soares, Fernandes Salling, Toguchi, Hagino, Carpenter, Abercrombie, Cayetano, Aki, Holt, George, Henderson and Mizuguchi.

By unanimous consent, S.R. No. 91 was referred jointly to the Committee on Higher Education and to the Committee on Health, then to the Committee on Legislative Management.

A resolution (S.R. No. 92),

entitled: "SENATE RESOLUTION OPPOSING THE PROPOSED TERMINATION OF THE STATE-FEDERAL COOPERATIVE PREDEPARTURE INSPECTION PROGRAM," was offered by Senators Yamasaki, Uwaine, Abercrombie, Aki, Ajifu, A. Kobayashi, Hagino, Machida, Mizuguchi, Kuroda, Carpenter, Cayetano, Fernandes Salling, Holt and Solomon.

By unanimous consent, S.R. No. 92 was referred to the Committee on Agriculture.

A resolution (S.R. No. 93), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO RESUME ITS SUPPORT OF THE MAUI COUNTY VISITORS ASSOCIATION," was offered by Senators Yamasaki, Uwaine, Abercrombie, Aki, Ajifu, A. Kobayashi, Hagino, Machida, Mizuguchi, Carpenter, Cayetano, Young, Chang, Fernandes Salling, Holt and Solomon.

By unanimous consent, S.R. No. 93 was referred to the Committee on Tourism.

A resolution (S.R. No. 94), entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR CONGRESSIONAL ACTION TO INCREASE THE DOLLAR LIMITATION ON THE INFORMAL ENTRY OF IMPORTED GOODS," was offered by Senators Yamasaki, Kuroda, Solomon, Cayetano, Carpenter, A. Kobayashi, Soares, Aki, Young, Hagino, Abercrombie, Toguchi, Cobb, Fernandes Salling, George, Ajifu, Chang, Machida, Kawasaki, Holt, Uwaine and Mizuguchi.

By unanimous consent, S.R. No. 94 was referred to the Committee on Economic Development.

A resolution (S.R. No. 95), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF SOCIAL SERVICES AND HOUSING AND LAND AND NATURAL RESOURCES TO RECOMMEND ALTERNATIVE USES FOR THE OLINDA HONOR CAMP," was offered by Senators Yamasaki, Uwaine, Abercrombie, Aki, Ajifu, A. Kobayashi, Machida, Kuroda, Holt, Carpenter, Cayetano, Young, Chang, Fernandes Salling and Solomon.

By unanimous consent, S.R. No. 95 was referred to the Committee on Judiciary.

A resolution (S.R. No. 96), entitled: "SENATE RESOLUTION EXPRESSING CONCERN REGARDING

THE USE OF KAHO'OLAWA AS A SHELLING TARGET BY THE DEPARTMENT OF THE NAVY AND RIMPAC 1984 PARTICIPANTS," was offered by Senators Young, A. Kobayashi, Holt, Toguchi, Aki and Hagino.

By unanimous consent, S.R. No. 96 was referred to the Committee on Housing and Urban Development.

#### STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 635-84) recommending that House Bill No. 1854-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1984.

Senator Chang, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 636-84) recommending that House Bill No. 1947-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 637-84) recommending that House Bill No. 1948-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1948-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO ALLOW

“FLEXIBILITY IN SCHEDULING THE MANDATORY RECESS,” passed Second Reading and was placed on the calendar for Third Reading on Monday, April 9, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 638-84) recommending that Senate Resolution No. 68 be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 68, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY RELATING TO THE CONCEPT OF HAWAII AS 'THE HEALING ISLANDS'," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 639-84) recommending that Senate Concurrent Resolution No. 58 be adopted.

On motion by Senator Kuroda, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY RELATING TO THE CONCEPT OF HAWAII AS 'THE HEALING ISLANDS'," was adopted.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM APRIL 4, 1984

#### FINAL READING

Senate Bill No. 1718-84, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. 1718-84, S.D. 1, H.D. 1, was deferred to the end of calendar for further consideration.

Senate Bill No. 20, S.D. 1, H.D. 2:

On motion by Senator Yamasaki, seconded by Senator Kawasaki and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 20, S.D. 1, and S.B. No. 20, S.D. 1, H.D. 2, was deferred to the end of calendar for further consideration.

Senate Bill No. 29, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 29, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Chang and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 139, S.D. 2 (H.D. 1):

On motion by Senator Kuroda, seconded by Senator Aki and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 139, S.D. 1, and S.B. No. 139, S.D. 1, H.D. 1, was deferred to the end of calendar for further consideration.

Senate Bill No. 285, S.D. 1 (H.D. 2):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate agreed to the amendments proposed by the House to S.B. 285, S.D. 1, and S.B. No. 285, S.D. 1, H.D. 2, was deferred to the end of the calendar for further consideration.

At 11:35 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:37 o'clock a.m.

Senate Bill No. 423, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Machida and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 423, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Machida, B. Kobayashi, Young and Soares, as Managers on the part of the Senate at such conference.

Senate Bill No. 784, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. 784, S.D. 1, and S.B. No. 784, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 785, S.D. 1 (H.D. 2):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the

amendments proposed by the House to S.B. No. 785, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Uwayne and Soares, as Managers on the part of the Senate at such conference.

Senate Bill No. 878, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 878, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Mizuguchi, Uwayne, Machida and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 905, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Aki and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 905, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Aki, Hagino, Uwayne and Ajifu as Managers on the part of the Senate at such conference.

At 11:39 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

Senate Bill No. 1115, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1115, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Mizuguchi, Holt, Abercrombie and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 1532-84, S.D. 1 (H.D. 1):

On motion by Senator Young, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. 1532-84, S.D. 1, and S.B. No. 1532-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1541-84 (H.D. 1):

On motion by Senator Yamasaki, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. 1541-84, and S.B. No. 1541-84, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1551-84, S.D. 2 (H.D. 1):

On motion by Senator Yamasaki, seconded by Senator Cobb and carried, the Senate agreed to the amendments proposed by the House to S.B. 1551-84, S.D. 2, and S.B. No. 1551-84, S.D. 2, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1577-84, S.D. 1 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1577-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Hagino and Ajifu as Managers on the part of the Senate at such conference.

Senate Bill No. 1629-84, S.D. 1 (H.D. 2):

On motion by Senator B. Kobayashi, seconded by Senator Uwayne and carried, the Senate agreed to the amendments proposed by the House to S.B. 1629-84, S.D. 1, and S.B. No. 1629-84, S.D. 1, H.D. 2, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1707-84 (H.D. 1):

On motion by Senator Young, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. 1707-84, and S.B. No. 1707-84,

H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1709-84, S.D. 1 (H.D. 1):

On motion by Senator Yamasaki, seconded by Senator Chang and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1709-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Chang and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1725-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. 1725-84, S.D. 1, and S.B. No. 1725-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1729-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1729-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chang, Chairman, Cobb and George, as Managers on the part of the Senate at such conference.

Senate Bill No. 1732-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. 1732-84, S.D. 1, and S.B. No. 1732-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1734-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. 1734-84, S.D. 1, and S.B. No. 1734-84, S.D. 1, H.D. 1, was de-

ferred to the end of the calendar for further consideration.

Senate Bill No. 1744-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1744-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Kawasaki, Uwaine and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1788-84, S.D. 1 (H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1788-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, B. Kobayashi and Henderson as Managers on the part of the Senate at such conference.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

Senate Bill No. 1841-84, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1841-84, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Mizuguchi, Machida, Uwaine and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 1890-84, S.D. 1 (H.D. 1):

On motion by Senator Yamasaki, seconded by Senator Young and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1890-84, S.D. 1, and

requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Young and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 2085-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2085-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Uwaine and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 2119-84, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2119-84, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Mizuguchi and Ajifu as Managers on the part of the Senate at such conference.

Senate Bill No. 2125-84, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2125-84, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Mizuguchi, Solomon, Hagino and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 2180-84 (H.D. 1):

On motion by Senator Aki, seconded by Senator Hagino and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2180-84, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Aki,

Chairman, Hagino, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 2203-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. 2203-84, S.D. 1, and S.B. No. 2203-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 2206-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate agreed to the amendments proposed by the House to S.B. 2206-84, S.D. 1, and S.B. No. 2206-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 2209-84, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Kawasaki and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2209-84, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Kawasaki, Machida, Mizuguchi and Ajifu as Managers on the part of the Senate at such conference.

Senate Bill No. 2248-84 (H.D. 2):

On motion by Senator Young, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. 2248-84, and S.B. No. 2248-84, H.D. 2, was deferred to the end of the calendar for further consideration.

Senate Bill No. 2249-84, S.D. 2 (H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Young and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2249-84, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators



Yamasaki, Chairman, Young, Holt and A. Kobayashi as Managers on the part of the Senate at such conference.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

Senate Bill No. 2251-84, S.D. 1 (H.D. 1):

On motion by Senator Young, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. 2251-84, S.D. 1, and S.B. No. 2251-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 300, S.D. 1 (H.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Uwaine and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 300, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators B. Kobayashi, Chairman, Uwaine and George as Managers on the part of the Senate at such conference.

Senate Bill No. 328, S.D. 1 (H.D. 1):

On motion by Senator Young, seconded by Senator Holt and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 328, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Young, Chairman, Holt and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 761 (H.D. 1):

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 761, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Machida, Chairman, Young and George as Managers on the part of the Senate at

such conference.

Senate Bill No. 934, S.D. 1 (H.D. 1):

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 934, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Machida, Chairman, B. Kobayashi and George as Managers on the part of the Senate at such conference.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Senate Bill No. 1450, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1450, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chang, Chairman, Carpenter and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 1516-84 (H.D. 1):

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1516-84, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Machida, Chairman, Fernandes Salling and George as Managers on the part of the Senate at such conference.

Senate Bill No. 1540-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate agreed to the amendments proposed by the House to S.B. 1540-84, S.D. 1, and S.B. No. 1540-84, S.D. 1, H.D. 1, was deferred to the end of the calendar for further consideration.

Senate Bill No. 1575-84, S.D. 1  
(H.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1575-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Mizuguchi, Chairman, Holt, Abercrombie and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 1693-84, S.D. 1  
(H.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Cobb and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1693-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators B. Kobayashi and Cobb, Co-Chairmen, and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1694-84, S.D. 1  
(H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1694-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, B. Kobayashi, Uwaine and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 1702-84, S.D. 1  
(H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1702-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, B. Kobayashi and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 1740-84, S.D. 1  
(H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1740-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Kawasaki and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1745-84, S.D. 1  
(H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1745-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Carpenter, and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 1766, S.D. 1 (H.D. 1):

On motion by Senator Solomon, seconded by Senator B. Kobayashi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1766, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Solomon and B. Kobayashi, Co-Chairmen, Abercrombie and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 1815-84, S.D. 1  
(H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1815-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Uwaine, Carpenter and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 1835-84, S.D. 1  
(H.D. 1):

On motion by Senator Kawasaki, seconded by Senator Machida and

carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1835-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Kawasaki, Chairman, Abercrombie and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1846-84, S.D. 2 (H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1846-84, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Aki, Hagino, Holt, Kawasaki, Machida, Mizuguchi, Solomon, Uwaine, Young, Ajifu, Henderson and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1854-84 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1854-84, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chang, Chairman, Cayetano and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 1867-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1867-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 1868-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate agreed to the

amendments proposed by the House to S.B. No. 1868-84, S.D. 1, and S.B. No. 1868-84, S.D. 1, H.D. 1 was deferred to the end of calendar for further consideration.

Senate Bill No. 1872 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1872, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Fernandes Salling and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1874-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1874-84, S.D. 1, and S.B. No. 1874-84, S.D. 1, H.D. 1 was deferred to the end of calendar for further consideration.

Senate Bill No. 1877-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1877-84, S.D. 1, and S.B. No. 1877-84, S.D. 1, H.D. 1 was deferred to the end of calendar for further consideration.

Senate Bill No. 1878-84 (H.D. 1):

On motion by Senator Aki, seconded by Senator Hagino and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1878-84, and S.B. No. 1878-84, H.D. 1 was deferred to the end of calendar for further consideration.

Senate Bill No. 2026-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2026-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chang, Chairman, Hagino and George as Managers on the part of the Senate at

such conference.

Senate Bill No. 2049-84 (H.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Uwaine and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2049-84, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators B. Kobayashi, Chairman, Toguchi and George as Managers on the part of the Senate at such conference.

Senate Bill No. 2056-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2056-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Kuroda and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 2057-84 (H.D. 1):

On motion by Senator Young, seconded by Senator Holt and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2057-84, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Young, Chairman, Holt and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 2073-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2073-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chang, Chairman, Hagino and George as Managers on the part of the Senate at such conference.

Senate Bill No. 2087-84, S.D. 1 (H.D. 1):

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2087-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Cobb, Chairman, Uwaine and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 2184, S.D. 1 (H.D. 1):

On motion by Senator Aki, seconded by Senator Hagino and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2184, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Aki, Chairman, Chang and A. Kobayashi as Managers on the part of the Senate at such conference.

At this time, Senator Cayetano inquired: "Mr. President, will the chairman yield to a question?"

The Chair posed the question to the chairman and the chairman asked to hear the question.

Senator Cayetano asked: "Mr. President, will you ask the chairman the reasons for the Senate's disagreement with the House?"

Senator Aki replied: "Mr. President, the House made several amendments to the bill. First of all, it clarifies the language as to the 'grandfather' clause; secondly, it subzones geothermal resources; and thirdly, it clarifies the language as to the permitting process. I think these are things that we have to look further into."

Senator Cayetano further inquired: "Mr. President, is the chairman saying that as far as the Senate is concerned it opposes those amendments?"

Senator Aki further replied: "Mr. President, as you know, we took steps last session on geothermal development, and these amendments are substantive. They seem to go beyond what the Legislature intended last year, and therefore, I think it's proper that that we look at these amendments very carefully."

Senator Cayetano then asked: "Mr. President, when the chairman says that they go beyond what the Legislature intended, is he speaking about going beyond the purpose and intent of Act 296?"

Senator Aki replied: "I am referring to the area of subzones. Last year, when we passed Act 296 we had asked the Department of Land and Natural Resources to come up with subzones, and unfortunately up to now this has not happened, and this amendment mandates or takes steps to 'grandfather' these subzones before the Land Board can make the determination. And I think we should give the Board of Land and Natural Resources the discretion to come up with these subzones before we designate the subzones ourselves."

Senator Cayetano then asked: "Mr. President, would you ask the chairman what his intent is with respect to the 'grandfathering' of Campbell Estate?"

Senator Aki answered: "The 'grandfather' clause as far as the first section is concerned, deals with the language that clearly clarifies the issue as to who can explore geothermal developments and it states specifically that geothermal developments can take place on agricultural, urban and conservations lands."

Senator Cayetano remarked: "Mr. President, I'm not sure he answered my question. My question was what is the chairman's position with respect to the 'grandfathering' of Campbell Estate."

Senator Aki replied: "I'm not sure, Mr. President, I understand the question fully because we are not actually 'grandfathering' any particular group. All we are saying is that geothermal development is very important; we should let it continue to progress; and we're just saying that we should clarify that these kinds of developments can take place on all four land zone classifications."

Senator Cayetano then stated: "Well, Mr. President, if that's what we want to do, it seems to me that the House bill...I'm not very happy with the House Bill...but the House bill does that rather nicely. I voted against the Senate bill, but I think for purposes of this motion, I wanted to know and want the chairman to make it clear what the Senate's position would be with respect to the

position as stated in the Senate bill as it went over to the House. I think that his answers haven't given me the information I want."

Senate Bill No. 2193-84, S.D. 1 (H.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2193-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chang, Chairman, Carpenter and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill 2205-84, S.D. 2 (H.D. 1):

On motion by Senator Chang, seconded by Senator Solomon and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2205-84, S. D. 2, and S.B. No. 2205-84, S.D. 2, H.D. 1 was deferred to the end of calendar for further consideration.

Senate Bill No. 2212-84, S.D. 1 (H.D. 1):

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2212-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Machida, Chairman, Fernandes Salling and George as Managers on the part of the Senate at such conference.

Senate Bill No. 2243-84, S.D. 1 (H.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Uwayne and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2243-84, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators B. Kobayashi, Toguchi and Soares as Managers on the part of the Senate at such conference.

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

ADVISE AND CONSENT

Standing Committee Report No. 633-84 (Gov. Msg. Nos. 96, 142, 144, 145, 146, 147 and 219):

Senator Solomon moved that Stand. Com. Rep. No. 633-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

Edwin T. Hara, to the 1984 Hawaii Statehood Silver Jubilee Committee; term to expire June 30, 1986;

John A. Thompson, Ph.D., to the Education Commission of the States; term to expire December 31, 1987;

Betty Hemphill, to the Library Advisory Commission, City and County of Honolulu; term to expire December 31, 1987;

Hideo Kuniyoshi, to the Library Advisory Commission, County of Hawaii; term to expire December 31, 1987;

Kerry Y. Ogawa, Lawrence Kawasaki and Edward Espiritu, Jr., to the Library Advisory Commission, County of Maui; terms to expire December 31, 1987;

Leonora Villatora, Hilda D. Cannon and Helen H. Kaneshiro, to the Library Advisory Commission, County of Kauai; terms to expire December 31, 1987; and

Arthur Fumio Koga, to the Hawaii Education Council; term to expire December 31, 1986,

seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:10 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Senate Bill No. 1718-84, S.D. 1, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Young and carried, S.B. No. 1718-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kuroda and Toguchi).

Senate Bill No. 20, S.D. 1, H.D. 2:

On motion by Senator Yamasaki, seconded by Senator Kawasaki and carried, S.B. No. 20, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 139, S.D. 1, H.D. 1:

On motion by Senator Kuroda, seconded by Senator Aki and carried, S.B. No. 139, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill 285, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Carpenter and carried, S.B. No. 285, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATUTE OF LIMITATIONS FOR MOTOR VEHICLE REPARATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 784, S.D. 1, H.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 784, S.D. 1, H.D.

1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1532-84, S.D. 1, H.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 1532-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1541-84, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Cobb and carried, S.B. No. 1541-84, H.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, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1551-84, S.D. 2, H.D. 1:

On motion by Senator Yamasaki, seconded by Senator Cobb and carried, S.B. No. 1551-84, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1629-84, S.D. 1, H.D. 2:

On motion by Senator B. Kobayashi, seconded by Senator Uwayne and carried, S.B. No. 1629-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1707-84, H.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 1707-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1725-84, S.D. 1, H.D. 1:

Senator Chang moved that S.B. No. 1725-84, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

At this time, Senator Carpenter rose to speak against this bill as follows:

"Mr. President, should this bill become enacted into law, I guess it will be known as the 'Roland Higashi Act.'

"Mr. President, the language on page 2 relating to the proviso, and I quote: 'provided that a holdover member shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office.' I believe the language should read 'the next regular legislative session.'

"Mr. President, I don't disagree with the intent of the legislation. I think in many cases the Senate has been rather kind to the Governor in not denying appointments for nomination to certain boards and commissions, and I think in that sense, perhaps the Senate has been remiss in not sending the message very clearly to the Governor that certain individuals were not to be appointed with the advice and consent of the majority of members of this body.

"Mr. President, I believe the Constitution speaks very clearly to the fact that if an individual is not approved in a subsequent legislative session to a removal of nomination by the Governor in a prior session, that that member no longer has status, no longer should be submitted to this body for 'advise and consent'. So I know that the intent of this bill is essentially to make that point very

clear to the Governor, but I think we can be more succinct in the language by assuring that if the words were 'the next regular legislative session,' and I think that would reenforce the language of the Constitution, and certainly make it very clear to the Governor that the 'advise and consent' process that is held to this body is one to be respected.

"Thank you very much."

At 1:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:19 o'clock p.m.

Senator Abercrombie then rose to speak against the bill as follows:

"Mr. President, I'm convinced philosophically by Senator Carpenter's argument. I think the intent is one that I support, but the more I think about it the more I reflect upon remarks that I made at length in the past on this floor with respect to this issue and similar issues about appointments and what the Senate should or should not do.

"It seems to me that if there's to be any leeway at all, other than an outright rejection by vote on the floor, that it should be in effect even next session. The argument convinces me, so therefore I feel that a 'no' vote would be in order and we should take it up again next year and do that. The reason I would say that I would vote 'no' now is that if this passes, the chances of it ever being amended to have it read 'the next session,' I think would be rather slight.

"If it passes in the current days, I was willing to accept it until, as I say, I thought on his argument it would give an opportunity for a tremendous amount of logrolling as it'll really take two sessions up and in a certain...not in a certain...in a very real sense, if I understand the language correctly (and if I understand it incorrectly, I hope the chairman will disabuse me of my notions), if I understand it correctly, the Governor, even under this bill, will have an out and leverage to utilize on the Senate.

"Now if that's the intent of the legislation, that's fair enough if people are willing to vote for that and allow that to take place, but I think that the previous speaker, Senator Carpenter, is correct in his

assessment of what the effect of the law would be, if it passed, and therefore, philosophically, I feel that this bill is something that we should defeat now and address, or perhaps reconsider, if his argument prevails and take it to a conference where we might be able to see if the next session idea might prevail."

Senator Cayetano then stated:

"Mr. President, I support this measure but with some reservations which I'd like to state for the record.

"I share the concerns of the two previous speakers, but I recognize that this bill, I think, is a compromise of sorts between the Senate and this present governor. I hope it will be; I hope the Governor will sign the bill.

"The problem that I have with this bill, of course, is that it sets into law the definition of a 'holdover' and I can see that this governor and perhaps future governors will probably take advantage of the provision that we are now going to set into law. We will have appointments which will probably be held over for maybe as much as two years. The law, however, the existing law as I understand it, is unclear.

"I would have preferred that we deal with holdovers and allow them the same terms that we allow an interim appointment, for example. This bill does erode, in my view, what my understanding was of the Senate's right of 'advise and consent', but I think under the circumstances and taking into account the history of the Senate as it has dealt with the Governor's appointments and the Governor's reaction, I think that this is probably a compromise that's best under the circumstances."

On motion by Senator Chang, seconded by Senator Cayetano and carried, and Roll Call vote having been requested, S.B. No. 1725-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Abercrombie, Carpenter, Fernandes Salling and Kawasaki). Excused, 1 (Toguchi).

Senate Bill No. 1732-84, S.D. 1, H.D. 1:



On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1732-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Fernandes Salling). Excused, 1 (Toguchi).

Senate Bill No. 1734-84, S.D. 1, H.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1734-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 2203-84, S.D. 1, H.D. 1:

Senator Chang moved that S.B. 2203-84, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

Senator Abercrombie asked if the chairman would yield to a question and the Chair having posed the question to the chairman, the chairman asked to hear the question.

Senator Abercrombie inquired: "Mr. President, the question I have is, if I understand the intent of the bill correctly, to have it on the record, the idea here is that a 'yes' vote will mean that the constitutional amendment passes and a 'no' vote means that it will not pass. Is that correct, when the proposition is put before the voters?"

Senator Chang replied: "It does not explicitly say that, Senator, but I would expect that the phrasers of the bill and the phrasers of the question would be well advised to state the change in the affirmative."

At 1:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:34 o'clock p.m.

Senator Abercrombie then stated:

"Mr. President, I am satisfied that

your chairman has answered fully on it, but I think there is a problem, as a result, which should be addressed in the record. I'll speak for the bill, but in doing so I would like to speak for the record.

"I don't know how much weight that would carry in terms of if this should ever be looked at, but perhaps if future Legislatures deal with this question of a proposed constitutional amendment in a bill, they will pay attention to remarks that will be made, and I think the chairman is going to make a remark or two on it, as well.

"Mr. President, the reason I raise the question with the chairman is as follows. The language speaks to the passage of a bill with respect to a proposed constitutional amendment and indicates that such a bill should contain the exact question to be printed on the ballot. It then goes on to say that the question should be phrased to require a 'yes' or 'no' response by the voter. That implies, I think, that the intent is that the question be framed in such a way that a 'yes' means it passes and a 'no' means it does not pass, as similar to a vote that is taken on this floor, and that 'yes' is an affirmation of a 'no' is a negation of a proposition. But, there is no requirement in the language as stated in this bill that the question be phrased in such a way as to permit that result.

"If the Legislature chose to do it, although the chances of that happening might be slim because, obviously, questions would be raised about such a procedure. Nonetheless, it would be legally allowed, and I can think of instances of high emotion and especially as regards, say, fiscal matters and their jurisdiction, etc. in which it might be possible for a Legislature to in fact confuse the electorate, however inadvertent or intended for that matter.

"Therefore, I think while this bill addresses one problem, it creates probably, inadvertently, the possibility of another, that is to say, the proposition could be put before the voters theoretically which would have yes or no answers that in fact operated against what the voter thought was going to happen by casting a 'yes' or 'no' vote. So, the admonition, I guess, I would make for the purposes of the record is that I'm sure the intent of the chairman and those voting for it would be that the question would be framed in such a

way in the bill, subsequently on the ballot if it passed the Legislature, that a 'yes' vote in fact was affirmative of an affirmative proposition and a no vote similarly regarded by both the Legislature and the voters."

Senator Chang then stated:

"Mr. President, I too wish to note for the record that the previous speaker and I had discussed this matter during the recess and we do share similar concerns.

"I take one minor difference with his remarks and that is that this particular proposal does not create any problem. The problem that he is concerned with, which I also share, exists at the present time with or without the bill. What this bill does is to address one aspect of the concern that the good Senator knows and attempts to cure that, and any other remaining concern that the Legislature wishes to address if subsequent legislation can be proposed in a subsequent session of the Legislature. Thank you."

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 2203-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 2206-84, S.D. 1, H.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 2206-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 2248-84, H.D. 2:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2248-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 2251-84, S.D. 1, H.D. 1:

On motion by Senator Young, seconded by Senator Holt and carried, S.B. No. 2251-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1540-84, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Carpenter and carried, S.B. No. 1540-84, S.D. 1, H.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, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1868-84, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Carpenter and carried, S.B. No. 1868-84, S.D. 1, H.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, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1874-84, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Carpenter and carried, S.B. No. 1874-84, S.D. 1, H.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, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1877-84, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Carpenter and

carried, S.B. No. 1877-84, S.D. 1, H.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, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 1878-84, H.D. 1:

On motion by Senator Aki, seconded by Senator Hagino and carried, S.B. No. 1878-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

Senate Bill No. 2205-84, S.D. 2, H.D. 1:

On motion by Senator Chang, seconded by Senator Solomon and carried, S.B. No. 2205-84, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Toguchi).

#### ADJOURNMENT

At 1:44 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 6, 1984.

## FIFTY-FIRST DAY

Friday, April 6, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Edgar Saguinsin of Our Lady of Perpetual Help, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fiftieth Day.

The following introductions were then made to the members of the Senate:

Senator Ajifu introduced Mr. Toshio Konishi, Chairman of the Shin Nihon Jitsugyo, Co., Ltd. (a pharmaceutical company), Japan, and Mr. and Mrs. Koh, Ka O, of Okinawa, and stated as follows:

"Mr. Vice President, Mr. Toshio Konishi is the man responsible for the introduction of a new specie of bamboo to Hawaii which, I believe, has tremendous potential for development as another agricultural commodity.

"Mr. Koh is the man who researched and developed this new specie, commonly known in Japan as the 'all-season' bamboo.

"Mr. Vice President, there are several outstanding features about this bamboo. This specie is noted for three important attributes -- being a prolific producer; its ability to grow nearly all year long; and, more importantly, its ability to have shoots eaten raw.

"As some of you are aware, all other species of bamboo shoots need processing to make them edible without having an astringent taste. The 'all-season' bamboo, however, has a pleasing taste without processing, an important point for marketing.

"Because it is a natural product, which is high in fiber, its potential as a health food is good. Its shoots can be eaten in salads and used in traditional recipes utilizing bamboo shoots."

Mr. Konishi and Mr. and Mrs. Koh, who were sitting in the Senate gallery, rose to be recognized.

Senator Carpenter, on behalf of Senators Solomon, Henderson and himself, introduced a group of 28 sixth grade students from Hilo Union School; their teachers, Mr. Kawasaki and Mrs. Nakaoka; chaperon, Mr. Martin; and Mr. Joseph Johns who was their guide.

Senator Cobb, on behalf of Senator Soares and himself, introduced a group of 24 third grade students from Holy Nativity School, accompanied by their teacher Mrs. Amy Littlejohn, and parents, Mrs. Marge Weston and Mrs. Shirley Cooper.

Senator Henderson then introduced the following persons that were involved in the rescue of a ditched airplane off the Kona Coast on September 8, 1983: pilot of the airplane, Captain John McDonald; rescuers of the passengers in the plane, Captain Dominic Fagundes and members of his crew, Janet Reimer, Whit Lee Hagerman and Michael Chaisson; members of the fire rescue boat, Scott Susman, John DeMello and Don Ishii. Senator Henderson gave a detailed account of the ditched airplane and rescue operation.

The honorees were asked to rise and be recognized and were each presented with the Senate Certificate.

Senator Soares then introduced the 32nd Cherry Blossom Queen and her court as follows:

"Mr. Vice President, it's my great pleasure to introduce the 32nd Cherry Blossom Queen, Lisa Sachie Nakahodo, who resides in my district, a Kaiser High School graduate, daughter of Henry and Alice Nakahodo; and members of her court: Princess Candace Ishimoto; attendants - Colleen Izumi, Jill Ann Matsuyoshi and Dee Ann Hamasaki; Miss Popularity - Karen Hirata; Miss Congeniality - Joni Tanji."

Assisting Senator Soares to present the certificate and leis to the Cherry Blossom Queen and her court were Senators Henderson, Cayetano, Toguchi, Aki, Abercrombie and Machida.

Senator Soares also introduced Mr. Don Tanaka, President of the Honolulu Japanese Junior Chamber of Commerce, and Mr. Ray Urabe, Chairman of the 32nd Cherry Blossom Festival, who accompanied the group.

Senator Chang then introduced the 43rd Annual Nisei Week Queen and her court as follows:

"Mr. Vice President, it is my pleasure to introduce to the Senate some very special guests. With us from the city of the 1984 Summer Olympics, Los Angeles, is the 43rd Annual Nisei Week Japanese Festival Queen and her court: Queen Tracy Isawa; Miss Tomodachi, Geraldine Nakauchi; Princesses: Lorraine Kuda, Elva Tamashiro and Denise Watari. Accompanying them are members of the 1984 Nisei Week Hospitality Committee, Mr. Randy Oba and Mr. Joe Kimura.

"Miss Tomodachi, Geraldine Nakauchi is a homegrown transplant, having graduated from Roosevelt High School before moving to Los Angeles to attend the University of Southern California."

Assisting Senator Chang in presenting the certificate and leis to the Nisei Week Queen and court were Senators Cobb, Holt, Kuroda, Mizuguchi and Hagino.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock a.m.

The Chair then invited Nisei Week Queen Tracy Isawa to the rostrum to say a few words to the members of the Senate, and Miss Isawa remarked as follows:

"Hello, everyone! On behalf of the Nisei Week Festival, the court, and myself, we would all like to thank you for inviting us here to the beautiful State of Hawaii. We are enjoying our stay but are leaving tomorrow, unfortunately.

"I'd just like to invite all of you out to our 1984 Summer Olympics and to the 1984 Nisei Week Festival. We're celebrating our 100th centennial and our 25th Sister City Nagoya celebration, and hope that all of you will be able to attend our festivities.

"Thank you very much."

The Chair also invited Cherry Blossom Queen Lisa Nakahodo to the rostrum and her remarks are as follows:

"Good morning, everybody! I would like to thank you for inviting us here this morning. It's a pleasure

and an honor to be here.

"I've always wondered what it would be like to be down here in front of so many people, and it's definitely exciting. I'm also looking forward to an exciting year, full of many pleasurable memories.

"Thank you."

#### HOUSE COMMUNICATION

A communication from the House (Hse. Com. No. 441), informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House Bills:

No. 162, H.D. 2;  
 No. 177, H.D. 1;  
 No. 183, H.D. 2;  
 No. 267, H.D. 2;  
 No. 271, H.D. 1;  
 No. 537, H.D. 1;  
 No. 538, H.D. 1;  
 No. 556;  
 No. 654, H.D. 1;  
 No. 787, H.D. 1;  
 No. 788, H.D. 1;  
 No. 791;  
 No. 847, H.D. 1;  
 No. 1120, H.D. 1;  
 No. 1148, H.D. 1;  
 No. 1220, H.D. 1;  
 No. 1319, H.D. 2;  
 No. 1422, H.D. 1;  
 No. 1431, H.D. 2;  
 No. 1549, H.D. 1;  
 No. 1571, H.D. 2;  
 No. 1629-84, H.D. 1;  
 No. 1637-84, H.D. 1;  
 No. 1640-84, H.D. 1;  
 No. 1681-84, H.D. 1;  
 No. 1697-84;  
 No. 1711-84, H.D. 1;  
 No. 1721-84, H.D. 1;  
 No. 1725-84;  
 No. 1726-84, H.D. 1;  
 No. 1727-84, H.D. 1;  
 No. 1729-84, H.D. 1;  
 No. 1740-84;  
 No. 1742-84;  
 No. 1746-84, H.D. 2;  
 No. 1747-84, H.D. 1;  
 No. 1748-84, H.D. 1;  
 No. 1749-84, H.D. 1;  
 No. 1751-84, H.D. 1;  
 No. 1753-84, H.D. 1;  
 No. 1757-84;  
 No. 1777-84;  
 No. 1779-84, H.D. 1;  
 No. 1784-84, H.D. 1;  
 No. 1785-84, H.D. 1;  
 No. 1790-84, H.D. 1;  
 No. 1794-84, H.D. 1;  
 No. 1796-84, H.D. 2;  
 No. 1799-84;  
 No. 1807-84, H.D. 1;  
 No. 1811-84, H.D. 1;  
 No. 1815-84;

No. 1816-84;  
 No. 1817-84, H.D. 1;  
 No. 1818-84;  
 No. 1819-84;  
 No. 1821-84, H.D. 1;  
 No. 1828-84, H.D. 1;  
 No. 1838-84;  
 No. 1842-84, H.D. 1;  
 No. 1845-84, H.D. 1;  
 No. 1848-84, H.D. 1;  
 No. 1852-84, H.D. 1;  
 No. 1863-84, H.D. 1;  
 No. 1873-84, H.D. 1;  
 No. 1874-84;  
 No. 1878-84;  
 No. 1880-84, H.D. 1;  
 No. 1882-84, H.D. 1;  
 No. 1892-84;  
 No. 1905-84, H.D. 1;  
 No. 1906-84, H.D. 1;  
 No. 1912-84, H.D. 2;  
 No. 1921-84, H.D. 2;  
 No. 1925-84, H.D. 1;  
 No. 1926-84, H.D. 1;  
 No. 1932-84, H.D. 1;  
 No. 1933-84, H.D. 2;  
 No. 1940-84, H.D. 2;  
 No. 1946-84;  
 No. 1950-84, H.D. 2;  
 No. 1956-84, H.D. 2;  
 No. 1976-84;  
 No. 1983-84, H.D. 1;  
 No. 1985-84;  
 No. 1989-84;  
 No. 2002-84, H.D. 2;  
 No. 2006-84;  
 No. 2012-84, H.D. 1;  
 No. 2016-84, H.D. 1;  
 No. 2020-84;  
 No. 2026-84, H.D. 1;  
 No. 2028-84, H.D. 1;  
 No. 2029-84, H.D. 1;  
 No. 2032-84, H.D. 1;  
 No. 2036-84, H.D. 1;  
 No. 2044-84, H.D. 1;  
 No. 2054-84, H.D. 1;  
 No. 2075-84, H.D. 1;  
 No. 2077-84, H.D. 1;  
 No. 2078-84, H.D. 1;  
 No. 2092-84, H.D. 1;  
 No. 2108-84, H.D. 1;  
 No. 2142-84, H.D. 1;  
 No. 2143-84, H.D. 2;  
 No. 2151-84, H.D. 2;  
 No. 2161-84, H.D. 2;  
 No. 2163-84, H.D. 1;  
 No. 2169-84, H.D. 2;  
 No. 2179-84, H.D. 1;  
 No. 2181-84;  
 No. 2194-84, H.D. 1;  
 No. 2196-84, H.D. 1;  
 No. 2201-84, H.D. 1;  
 No. 2203-84, H.D. 2;  
 No. 2224-84, H.D. 1;  
 No. 2257-84, H.D. 2;  
 No. 2261-84, H.D. 1;  
 No. 2268-84;  
 No. 2275-84, H.D. 1;  
 No. 2281-84, H.D. 1;  
 No. 2294-84, H.D. 2;  
 No. 2308-84, H.D. 1;

No. 2320-84, H.D. 2;  
 No. 2333-84, H.D. 1;  
 No. 2337-84, H.D. 1;  
 No. 2340-84, H.D. 1;  
 No. 2396-84;  
 No. 2402-84;  
 No. 2406-84, H.D. 2;  
 No. 2407-84, H.D. 1;  
 No. 2418-84, H.D. 1;  
 No. 2429-84, H.D. 1;  
 No. 2451-84, H.D. 1;  
 No. 2477-84, H.D. 1;  
 No. 2484-84, H.D. 1;  
 No. 2486-84, H.D. 2;  
 No. 2523-84, H.D. 2;  
 No. 2527-84, H.D. 1;  
 No. 2540-84, H.D. 1;  
 No. 2597-84;  
 No. 2604-84; and  
 No. 2612-84, H.D. 2,

was read by the Clerk and was placed on file.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 87), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONDUCT A DEMONSTRATION TO TEST THE NEED FOR AND THE EFFECT OF WIDENING SIDEWALKS ON KALAKAUA AVENUE," was offered by Senators B. Kobayashi, Kuroda, A. Kobayashi and Uwayne, and was read by the Clerk.

By unanimous consent, S.C.R. No. 87 was referred to the Committee on Transportation.

#### SENATE RESOLUTION

A resolution (S.R. No. 97), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE PROBLEM OF HELICOPTER NOISE," was offered by Senators B. Kobayashi, Hagino, Solomon, Young, Holt, Machida, Aki, Soares, Henderson, George and A. Kobayashi, and was read by the Clerk.

By unanimous consent, S.R. No. 97 was referred to the Committee on Transportation.

#### STANDING COMMITTEE REPORTS

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 640-84) recommending that the Senate advise and consent to the nominations of David A. Heenan, Paul C. Yuen, Thomas R. Moore, Kwock Tim Yee, Thomas T. Enomoto, Thomas B. Hayward, and Raymond D.S. Lum to the Board of Directors for the High

Technology Development, Corporation, in accordance with Governor's Message No. 98.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 640-84 and Gov. Msg. No. 98 was deferred until Monday, April 9, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 641-84) recommending that the Senate advise and consent to the nomination of Aaron Levine to the Board of Directors, Aloha Tower Development Corporation, in accordance with Governor's Message No. 138.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 641-84 and Gov. Msg. No. 138 was deferred until Monday, April 9, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 642-84) recommending that the Senate advise and consent to the nomination of Elizabeth Alison Kay, Ph.D., and Tonnie L.C. Casey to the Animal Species Advisory Commission, in accordance with Governor's Message No. 139.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 642-84 and Gov. Msg. No. 139 was deferred until Monday, April 9, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 643-84) recommending that the Senate advise and consent to the nominations of Alika Cooper, Louis Agard, and Winfred Ho to the Hawaii Fisheries Coordinating Council, in accordance with Governor's Message No. 140.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 643-84 and Gov. Msg. No. 140 was deferred until Monday, April 9, 1984.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 644-84) recommending that House Concurrent Resolution No. 25, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Aki, seconded by Senator George and carried, the report of the Committee was adopted and H.C.R. No. 25, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HISTORIC PRESERVATION

FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

At this time, Senator Carpenter rose to inquire as follows:

"Mr. Vice President, is it my understanding that all of the functional plans will be moved to the Economic Development Committee prior to their hearing on Thursday, next week?"

Senator Aki answered: "Mr. Vice President, we are asking all chairmen of the various committees to submit their functional plans to my committee by Thursday so that we can have a hearing on all of these plans."

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:12 o'clock p.m.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 645-84) recommending that House Concurrent Resolution No. 23, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Aki, seconded by Senator George and carried, the report of the Committee was adopted and H.C.R. No. 23, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE RECREATION FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 646-84) recommending that House Concurrent Resolution No. 26, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Aki, seconded by Senator George and carried, the report of the Committee was adopted and H.C.R. No. 26, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TOURISM FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

#### ORDER OF THE DAY

#### THIRD READING

House Bill No. 1864-84:

On motion by Senator Solomon, seconded by Senator Toguchi and carried, H.B. No. 1864-84, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISTRICT ADVISORY COUNCILS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Ajifu, Henderson, Holt and Wong).

Senator Young, chairman of the Committee on Housing and Urban Development, then requested a waiver of the 48-hour Notice of a Public Hearing on Governor's Message No. 295, listed on the agenda of the Senate Housing and Urban Development Committee's hearing notice for Friday, April 6, 1984, and the Chair granted the waiver.

Senator Cayetano then rose on a point of personal privilege as follows:

"Mr. Vice President, a few weeks ago, there was a very controversial bill before this body, the so-called 'takeover bill.' I want to, for the record, make some comments on a related article, the article in the Honolulu Advertiser, Friday, April 6, 1984, entitled 'C&C buys up Hurwitz' shares.'

"The article states, in the first paragraph, 'Castle & Cooke Inc. President Ian R. Wilson called it "a victory," an action that "will enable us to again concentrate on ongoing programs to maximize shareholders' value."

"But a New York analyst, Stanley Fishman of Fahnstock & Co., saw it differently. C&C was responding to "legalized blackmail," he said. "A lot of money is being spent to get rid of a predator. In the process, the small stockholder is being shortchanged."

"The article then goes on to state, 'The \$21.36 price paid Hurwitz compares with the average of about \$17.14 he paid for the 3.3 million shares through two companies....' There is an 'estimated Hurwitz' total profit at less than \$10 million, after subtracting brokerage commissions, interest on borrowed funds and fees for lawyers and investment counsel....'

"Wall Street analyst Fishman, however, said he has followed C&C for years "and this deal turns me off."

"The buyout, he said, "is not fair" to the overall body of stockholders.

"Here this guy (Hurwitz) gets more than \$21 a share and the little stockholder for this generous payment ends up with his stock off more than 2 points."

"I thought the company would be a little tougher. They talked that way up till today."

"On the other hand, he said, "maybe their lawyers threw up their hands and said, 'They got us.'"

"Mr. Vice President, the point I'm trying to make is that while there was a lot of talk about protecting companies like Castle & Cooke from takeover, there's been very little discussion in this body about protecting the small stockholder from the kinds of deals between management corporations such as Castle & Cooke, and takeover proponents, such as Mr. Hurwitz.

"In all of these deals, history has shown, and I guess the example prior to this case is the example of Mr. Chalmers and PRI where the same thing happened. In all of these deals, the little guy gets hurt.

"Maybe the interim would be a good time for us to take a look at this problem and try and come up with legislation which would protect the small stockholder, as well as address the problem of takeovers.

"Further, in recent years what has happened is that we find the big businesses coming to us for legislation to deal with what amounts to corporate problems. A few years ago, in fact, I believe it was last year, one of the utility companies came forward and had a bill introduced which would really preempt rights of a preferred stockholder. Apparently, in this particular case, this particular preferred stockholder was holding up the development of a subsidiary corporation by the particular corporation utility in mind and, basically, what the preferred stockholder wanted was some money for its consent...perfectly legal.

"We find, this year, we have Castle & Cooke and AmFac coming to us for legislation which would deal with their particular corporate problems. We find, increasingly, other private concerns with special interest coming to us, asking us to pass legislation which would cut out competition, which would really make their marketing easier and maybe narrow the particular markets that they are involved in a little better and easier



for them.

"I would hope that all of us would reflect on this because I think the reason these special interest groups are coming to us more frequently is because they have seen cases where others have been successful in coming to the Legislature for legislation which cuts out competition.

"I hope in the future that our leadership and every member of this body will reflect on this problem because I think in the years to come we will see more of this kind of activity. Thank you."

Senator Kawasaki also rose on a point of personal privilege and stated as follows:

"Mr. Vice President, I think the comments by Senator Cayetano are well taken and is worthy of deep consideration from us.

"Of course, how the Legislature was used in other situations is very evident when you look at the whole spectrum of special purpose revenue bonds that save the beneficiaries literally millions of dollars which in no way, in my judgment, have trickled down to the benefit of the taxpayers of this state. So, perhaps that is another example of how the Legislature, because it does not give really close detailed attention to what is requested of them in the way of enacting statutes that benefit a small segment of our community here, because we don't pay the kind of attention that we should to these kinds of propositions, we get used in the process and we look foolish in the end.

"Take a look at how many requests we're getting for special purpose revenue bonds today. That's a good example of it, and I think the record should show that these comments that we make under the question of privilege, I think, is appropriate at this time because it gives us, perhaps, food for thought. Hopefully, we get some results as a result of this mental cerebration of some of the comments made here."

Senator Cobb also added his remarks as follows:

"As long as we are on the subject, Mr. President, I'd like to speak on personal privilege that during one of the earlier hearings on this matter, there was considerable concern expressed in the committee with respect to the rights, duties,

obligations, and privileges of the so-called small stockholder, and yet it was predictable that this could have happened, and now has happened because it's not something new that the large and the large get together; one ate the other. It's a question of which is the larger fish.

"That's why I indicated earlier, Mr. Vice President, next year's bill will have a title again to the subject of 'relating to shark repellent.' It would be much broader in its scope, but I think more permissive in nature.

"We will have to address the question of the small stockholder, as well, because they in the past have been submerged in such large deals being made between principals involved in a corporate fight or a corporate takeover.

"I, for one, am reluctant to intervene with blockages of legislation, but would rather see the permissive type of legislation that would allow a corporation to structure its own bylaws as it sees fit. The model act in many respects does that and it was one of the principal reasons why it was adopted as a compromise between the small and the large corporations, allowing each to determine for itself what bylaws and what amendments and what voting requirements were necessary to effectuate the change.

"Thank you."

Senator Abercrombie also rose on a point of personal privilege and remarked as follows:

"Mr. Vice President, in the wake of the statements that are being made this morning, I too would like to rise on a point of personal privilege, and just for purposes of the record indicate that while the sentiments expressed by the previous speakers are well taken, that the article that was referred to by the first speaker, Senator Cayetano, also indicates quite clearly that the despair on the part of the particular financial analyst, I think, in New York was attributable in part to the fact that the gentleman represents speculative interests.

"He was disappointed because the speculators got caught a little short. They didn't think that Castle & Cooke would buy out Mr. Hurwitz quite so fast. So, I would point out that his tender regard for the stockholders and Castle & Cooke is not one based entirely on altruism, but one based

on the fact that he or the people he was advising might not be making as much money out of the deal, themselves, as they thought they might get.

"My point is that not that the small stockholders should not be taken into account, but rather that takeovers occur when speculators and analysts of the stock involved feel that it is undervalued. When companies deliberately undervalue their assets, it is an open invitation for takeovers to occur, friendly and unfriendly. I think that's another point that has to be made.

"Some people, in fact, want to take over companies because they believe they are not being administered efficiently and they are in fact undervalued and with proper administration and utilization of those assets that all the stockholders, large and small would benefit as a result.

"So, when we consider legislation and when we consider the basis of legislation, I hope we will keep in mind, as well, that the real source of takeover attempts, on the whole, is undervalued assets and the perception of same by those who want to buy into a company. When that situation exists or when it is believed to exist, it is likely that such attempts will occur.

"Additionally, Mr. Vice President, I think that if one had the opportunity to view the debate that took place in Pennsylvania last evening between the leading candidates for the presidential nomination in the Democratic Party, you would have witnessed the latest in several discussions on the debate level and on the issue level, in general, with respect to plant closings, as well, or a corporation abandoning a place of business, and legislation which might be necessary to be in place to prevent the kind of precipitous leave-taking of companies and corporations who perhaps might have enjoyed the benefits of a government largess and/or a particular legislation which benefited them in the past.

"My own view is that if such legislation exists and if companies have enjoyed the approbation of the

legislative process in terms of either subsidies or of legislation which was of direct benefit to corporations, those corporations in turn owe something to the community from which those benefits came. And that includes not just a two-week notice or something of that nature, but perhaps some penalties to be assessed against such companies which would recover for either the municipality or the state or whatever the political entity which has offered benefits to companies which they have taken advantage of so that we make sure that people do not simply take from the taxpayers, but in and when a situation arises when it is deemed imperative by management that leave an area that people aren't just left in the economic and social lurch, left in the economic and social void which so often occurs in such circumstances."

Senator Cayetano then added as follows:

"Mr. Vice President, let me close this issue by just making my point clear. I'm sure there are speculators involved in this. Certainly, one could probably classify almost anyone who invests in the stockmarket as a speculator.

"The fact of the matter is that many investors are small people, for example, senior citizens who are looking to retirement and looking for some appreciation of income.

"Let me give you an example. In the PRI takeover by Mr. Chalmers, when PRI bought out Mr. Chalmers and paid some horrendous premium, I think they paid them \$20 for stock that was worth maybe \$12. The small or the minority stockholders took the 'gas' for the \$8 difference. And in this particular case one of the minority stockholders happened to be the Employees' Retirement System, certainly not a speculator in the conventional sense."

#### ADJOURNMENT

At 12:29 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 9, 1984.

## FIFTY-SECOND DAY

Monday, April 9, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:43 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain James D. Pfannenstiel, Captain, United States Navy, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-First Day.

Senator Chang introduced a friend he shared boyhood days with in a YMCA club, Mr. Merlyn Raco, who is presently director of the Boys' Club in Hilo.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 300 to 310) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 300), submitting for consideration and confirmation to the Board of Examiners of Nursing Home Administration, the nominations of the following:

Abe Sakai, term to expire December 31, 1984; and

Marilyn E. Miller, term to expire December 31, 1987,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 301), submitting for consideration and confirmation to the Pest Control Board, the nomination of Roy M. Shimotsukasa, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 302), submitting for consideration and confirmation to the Real Estate Commission, the nomination of Joseph F. Blanco, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 303), submitting for consideration and confirmation to the Board of Land and Natural Resources,

the nomination of Leonard H. Zalopany, term to expire December 31, 1987, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 304), submitting for consideration and confirmation to the State Foundation on Culture and the Arts, the nominations of the following:

Masaru Yokouchi, term to expire December 31, 1987;

Harry A. Mattson, term to expire December 31, 1985; and

Nancy Kennedy, term to expire December 31, 1987,

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 305), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nominations of Danette K. Rayford and Helen K. Matthews, terms to expire December 31, 1987, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 306), submitting for consideration and confirmation to the West Honolulu Subarea Health Planning Council, the nominations of Winifred H. Ishimoto and Kathleen K. Yoshitomi, terms to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 307), submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nomination of Robin K. Campaniano, term to expire December 31, 1987, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 308), submitting for consideration and confirmation to the Western Interstate Commission for Higher Education, the nomination of Stella L. T. Asahara, term to expire December 31, 1987, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 309), submitting for consideration and confirmation to the Board of Vocational Rehabilitation, the nomination of Geraldine Ah Sam, term

to expire December 31, 1987, was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 310), submitting for consideration and confirmation to the Stadium Authority, the nominations of Robert A. McFarlane and Henry S. Kibota, terms to expire December 31, 1987, was referred to the Committee on Tourism.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 88 to 91) were read by the Clerk and were disposed of as follows:

A concurrent resolution (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 offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 88 was referred jointly to the Committee on Health and the Committee on Human Resources.

A concurrent resolution (S.C.R. No. 89), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO STOP MILITARY AID TO CENTRAL AMERICA," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 89 was referred to the Committee on Government Operations and County Relations.

A concurrent resolution (S.C.R. No. 90), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PROMOTION OF SMOKE-FREE SECTIONS IN EATING AREAS," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 90 was referred to the Committee on Health.

A concurrent resolution (S.C.R. No. 91), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONSIDER ESTABLISHING A NIGHT COURT IN WAIKIKI," was offered by Senator Abercrombie.

By unanimous consent, S.C.R. No. 91 was referred to the Committee on Judiciary.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 98 to 107) were read by the Clerk and were disposed of as follows:

A resolution (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 offered by Senators Solomon, Ajifu, Young, Mizuguchi, Kuroda, Uwaine, Hagino, Cayetano, Machida, Carpenter, Toguchi and Abercrombie.

By unanimous consent, S.R. No. 98 was referred to the Committee on Economic Development.

A resolution (S.R. No. 99), entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE CROP PROTECTION ACTION PLAN FOR HAWAII," was offered by Senators Solomon, Ajifu, Young, Mizuguchi, Kuroda, Uwaine, Hagino, Cayetano, Machida, Carpenter, Toguchi and Abercrombie.

By unanimous consent, S.R. No. 99 was referred to the Committee on Agriculture.

A resolution (S.R. No. 100), entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE TO DEVELOP A SYSTEMATIC AND COMPREHENSIVE ACTION PLAN TO PROMOTE HAWAII'S BEEF CATTLE INDUSTRY," was offered by Senators Solomon, Ajifu, Young, Mizuguchi, Kuroda, Uwaine, Hagino, Abercrombie, Cayetano, Machida, Carpenter and Toguchi.

By unanimous consent, S.R. No. 100 was referred to the Committee on Agriculture.

A resolution (S.R. No. 101), entitled: "SENATE RESOLUTION REQUESTING CREATION OF ALS/BLS AMBULANCE UNITS FOR HONOKAA, KAU AND KOHALA, HAWAII," was offered by Senators Solomon, Young, Kuroda, Abercrombie, Machida, Uwaine, Carpenter, Ajifu, Mizuguchi, Hagino and Toguchi.

By unanimous consent, S.R. No. 101 was referred to the Committee on Health.

A resolution (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 offered by Senator Abercrombie.

By unanimous consent, S.R. No. 102 was referred jointly to the Committee on Health and to the Committee on Human Resources.

A resolution (S.R. No. 103), entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO STOP MILITARY AID TO CENTRAL AMERICA," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 103 was referred to the Committee on Government Operations and County Relations.

A resolution (S.R. No. 104), entitled: "SENATE RESOLUTION REQUESTING THE PROMOTION OF SMOKE-FREE SECTIONS IN EATING AREAS," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 104 was referred to the Committee on Health.

A resolution (S.R. No. 105), entitled: "SENATE RESOLUTION REQUESTING THE JUDICIARY TO CONSIDER ESTABLISHING A NIGHT COURT IN WAIKIKI," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 105 was referred to the Committee on Judiciary.

A resolution (S.R. No. 106), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF HAWAII'S HOUSING COOPERATIVE LAWS," was offered by Senator B. Kobayashi.

By unanimous consent, S.R. No. 106 was referred to the Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management.

A resolution (S.R. No. 107), entitled: "SENATE RESOLUTION REQUESTING CONGRESSIONAL ACTION TO CORRECT ABUSE OF CHAPTER 11 BANKRUPTCY PETITIONS AND TO RESTORE THE INTENT OF THE BANKRUPTCY REFORM ACT OF 1978," was offered by Senators George, Henderson, Machida, Chang, Uwayne, Holt, Abercrombie, Hagino and Kuroda.

By unanimous consent, S.R. No. 107 was referred to the Committee on Judiciary.

#### STANDING COMMITTEE REPORTS

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 647-84) recommending that House Bill No. 1662-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1662-84, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S MENTAL HEALTH SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 11, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 648-84) recommending that House Bill No. 2233-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2233-84, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 11, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 649-84) recommending that House Bill No. 1738-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1738-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 11, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 650-84) recommending that House Bill No. 1741-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee

was adopted and H.B. No. 1741-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 11, 1984.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 651-84) recommending that House Concurrent Resolution No. 21, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Machida, seconded by Senator Cobb and carried, the report of the Committee was adopted and H.C.R. No. 21, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HEALTH FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 652-84) recommending that Senate Resolution No. 36 be adopted.

On motion by Senator Solomon, seconded by Senator Toguchi and carried, the report of the Committee was adopted and S.R. No. 36, entitled: "SENATE RESOLUTION REQUESTING THE DOE TO ESTABLISH A NEW PUBLIC LIBRARY FOR KAILUA-KONA AS SOON AS POSSIBLE," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 653-84) recommending that House Bill No. 1720-84, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 653-84 and H.B. No. 1720-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 654-84) recommending that House Bill No. 2039-84, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 654-84 and H.B. No. 2039-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," was

deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 655-84) recommending that House Bill No. 1636-84, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 655-84 and H.B. No. 1636-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 656-84) recommending that House Bill No. 1739-84, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 656-84 and H.B. No. 1739-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 657-84) recommending that House Bill No. 2184-84, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 657-84 and H.B. No. 2184-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 658-84) recommending that House Bill No. 359 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 658-84 and H.B. No. 359, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL GUARD AND RESERVE TUITION WAIVERS," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 659-84) recommending that House Bill

No. 1797-84, H.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 659-84 and H.B. No. 1797-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 660-84) recommending that House Bill No. 851 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 660-84 and H.B. No. 851, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 661-84) recommending that House Bill No. 1718-84, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 661-84 and H.B. No. 1718-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 662-84) recommending that House Bill No. 1185, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 662-84 and H.B. No. 1185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A PUBLIC GUARDIANSHIP AGENCY," was deferred until Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 663-84) recommending that House Bill No. 1213 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1213, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT

EXCESS REVENUE BE REFUNDED TO TAXPAYERS UNDER CERTAIN CONDITIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 11, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 664-84) recommending that House Bill No. 1827-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1827-84, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 11, 1984.

#### ORDER OF THE DAY

##### THIRD READING

House Bill No. 1854-84:

By unanimous consent, action on H.B. No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION," was deferred until Wednesday, April 11, 1984.

House Bill 1947-84:

By unanimous consent, action on H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," was deferred until Wednesday, April 11, 1984.

House Bill No. 1948-84:

By unanimous consent, action on H.B. No. 1948-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO ALLOW FLEXIBILITY IN SCHEDULING THE MANDATORY RECESS," was deferred until Wednesday, April 11, 1984.

##### ADVISE AND CONSENT

Standing Committee Report No. 640-84 (Gov. Msg. No. 98):

Senator Aki moved that Stand. Com. Rep. No. 640-84 be received and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of the following:

Thomas T. Enomoto and Thomas B. Hayward, terms to expire December 31, 1986;

David A. Heenan, term to expire December 31, 1984;

Raymond D. S. Lum, term to expire December 31, 1986;

Thomas R. Moore and Kwock Tim Yee, terms to expire December 31, 1985; and

Paul C. Yuen, term to expire December 31, 1984,

to the Board of Directors for the High Technology Development Corporation,

seconded by Senator Hagino.

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. 641-84 (Gov. Msg. No. 138):

Senator Aki moved that Stand. Com. Rep. No. 641-84 be received and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of Aaron Levine to the Aloha Tower Development Corporation, term to expire December 31, 1987, seconded by Senator Hagino.

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. 642-84 (Gov. Msg. No. 139):

Senator Aki moved that Stand. Com. Rep. No. 642-84 be received and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of Elizabeth Alison Kay, Ph.D. and Tonnie L.C. Casey to the Animal Species Advisory Commission, terms to expire December 31, 1987, seconded by Senator Hagino.

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. 643-84 (Gov. Msg. No. 140):

Senator Aki moved that Stand. Com. Rep. No. 643-84 be received and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of Alika Cooper, Louis Agard and Winfred Ho to the Hawaii Fisheries Coordinating Council, terms to expire December 31, 1987, seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

Senator B. Kobayashi, chairman of the Committee on Conference on the part of the Senate on Senate Bill Nos. 2049, H.D. 1, 2243, S.D. 1, H.D. 1, and 300 S.D. 1, H.D. 1, then requested a waiver of the 48-hour Notice of a Public Hearing for Tuesday, April 10, 1984, and the President granted the waiver.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

#### APPOINTMENT OF CONFEREES

House Bill No. 538, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 538, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Cayetano and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 654, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No.



654, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Uwaine and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 788, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 788, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Kuroda and George as Managers on the part of the Senate at such conference.

House Bill No. 1148, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1148, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Machida, Kuroda and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1220, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1220, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Cayetano and George as Managers on the part of the Senate at such conference.

House Bill No. 1629-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1629-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, B. Kobayashi, Cayetano and George as Managers on the part of the Senate at such conference.

House Bill No. 1729-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1729-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Machida, Cobb and A. Kobayashi as Managers

on the part of the Senate at such conference.

House Bill No. 1784-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1784-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kuroda, Uwaine and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1785-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1785-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Uwaine and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1790-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1790-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kawasaki and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1815-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1815-84, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 1816-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1816-84, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 1817-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1817-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kawasaki and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1818-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1818-84, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kawasaki and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1819-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1819-84, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kawasaki and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1821-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1821-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Uwaine and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 1852-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1852-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Cayetano and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1863-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1863-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Hagino

and George as Managers on the part of the Senate at such conference.

House Bill No. 1878-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1878-84, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kuroda and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1880-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1880-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kuroda, Uwaine and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1882-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1882-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling, Uwaine and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1912-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1912-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Kuroda, Uwaine and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1932-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1932-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Machida, Hagino and George as Managers on the part of the Senate at such conference.

House Bill No. 1950-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1950-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Chang and George as Managers on the part of the Senate at such conference.

House Bill No. 1983-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1983-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Kuroda and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1989-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1989-84, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Carpenter and George as Managers on the part of the Senate at such conference.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

House Bill No. 2006-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2006-84, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Hagino and George as Managers on the part of the Senate at such conference.

House Bill No. 2012-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2012-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling, Kuroda and Soares as Managers on the part of the Senate at such conference.

House Bill No. 2026-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2026-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2028-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2028-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Uwaine and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2029-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2029-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2032-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2032-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Kuroda and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2054-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2054-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Carpenter and Soares as Managers on the part of the Senate at such conference.

At 12:13 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.

House Bill No. 2142-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2142-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, B. Kobayashi, Cobb and George as Managers on the part of the Senate at such conference.

House Bill No. 2163-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2163-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Hagino and George as Managers on the part of the Senate at such conference.

House Bill No. 2196-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2196-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Uwaine and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2224-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2224-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2281-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2281-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Fernandes Salling and Soares as Managers on the part of the Senate at such conference.

House Bill No. 2320-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2320-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Chang, Uwaine and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 2333-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2333-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Kuroda and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2340-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2340-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, B. Kobayashi, Cobb and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2418-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2418-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Uwaine and Henderson as Managers on the part of the Senate at such conference.

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the Senate Clerk to receive senate concurrent resolutions and senate resolutions prior to 5:00 o'clock p.m. In consequence thereof,

and subsequent to its recessing at 12:24 o'clock p.m., the Senate took the following action on the following concurrent resolutions and resolutions:

#### SENATE CONCURRENT RESOLUTIONS

A concurrent resolution (S.C.R. No. 92), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF AND NEED FOR A STATE CRIME LABORATORY," was offered by Senators Chang, Hagino, Kuroda, Cobb, A. Kobayashi and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 93), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INTEGRATING CRIMINAL JUSTICE RESEARCH AND INFORMATION PROCESSING FUNCTIONS," was offered by Senators Chang, George, Mizuguchi, Aki, Cobb, Cayetano, Kuroda, Hagino, Soares, Ajifu, Holt, Solomon, Uwayne, Machida, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 94), entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING BETTER AND MORE COORDINATED AND COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS STATE, COUNTY, AND PRIVATE PROGRAMS AND AGENCIES ESTABLISHED TO RESPOND TO THE NEEDS OF VICTIMS AND WITNESSES OF CRIME," was offered by Senators Chang, George, Aki, Soares, Cobb, Mizuguchi, Ajifu, Machida, Uwayne, Cayetano, Kuroda, Hagino, Solomon, Henderson, A. Kobayashi, Young and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 95), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DESIGNATION OF A 'HAWAII CORRECTIONAL OFFICERS' WEEK,'" was offered by Senators Chang, Cayetano, Kuroda, Aki, Cobb, Hagino, Soares, Solomon, George, Mizuguchi, Uwayne, Ajifu, Machida, Holt, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 96), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

A STUDY OF DUTIES AND OBLIGATIONS OF STEPPARENTS," was offered by Senators Chang, George, Aki, Ajifu, Cobb, Machida, Kuroda, Soares, Uwayne, Mizuguchi, Cayetano, Hagino, Solomon, Holt, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 97), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION," was offered by Senators Chang, George, Aki, Cobb, Cayetano, Kuroda, Hagino, Soares, Solomon, Mizuguchi, Ajifu, Machida, Uwayne, Henderson, Young, Holt and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 98), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ALLOWING CORPORATIONS TO REPRESENT THEMSELVES IN COURT," was offered by Senators Chang, George, Aki, Cobb, Cayetano, Kuroda, Hagino, Soares, Uwayne, Solomon, A. Kobayashi, Mizuguchi, Ajifu, Machida, Henderson, Young and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 99), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF USING MEDIATION IN CHILD CUSTODY CASES," was offered by Senators Chang, George, Aki, Cobb, Cayetano, Kuroda, Hagino, Soares, Solomon, Mizuguchi, Ajifu, Holt, Uwayne, Machida, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 100), entitled: "SENATE CONCURRENT RESOLUTION IN SUPPORT OF NON-PROFIT PUBLIC INTEREST LAW PROGRAMS," was offered by Senators Chang, Hagino, Kuroda, A. Kobayashi and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 101), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF MILK PRODUCTION COSTS IN HAWAII AS COMPARED TO OTHER STATES," was offered by

Senator Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 102), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A RESIDENTIAL CARE FACILITY AT HALE MOHALU, PEARL CITY," was offered by Senators Aki, Fernandes Salling and Machida, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 103), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ACQUIRE EQUIPMENT TO TEST FOR ORCHID VIRUSES AND TO AMEND ITS RULES ON THE IMPORTATION OF ORCHIDS," was offered by Senator Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 104), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO TRANSFER ITS MANAGEMENT OPERATIONS AND FUNCTIONS OF STATE LONG-TERM AND ACUTE CARE FACILITIES TO PRIVATE MANAGEMENT COMPANIES," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 105), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD (HPERB) TO DEVELOP LEGISLATIVE PROPOSALS FOR ESTABLISHING A LIST OF 'ESSENTIAL EMPLOYEES' FOR EACH PUBLIC EMPLOYEE COLLECTIVE BARGAINING UNIT FOR FUTURE STRIKES," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 106), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY ON THE FEASIBILITY AND IMPLEMENTATION OF HOME DETENTION AS AN ALTERNATIVE TO INCARCERATION FOR CONVICTED PERSONS," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and

Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 107), entitled: "SENATE CONCURRENT RESOLUTION URGING CONTINUED FUNDING OF THE BIOENERGY DEVELOPMENT CORPORATION'S EUCALYPTUS TREE FARM DEMONSTRATION PROJECT," was offered by Senators Carpenter, Henderson, Solomon, Aki, Abercrombie, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 108), entitled: "SENATE CONCURRENT RESOLUTION URGING A DELAY IN IMPLEMENTING PROPOSED ADMINISTRATIVE RULES ON UNDERGROUND INJECTION CONTROL," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 109), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DESIGNATION OF ENDANGERED SPECIES PROTECTION MONTH," was offered by Senators Chang, Fernandes Salling, Abercrombie, Carpenter, Henderson, Soares, Aki, Yamasaki, Mizuguchi and Toguchi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 110), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A DELAY IN IMPLEMENTING THE DEPARTMENT OF HEALTH'S ADMINISTRATIVE RULES ON PRIVATE WASTEWATER TREATMENT WORKS AND INDIVIDUAL TREATMENT SYSTEMS," was offered by Senators Carpenter, Abercrombie, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (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 NON-PROFESSIONAL EMPLOYEES OF EDUCATIONAL INSTITUTIONS SOLELY DUE TO THE 'REASONABLE ASSURANCE' THAT THEY WILL BE EMPLOYED DURING THE NEXT

ACADEMIC TERM," was offered by Senators Mizuguchi and Abercrombie, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 112), entitled: "SENATE CONCURRENT RESOLUTION RELATING TO COMPENSATION OF ATTORNEYS GENERAL," was offered by Senator Mizuguchi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 113), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF THE POSSIBILITY OF ESTABLISHING FILM PRODUCTION FACILITIES ON MOLOKAI OR LANAI," was offered by Senators Machida, Yamasaki, Wong, Holt, Ajifu, A. Kobayashi, Fernandes Salling, Mizuguchi, Young, George, Uwaine, Soares, Carpenter, Henderson, Kuroda, Hagino, Chang, Aki, Abercrombie, Cayetano, Toguchi, Solomon, B. Kobayashi and Kawasaki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 114), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF AND WORKSHOP ON TORT LAWS," was offered by Senators Chang, Solomon, Hagino, Kuroda and Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 115), entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE DAY OF APRIL 18, 1984 AS 'HAWAIIAN OCEAN DAY,'" was offered by Senators Chang, Ajifu, Solomon, Hagino and Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 116), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE WORLDWIDE GREENHOUSE EFFECT ON HAWAII'S COASTAL DEVELOPMENTS," was offered by Senators Chang, Solomon, Toguchi and Aki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 117), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE

BUREAU TO CONDUCT A STUDY OF LAWS BASED ON AGE," was offered by Senators Chang, Carpenter, Abercrombie, Henderson, Soares, Aki, Mizuguchi, Toguchi, Fernandes Salling and Yamasaki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 118), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO REVIEW THE REIMBURSEMENT OF CLINICAL SOCIAL WORKERS UNDER MEDICAID AND MEDICARE AND PRESENT INSURANCE LAWS," was offered by Senators Cobb, Hagino, Abercrombie, Ajifu, A. Kobayashi, Carpenter, Solomon and Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 119), entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ESTABLISHMENT OF SENIOR CASE MANAGEMENT COORDINATION PROJECTS FOR THE ISLANDS OF MAUI AND KAUAI," was offered by Senators Machida, Mizuguchi, Toguchi, B. Kobayashi, Yamasaki, Hagino, Holt, Abercrombie, Ajifu and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (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 ADMINISTER TIVELY LINK EXISTING SERVICES IN A COMPREHENSIVE PLAN FOR NEEDS ASSESSMENT, PROGRAM PLANNING, RESOURCE ALLOCATION, IMPLEMENTATION, AND EVALUATION," was offered by Senators Machida, Mizuguchi, Toguchi, B. Kobayashi, Yamasaki, Hagino, Holt, Abercrombie, Ajifu and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 121), entitled: "SENATE CONCURRENT RESOLUTION URGING RECONSIDERATION OF PLANS TO WIDEN SIDEWALKS ALONG

KALAKAUA AVENUE," was offered by Senators Cobb, B. Kobayashi, Fernandes Salling, Ajifu, Young, Toguchi, Aki and Carpenter, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (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 offered by Senators Henderson and Aki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 123), entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING AUGUST 14-21, 1984 AS RETURN TO RIGHTEOUSNESS WEEK 1984," was offered by Senators Aki, Hagino, Henderson, A. Kobayashi, Kuroda and Cobb, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 124), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PROTECTION OF HABITAT ESSENTIAL FOR ESTABLISHING A SANCTUARY FOR THE ENDANGERED 'ALALA," was offered by Senator A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 125), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO REVIEW AND EVALUATE HAWAII'S JUDICIAL SELECTION AND RETENTION SYSTEM," was offered by Senator Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 126), entitled: "SENATE CONCURRENT RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senator Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 127), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO ASSIST THE SUBCOMMITTEE ON CODIFICATION AND PUBLIC HEALTH AND MORALS OF

THE COMMITTEE ON PENAL CODE REVISION AND REFORM WITH RESEARCH AND PREPARATION OF THE FINAL REPORT TO THE 1985 LEGISLATURE," was offered by Senator Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 128), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE OR SUPPORT AMENDMENTS TO THE PROPOSED IMMIGRATION REFORM AND CONTROL ACT OF 1983," was offered by Senator Wong, by request, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 129), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION INTO THE LANDS MADE AVAILABLE FOR DIVERSIFIED AGRICULTURE BY ACT 15, SESSION LAWS OF HAWAII, 1960," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 130), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO REVIEW THE FORESTRY AND WILDLIFE ORGANIZATION IN COOPERATION WITH THE WILDLIFE MANAGEMENT INSTITUTE," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 131), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING NUCLEAR-FREE ZONES IN THE STATE OF HAWAII," was offered by Senators A. Kobayashi and Young, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 132), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE USE OF BIOTECHNOLOGY FOR FRUIT FLY ERADICATION TO REDUCE COSTS AND CURB ADVERSE IMPACT," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 133), entitled: "SENATE CON-



CURRENT RESOLUTION REQUESTING THE STATE LAND USE COMMISSION TO IMPLEMENT A MORATORIUM ON RECLASSIFICATION OF AGRICULTURAL LANDS," was offered by Senators Hagino and Solomon, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 134), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION INTO THE FEASIBILITY OF OBTAINING FEDERAL FUNDS FOR THE DEVELOPMENT OF AN INTRASTATE MARINE HIGHWAY SYSTEM FOR MORE EFFICIENT MOVEMENT OF AGRICULTURAL PRODUCTS AND PERSONS," was offered by Senators Solomon and Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 135), entitled: "SENATE 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 offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 136), 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 offered by Senators Hagino and Fernandes Salling, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A concurrent resolution (S.C.R. No. 137), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF RESEARCH IN ENVIRONMENTALLY SOUND MEANS OF CONTROLLING PESTS WITHOUT THE USE OF DANGEROUS CHEMICALS," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

#### SENATE RESOLUTIONS

A resolution (S.R. No. 108), entitled: "SENATE RESOLUTION REQUESTING TIMELY REINSTATEMENT OF SITES TO THE HAWAII REGISTER OF HISTORIC

PLACES," was offered by Senators Chang, Solomon, Uwayne, Hagino, Kuroda, Cayetano, Carpenter, Fernandes Salling, Toguchi, Mizuguchi, Henderson, Abercrombie, A. Kobayashi, George, Aki, Holt, Soares, Ajifu and Machida, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 109), entitled: "SENATE RESOLUTION REQUESTING A STUDY EVALUATING THE FEASIBILITY OF USING LESS THAN FEE SIMPLE TITLE IN THE ACQUISITION OF HISTORIC PROPERTIES," was offered by Senators Chang, Solomon, Uwayne, Young, Hagino, Kuroda, Cayetano, Carpenter, Fernandes Salling, Toguchi, Mizuguchi, Henderson, A. Kobayashi, George, Holt, Abercrombie, Soares, Aki, Cobb, Ajifu and Machida, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 110), entitled: "SENATE RESOLUTION REQUESTING A MEMORANDUM OF UNDERSTANDING AMONG AGENCIES AND ORGANIZATIONS INVOLVED IN HISTORIC PRESERVATION IN HAWAII," was offered by Senators Chang, Solomon, Uwayne, Young, Hagino, Kuroda, Cayetano, Carpenter, Toguchi, Mizuguchi, Henderson, Abercrombie, A. Kobayashi, George, Aki, Holt, Soares, Ajifu and Machida, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 111), entitled: "SENATE RESOLUTION REQUESTING PROTECTIVE MEASURES FOR HISTORIC PROPERTIES ON HAWAIIAN HOME LANDS," was offered by Senators Chang, Solomon, Uwayne, Young, Hagino, Kuroda, Cayetano, Carpenter, Fernandes Salling, Toguchi, Mizuguchi, Henderson, A. Kobayashi, George, Aki, Abercrombie, Holt, Soares, Ajifu and Machida, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 112), entitled: "SENATE RESOLUTION REQUESTING COMMUNITY PARTICIPATION IN THE PLANNING OF HISTORIC PARKS AND SITES," was offered by Senators Chang, Solomon, Uwayne, Carpenter, Holt, Ajifu, Young, Machida, Hagino, Kuroda, Fernandes Salling, Henderson, Mizuguchi, George, Cayetano, Toguchi, A. Kobayashi, Aki, Wong,

Abercrombie and Soares, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 113), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF USING MEDIATION IN CHILD CUSTODY CASE," was offered by Senators Chang, Aki, Cobb, Cayetano, Kuroda, Hagino, Soares, Solomon, George, Mizuguchi, Ajifu, Machida, Uwaine, Henderson, Young, Holt and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 114), entitled: "SENATE RESOLUTION IN SUPPORT OF NON-PROFIT PUBLIC INTEREST LAW PROGRAMS," was offered by Senators Chang, Hagino, Kuroda, A. Kobayashi and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 115), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF AND NEED FOR A STATE CRIME LABORATORY," was offered by Senators Chang, Hagino, Kuroda, Cobb, A. Kobayashi and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 116), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INTEGRATING CRIMINAL JUSTICE RESEARCH AND INFORMATION PROCESSING FUNCTIONS," was offered by Senators Chang, Kuroda, Cobb, Aki, Cayetano, Hagino, Soares, Solomon, George, Mizuguchi, Ajifu, Uwaine, Machida, Henderson, Young, Holt and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 117), entitled: "SENATE RESOLUTION ENCOURAGING BETTER AND MORE COORDINATED AND COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS STATE, COUNTY, AND PRIVATE PROGRAMS AND AGENCIES ESTABLISHED TO RESPOND TO THE NEEDS OF VICTIMS AND WITNESSES OF CRIME," was offered by Senators Chang, George, Mizuguchi, Aki, Holt, Machida, Cobb, Ajifu, Uwaine, Cayetano, Kuroda, Hagino, Soares, Solomon, Henderson, Young, and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 118), entitled: "SENATE RESOLUTION RELATING TO THE DESIGNATION OF A 'HAWAII CORRECTIONAL OFFICERS' WEEK,'" was offered by Senators Chang, Mizuguchi, Aki, Cobb, Cayetano, Kuroda, Hagino, Soares, Solomon, George, Uwaine, Ajifu, Machida, Holt, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 119), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF DUTIES AND OBLIGATIONS OF STEP-PARENTS," was offered by Senators Chang, Cayetano, Aki, Ajifu, Cobb, Kuroda, Hagino, Soares, Holt, Uwaine, Solomon, George, Mizuguchi, Machida, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 120), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION," was offered by Senators Chang, Cayetano, Kuroda, Aki, Cobb, Hagino, Soares, Solomon, George, Mizuguchi, Uwaine, Ajifu, Machida, Holt, Henderson, Young and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 121), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ALLOWING CORPORATIONS TO REPRESENT THEMSELVES IN COURT," was offered by Senators Chang, Cayetano, Kuroda, Aki, Cobb, Hagino, Soares, Uwaine, Solomon, George, A. Kobayashi, Mizuguchi, Ajifu, Machida, Henderson, Young and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 122), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF MILK PRODUCTION COSTS IN HAWAII AS COMPARED TO OTHER STATES," was offered by Senator Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 123), entitled: "SENATE RESOLUTION REQUESTING A STUDY FOR SHARING THE COST OF PROVIDING HANDIVAN SPECIAL TRANSIT SERVICE

FOR THE HANDICAPPED," was offered by Senators B. Kobayashi, Uwaine, Machida, Soares, Solomon and Carpenter, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 124), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ACQUIRE EQUIPMENT TO TEST FOR ORCHID VIRUSES AND TO AMEND ITS RULES ON THE IMPORTATION OF ORCHIDS," was offered by Senator Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 125), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO TRANSFER ITS MANAGEMENT OPERATIONS AND FUNCTIONS OF STATE LONG-TERM AND ACUTE CARE FACILITIES TO PRIVATE MANAGEMENT COMPANIES," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 126), entitled: "SENATE RESOLUTION REQUESTING THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD (HPERB) TO DEVELOP LEGISLATIVE PROPOSALS FOR ESTABLISHING A LIST OF 'ESSENTIAL EMPLOYEES' FOR EACH PUBLIC EMPLOYEE COLLECTIVE BARGAINING UNIT FOR FUTURE STRIKES," was offered by Senators Carpenter, Abercrombie, Kawasaki, Aki, A. Kobayashi and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 127), entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE STUDY ON THE FEASIBILITY AND IMPLEMENTATION OF HOME DETENTION AS AN ALTERNATIVE TO INCARCERATION FOR CONVICTED PERSONS," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 128), entitled: "SENATE RESOLUTION URGING CONTINUED FUNDING OF THE BIOENERGY DEVELOPMENT CORPORATION'S EUCALYPTUS TREE FARM DEMONSTRATION PROJECT," was offered by Senators Carpenter,

Solomon, Henderson, Aki, Abercrombie, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 129), entitled: "SENATE RESOLUTION URGING A DELAY IN IMPLEMENTING PROPOSED ADMINISTRATIVE RULES ON UNDERGROUND INJECTION CONTROL," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 130), entitled: "SENATE RESOLUTION REQUESTING DESIGNATION OF ENDANGERED SPECIES PROTECTION MONTH," was offered by Senators Chang, Fernandes Salling, Abercrombie, Carpenter, Henderson, Soares, Aki, Yamasaki, Mizuguchi and Toguchi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 131), entitled: "SENATE RESOLUTION REQUESTING A DELAY IN IMPLEMENTING THE DEPARTMENT OF HEALTH'S ADMINISTRATIVE RULES ON PRIVATE WASTEWATER TREATMENT WORKS AND INDIVIDUAL TREATMENT SYSTEMS," was offered by Senators Carpenter, Abercrombie, A. Kobayashi and Kawasaki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 132), entitled: "SENATE RESOLUTION REQUESTING THE SENATE AGRICULTURE COMMITTEE TO MONITOR AND, AS NECESSARY, CONDUCT OVERSIGHT HEARINGS ON THE NEGOTIATIONS BETWEEN THE LULUKU BANANA GROWERS ASSOCIATION AND IOLANI SCHOOL," was offered by Senators Ajifu, Toguchi and Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 133), entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ENCOURAGE THE DEPARTMENT OF EDUCATION TO CONTINUE TO PROMOTE HAWAIIAN STUDIES PROGRAMS IN OUR PUBLIC SCHOOLS," was offered by Senators Carpenter, Abercrombie, Aki, A. Kobayashi, Kawasaki and Cayetano, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 134), entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF THE POSSIBILITY OF ESTABLISHING FILM PRODUCTION FACILITIES ON MOLOKAI OR LANAI," was offered by Senators Machida, Yamasaki, Wong, Holt, Ajifu, A. Kobayashi, Fernandes Salling, Mizuguchi, Young, George, Uwaine, Soares, Carpenter, Kuroda, Hagino, Chang, Aki, Abercrombie, Cayetano, Solomon, B. Kobayashi and Kawasaki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 135), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF AND WORKSHOP ON TORT LAWS," was offered by Senators Chang, Solomon, Hagino, Kuroda and Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 136), entitled: "SENATE RESOLUTION DESIGNATING THE DAY OF APRIL 18, 1984 as 'HAWAIIAN OCEAN DAY'," was offered by Senators Chang, Ajifu, Solomon, Hagino and Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 137), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE WORLDWIDE GREENHOUSE EFFECT ON HAWAII'S COASTAL DEVELOPMENTS," was offered by Senators Chang, Solomon, Toguchi, Aki and B. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 138), entitled: "SENATE RESOLUTION REQUESTING EACH STATE AGENCY AND DEPARTMENT TO REPORT ON THEIR ACTIVITIES IN RESPONSE TO HURRICANE IWA," was offered by Senators Fernandes Salling, Kawasaki, Abercrombie, Carpenter, A. Kobayashi, Cayetano and Toguchi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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 offered by Senators Fernandes Salling, Kawasaki, Abercrombie, Carpenter, Solomon, A. Kobayashi, Cayetano, Toguchi and

Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 140), entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF PROBLEMS RELATING TO INSURANCE CLAIMS BY VICTIMS OF HURRICANE IWA ON KAUAI," was offered by Senators Fernandes Salling, Kawasaki, Abercrombie, Carpenter, Solomon, Cayetano, Toguchi, Kuroda and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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 offered by Senator Wong, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 142), entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF LAWS BASED ON AGE," was offered by Senators Chang, Carpenter, Abercrombie, Soares, Aki, Yamasaki, Mizuguchi, Toguchi, Fernandes Salling and Henderson, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 143), entitled: "SENATE RESOLUTION REQUESTING A STUDY TO REVIEW THE REIMBURSEMENT OF CLINICAL SOCIAL WORKERS UNDER MEDICAID AND MEDICARE AND PRESENT INSURANCE LAWS," was offered by Senators Cobb, Hagino, Abercrombie, Ajifu, A. Kobayashi, Carpenter, Solomon and Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 144), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF REQUIRING REACTION-TIME TESTING FOR DRIVERS' LICENSES," was offered by Senator B. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 145), entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT/EXPANSION OF TRAP AND SKET

SHOOTING FACILITIES ON OAHU," was offered by Senators Kuroda, Uwaine, Aki, Abercrombie, Toguchi, Cayetano, Yamasaki, Cobb, Ajifu, A. Kobayashi, Solomon, Hagino and Kawasaki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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 offered by Senators Fernandes Salling, Carpenter, Cobb, Toguchi, George, Aki and B. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 147), 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 APPERTAINING TO HANSEN'S DISEASE," was offered by Senators Machida, Abercrombie, A. Kobayashi, Henderson, Soares, George, Fernandes Salling, Yamasaki, Young, Ajifu, Mizuguchi, Carpenter, Kuroda, Hagino, Kawasaki, Solomon, Uwaine and Holt, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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 offered by Senators Machida, Mizuguchi, Hagino, Holt, Soares, Carpenter, Toguchi, Abercrombie, Cayetano, Aki, A. Kobayashi, Fernandes Salling, George, Kawasaki, Young, B. Kobayashi, Solomon, Henderson, Cobb and Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 149), entitled: "SENATE RESOLUTION AUTHORIZING THE ESTABLISHMENT OF SENIOR CASE MANAGEMENT COORDINATION PROJECTS FOR THE ISLANDS OF MAUI AND KAUAI," was

offered by Senators Machida, Mizuguchi, Toguchi, B. Kobayashi, Yamasaki, Hagino, Holt, Abercrombie, Ajifu and A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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, RESOURCE ALLOCATION, IMPLEMENTATION, AND EVALUATION," was offered by Senators Machida, Mizuguchi, Toguchi, B. Kobayashi, Yamasaki, Hagino, Holt, Abercrombie, Ajifu, A. Kobayashi and Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 151), entitled: "SENATE RESOLUTION RELATING TO EVALUATION OF LONG RANGE MASTER PLAN FOR ALOHA STADIUM," was offered by Senators Kuroda, Cobb, Aki, A. Kobayashi, Ajifu, Abercrombie, Toguchi, Carpenter, Yamasaki, B. Kobayashi, Solomon, Young, Kawasaki and Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 152), entitled: "SENATE RESOLUTION URGING RECONSIDERATION OF PLANS TO WIDEN SIDEWALKS ALONG KALAKAUA AVENUE," was offered by Senators Cobb, Fernandes Salling, Ajifu, Young, B. Kobayashi, Toguchi, Aki and Carpenter, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 153), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A MASTER PLAN FOR THE DISPOSITION OF HALE MOHALU IN PEARL CITY, OAHU, AND TO GIVE SPECIAL CONSIDERATION TO THE CLAIM OF THE HALE MOHALU OHANA FOR USE OF THE LAND FOR RESIDENTIAL PURPOSES," was offered by Senators Machida, Yamasaki, Toguchi, Fernandes Salling and Ajifu, and was placed on the

calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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 offered by Senators Machida, Kuroda, Yamasaki, Toguchi, Fernandes Salling, A. Kobayashi and Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 155), entitled: "SENATE RESOLUTION RELATING TO THE TRANSFER OF AUTHORITY OVER PRIVATE WASTEWATER TREATMENT PLANTS FROM THE STATE TO THE COUNTIES," was offered by Senators Machida, Kuroda, Toguchi, Fernandes Salling, Henderson, A. Kobayashi and Ajifu, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 156), entitled: "SENATE RESOLUTION RELATING TO THE PRESERVATION AND RESTORATION OF THE PALILA BIRD," was offered by Senators Henderson, Hagino, A. Kobayashi, Kuroda and Aki, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 157), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE IMMEDIATE IMPROVEMENTS TO GENERAL AVIATION FACILITIES IN HAWAII," was offered by Senators Henderson, B. Kobayashi, George, Soares, Carpenter, A. Kobayashi, Mizuguchi, Toguchi and Kuroda, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (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 offered by Senators Henderson, Hagino and Aki, and was placed on the calendar for

further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 159), entitled: "SENATE RESOLUTION REQUESTING THE PROTECTION OF HABITAT ESSENTIAL FOR ESTABLISHING A SANCTUARY FOR THE ENDANGERED 'ALALA," was offered by Senator A. Kobayashi, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 160), entitled: "SENATE RESOLUTION RELATING TO THE USE OF ALCOHOL BY MINORS," was offered by Senators Toguchi and Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 161), entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO REVIEW AND EVALUATE HAWAII'S JUDICIAL SELECTION AND RETENTION SYSTEM," was offered by Senator Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 162), entitled: "SENATE RESOLUTION CONCERNING COMMERCIAL FISHING ACTIVITIES IN HAWAII," was offered by Senator Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 163), entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO ASSIST THE SUBCOMMITTEE ON CODIFICATION AND PUBLIC HEALTH AND MORALS OF THE COMMITTEE ON PENAL CODE REVISION AND REFORM WITH RESEARCH AND PREPARATION OF THE FINAL REPORT TO THE 1985 LEGISLATURE," was offered by Senator Chang, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 164), entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION INTO THE LANDS MADE AVAILABLE FOR DIVERSIFIED AGRICULTURE BY ACT 15, SESSION LAWS OF HAWAII, 1960," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 165), entitled: "SENATE RESOLUTION REQUESTING THE OFFICE OF THE

LEGISLATIVE AUDITOR TO REVIEW THE FORESTRY AND WILDLIFE ORGANIZATION IN COOPERATION WITH THE WILDLIFE MANAGEMENT INSTITUTE," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 166), entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING NUCLEAR-FREE ZONES IN THE STATE OF HAWAII," was offered by Senators A. Kobayashi and Young, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 167), entitled: "SENATE RESOLUTION REQUESTING THE USE OF BIOTECHNOLOGY FOR FRUIT FLY ERADICATION TO REDUCE COSTS AND CURB ADVERSE IMPACT," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 168), entitled: "SENATE RESOLUTION REQUESTING THE STATE LAND USE COMMISSION TO IMPLEMENT A MORATORIUM ON RECLASSIFICATION OF AGRICULTURAL LANDS," was offered by Senators Hagino and Solomon, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 169), entitled: "SENATE RESOLUTION REQUESTING AN INVESTIGATION INTO THE FEASIBILITY OF OBTAINING FEDERAL FUNDS FOR THE DEVELOPMENT OF AN INTRASTATE MARINE HIGHWAY SYSTEM FOR MORE EFFICIENT MOVEMENT OF AGRICULTURAL PRODUCTS AND PERSONS," was offered by Senators Solomon and Hagino, and was placed on the calendar for further consideration on Tuesday, April 10,

1984.

A resolution (S.R. No. 170), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF ESTABLISHING A STATE ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT, OR COMPARABLE BODY TO COORDINATE AND ADDRESS MATTERS OF ENVIRONMENTAL QUALITY," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 171), 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 offered by Senators Hagino and Fernandes Salling, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 172), entitled: "SENATE RESOLUTION REQUESTING A STUDY OF RESEARCH IN ENVIRONMENTALLY SOUND MEANS OF CONTROLLING PESTS WITHOUT THE USE OF DANGEROUS CHEMICALS," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

A resolution (S.R. No. 173), entitled: "SENATE RESOLUTION REQUESTING AN AMENDMENT TO THE DEPARTMENT OF AGRICULTURE'S RULES ON THE IMPORTATION OF ORCHIDS," was offered by Senator Hagino, and was placed on the calendar for further consideration on Tuesday, April 10, 1984.

#### ADJOURNMENT

At 5:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 10, 1984.

## FIFTY-THIRD DAY

Tuesday, April 10, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alder Naituli Malepeai of First Samoan United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senators Abercrombie and Cayetano who were excused.

The Chair announced that he had read and approved the Journal of the Fifty-Second Day.

The following introductions were then made to the members of the Senate:

Senator Hagino introduced the student body officers of Leilehua High School as follows: President Mark Borrello, Vice President Angie Dytioco, Secretary Charlotte Cadina, Treasurer Julie Alonzo. They were accompanied by Mrs. Amy Townsend, their advisor, and Principal, Mr. James Iha. Senator Hagino added: "My reason for inviting them here was to introduce them to the political process. We had a mock hearing on House Bill 1422 and I'd like to add that they concurred with the Senate position."

Senator Holt then introduced Miss Pua Fuller and Master Kau'ionalani Kamana'o and stated as follows:

"Pua Fuller, Miss Keiki Hula 1983, is eight years of age and hails from Pearl City. She is in the third grade and attends Sacred Hearts Academy. As a representative of the Halau Hula Olana in Aiea, under the tutelage of Mrs. Olana Ai, Pua danced her way to victory with her solo hula performance during last year's Queen Liliuokalani Keiki Hula Festival and became the sixth young lady in all of Hawaii to be crowned Miss Keiki Hula. This hula festival, sponsored by the Kalihi-Palama Culture and Arts Society, Inc., offers the opportunity for children, six to twelve years of age, to competitively demonstrate their achievements in the art form of hula."

Miss Fuller was accompanied by her parents, Mr. and Mrs. Edward Fuller; her teacher, Mrs. Olana Ai and husband, Howard Ai; grandparents,

Mr. and Mrs. Ed Costa and Mrs. and Mrs. Stanley Fuller; aunt, Ms. Annette Knell; great aunt, Ms. Emma Brown; and her sisters, Kathy, Lori and Lisa, who were sitting in the gallery.

"Kau'ionalani Kamana'o, the first Keiki Kane of Hawaii to win the title of Master Keiki Hula, is seven years of age and attends Lanakila Elementary School. As a representative of the Halau Hula 'O Kamuela of Waimanalo under the direction of Kumu Hula Mrs. Paleka Leinaala Mattos, Kau'ionalani Kamana'o was awarded this prestigious title by a panel of esteemed hula resource judges for his outstanding solo hula performance at the same Queen Liliuokalani Keiki Hula Festival."

Master Kamana'o was accompanied by his mother, Mrs. Rosemary Kamana'o, and his teacher, Mrs. Paleka Mattos, who were sitting in the gallery.

Senator Holt then introduced Mr. Wendell Silva, executive director of the Kalihi-Palama Culture and Arts Society who was also sitting in the gallery.

The honorees rose to be recognized and were presented with leis by Senators Young and Yamasaki. Senate Holt presented the Senate Certificates.

Senator Holt then introduced representatives of the Kamehameha Schools Junior Class of 1985 and stated as follows:

"Mr. President, on March 23, 1984, the Kamehameha Schools 63rd Annual Song Contest was held. This event was witnessed by a statewide television audience. The Junior Class of 1985 swept all four awards, a feat that hasn't been accomplished since 1973. With us today, we have Kalua Leong who led the Junior women to victory with their song 'Makalapua.' Kalua also won the prestigious Louis Aoe McGregor Award for her outstanding leadership abilities.

"Kawika Freitas led the Junior men with their song 'Na Ali'i Puolani.' Under his direction they captured the men's competition.

"Isaiah Jeremiah led the Junior Class to victory in the coed competition with their song 'He Wahine



Holo Lio."

The honorees rose to be recognized and were presented with the Senate Certificate by Senator Holt and leis by Senators Solomon and A. Kobayashi.

Also introduced were Scott DeSilva, the Junior Class President, and Mr. Eric Shimamoto, Junior Class Advisor, who were sitting in the gallery.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 442 to 445) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. 442), informing the Senate that the Speaker added Representative Kiyabu as an additional manager on the part of the House at the conference on House Bill No. 271, H.D. 1, S.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 443), informing the Senate that the Speaker added Representative Kiyabu as an additional manager on the part of the House at the conference on House Bill No. 177, H.D. 1, S.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 444), informing the Senate that the Speaker, on April 9, 1984, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate Bills:

No. 26, S.D. 1, H.D. 1 - Shito, Chairman, Hirono, Kim, Lardizabal, Taniguchi, and Ikeda;

No. 29, S.D. 1, H.D. 1 - Shito, Chairman, Hayes, Hirono, Kim, Lardizabal, and Ikeda;

No. 300, S.D. 1, H.D. 1 - Taniguchi, Chairman, Hayes, Honda, Lardizabal, and Anderson;

No. 328, S.D. 1, H.D. 1 - Stanley, Hirono and Shito, Co-Chairmen, Tam, Tom, and Medeiros;

No. 423, S.D. 2, H.D. 2 - Chun and Kiyabu, Co-Chairmen, Graulty, Morgado, Tam, and Anderson;

No. 761, H.D. 1 - Stanley and Chun, Co-Chairmen, Apo, Tom, and Ikeda;

No. 785, S.D. 1, H.D. 2 - Shito and Kiyabu, Co-Chairmen, Bunda, Graulty, Kim, Lardizabal, Wong, and Anderson;

No. 878, S.D. 2, H.D. 2 - Albano and Kiyabu, Co-Chairmen, Crozier, Yoshimura, and Medeiros;

No. 905, S.D. 2, H.D. 2 - Say and Kiyabu, Co-Chairmen, Graulty, Hashimoto, Souki, Takamine, and Dang;

No. 934, S.D. 1, H.D. 1 - Chun and Stanley, Co-Chairmen, Hirono, Tom, and Ikeda;

No. 1115, S.D. 2, H.D. 2 - Kiyabu, Chairman, Kawakami, Wong, Yoshimura, and Anderson;

No. 1450, S.D. 1, H. D. 1 - Honda, Chairman, Andrews, Hayes, Lardizabal, and Medeiros;

No. 1516-84, H.D. 1 - Chun and Stanley, Co-Chairmen, Apo, Lardizabal, and Dang;

No. 1575-84, S.D. 1, H.D. 1 - Ige and Hashimoto, Co-Chairmen, Apo, Hee, Leong, and Ikeda;

No. 1577-84, S.D. 1, H.D. 2 - Kawakami and Takamine, Co-Chairmen, Crozier, Menor, Nakata, and Isbell;

No. 1693-84, S.D. 1, H.D. 1 - Taniguchi and Shito, Co-Chairmen, Kim, and Medeiros;

No. 1709-84, S.D. 1, H.D. 1 - Kiyabu, Chairman, Bunda, Kawakami, Wong, and Anderson;

No. 1729-84, S.D. 1, H.D. 1 - Stanley, Chairman, Honda, Tom, and Medeiros;

No. 1846-84, S.D. 1, H.D. 1 - Kiyabu, Chairman, Bunda, Chun, Crozier, Graulty, Kawakami, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson, and Isbell;

No. 1854-84, H.D. 1 - Stanley, Chairman, Hirono, Tom, and Medeiros;

No. 1867-84, S.D. 1, H.D. 1 - Shito, Chairman, Hayes, Hirono, Kim, Lardizabal, and Ikeda;

No. 1872-84, H.D. 1 - Shito, Chairman, Hayes, Hirono, Kim,

- Lardizabal, and Ikeda;
- No. 1744-84, S.D. 1, H.D. 1 - Kawakami, Chairman, Grauly, Wong, and Isbell;
- No. 1766-84, S.D. 1, H.D. 1 - Taniguchi, Hashimoto and Ige, Co-Chairmen, Grauly, Leong, Say, and Dang;
- No. 1788-84, S.D. 1, H.D. 1 - Kiyabu, Chairman, Bunda, Kawakami, Wong, and Anderson;
- No. 1815-84, S.D. 1, H.D. 1 - Shito, Chairman, Hayes, Hirono, Kim, Lardizabal, and Ikeda;
- No. 1841-84, S.D. 2, H.D. 2 - Kiyabu, Chairman, Bunda, Kawakami, Morgado, Yoshimura, and Anderson;
- No. 1890-84, S.D. 1, H.D. 1 - Kawakami and Say, Co-Chairmen, Crozier, Kiyabu-Saballa, Matsuura, Nakata, and Isbell;
- No. 2026-84, S.D. 1, H.D. 1 - Stanley, Chairman, Andrews, Tom, and Medeiros;
- No. 2049-84, H.D. 1 - Taniguchi and Shito, Co-Chairmen, Kim, Levin, and Medeiros;
- No. 2056-84, S.D. 1, H.D. 1 - Taniguchi and Shito, Co-Chairman, Hayes, Kim, and Medeiros;
- No. 2057-84, H.D. 1 - Hirono, Chairman, Chun, Ige, Shito, Tam, Tom, and Jones;
- No. 2072-84, S.D. 1, H.D. 1 - Stanley, Chairman, Tom, and Medeiros;
- No. 2073-84, S.D. 1, H.D. 1 - Stanley, Chairman, Lardizabal, Tom, and Medeiros;
- No. 2085-84, S.D. 1, H.D. 1 - Shito, Chairman, Hayes, Hirono, Kim, Lardizabal, and Ikeda;
- No. 2119-84, S.D. 2, H.D. 2 - Kiyabu, Chairman, Wong, Yoshimura, and Anderson;
- No. 2125-84, S.D. 2, H.D. 2 - Kiyabu, Chairman, Grauly, Wong, Yoshimura, and Anderson;
- No. 2180-84, H.D. 1 - Say and Andrews, Co-Chairman, Matsuura, Morgado, and Dang;
- No. 2184-84, S.D. 1, H.D. 1 - Say, Okamura, and Andrews,
- Co-Chairmen, Apo, Matsuura, and Dang;
- No. 2193-84, S.D. 1, H.D. 1 - Stanley, Chairman, Honda, Tom, and Medeiros;
- No. 2209-84, S.D. 2, H.D. 2 - Albano and Kiyabu, Co-Chairman, Grauly, Kawakami, Morgado, Nakasato, and Anderson;
- No. 2212-84, S.D. 1, H.D. 1 - Chun, Chairmen, Apo, Hirono, and Ikeda;
- No. 2243-84, S.D. 1, H.D. 1 - Hayes and Kawakami, Co-Chairmen, Honda, Wong, Yoshimura, and Anderson; and
- No. 2249-84, S.D. 2, H.D. 2 - Hirono and Kawakami, Co-Chairmen, Apo, Bunda, Leong, Tam, and Anderson,
- was placed on file.
- A communication from the House (Hse. Com. No. 445), informing the Senate that the Speaker, on April 9, 1984, appointed Managers on the part of the House for the consideration of amendments proposed by the Senate to the following House Bills:
- No. 177, H.D. 1, S.D. 1 - Andrews, Chairman, Apo, Leong, Morgado, Tom, and Jones;
- No. 183, H.D. 2, S.D. 2 - Hirono and Kiyabu, Co-Chairmen, Leong, Morgado, Shito, Tam, and Jones;
- No. 267, H.D. 2, S.D. 1 - Okamura and Kawakami, Co-Chairmen, Bunda, Crozier, Kiyabu-Saballa, Nakata, and Dang;
- No. 271, H.D. 1, S.D. 2 - Andrews, Chairman, Apo, Leong, Morgado, Tom, and Jones;
- No. 538, H.D. 1, S.D. 1 - Stanley, Chairman, Taniguchi, Tom, and Medeiros;
- No. 654, H.D. 1, S.D. 2 - Shito, Chairman, Honda, Kim, Lardizabal, Stanley, and Ikeda;
- No. 788, H.D. 1, S.D. 2 - Stanley, Chairman, Matsuura, Tom, and Medeiros;
- No. 1148, H.D. 1, S.D. 2 - Stanley, Chairman, Hayes, Hirono, Tom, and Medeiros;
- No. 1220, H.D. 1, S.D. 1 - Stanley, Chairman, Hirono, Tom,

and Medeiros;

No. 1319, H.D. 2, S.D. 1 - Kawakami and Say, Co-Chairmen, Bunda, Menor, Souki, Wong, and Dang;

No. 1431, H.D. 2, S.D. 1 - Say and Kiyabu, Co-Chairmen, Bunda, Levin, Matsuura, Wong, and Isbell;

No. 1549, H.D. 1, S.D. 1 - Hagino, Chun, and Kawakami, Co-Chairmen, Apo, Morgado, and Anderson;

No. 1629-84, H.D. 1, S.D. 2 - Stanley, Chairman, Taniguchi, Tom, Tungpalan, and Medeiros;

No. 1640-84, H.D. 1, S.D. 1 - Kiyabu, Chairman, Bunda, Chun, Crozier, Grauly, Kawakami, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson, and Isbell;

No. 1726-84, H.D. 1, S.D. 1 - Kawakami, Chairman, Bunda, Morgado, and Anderson;

No. 1729-84, H.D. 1, S.D. 2 - Chun and Stanley, Co-Chairmen, Hirono, Tom, and Ikeda;

No. 1751-84, H.D. 1, S.D. 2 - Tungpalan and Kawakami, Co-Chairmen, Chun, Grauly, Levin, and Anderson;

No. 1784-84, H.D. 1, S.D. 1 - Shito, Chairman, Kim, Matsuura, Taniguchi, Tungpalan, and Ikeda;

No. 1785-84, H.D. 1, S.D. 1 - Shito, Chairman, Andrews, Hayes, Kim, Stanley, and Ikeda;

No. 1790-84, H.D. 1, S.D. 1 - Shito, Chairman, Hirono, Taniguchi, Tom, Tungpalan, and Ikeda;

No. 1794-84, H.D. 1, S.D. 1 - Ige and Kiyabu, Co-Chairmen, Andrews, Morgado, Tom, and Ikeda;

No. 1796-84, H.D. 2, S.D. 1 - Hirono and Kiyabu, Co-Chairmen, Apo, Chun, Morgado, Tam, and Jones;

No. 1799-84, S.D. 1 - Hirono, Chairman, Apo, Baker, Chun, Hagino, Ige, Kiyabu, Leong, Morgado, Shito, Tam, Tom, Ikeda, and Jones;

No. 1811-84, H.D. 1, S.D. 1 - Hagino and Morgado, Co-Chairmen,

Apo, Bunda, Leong, Yoshimura, and Jones;

No. 1815-84, S.D. 1 - Shito, Chairman, Honda, Kim, Lardizabal, Matsuura, and Ikeda;

No. 1816-84, S.D. 1 - Shito, Chairman, Honda, Lardizabal, Matsuura, Tom, and Ikeda;

No. 1817-84, H.D. 1, S.D. 1 - Shito, Chairman, Kim, Lardizabal, Matsuura, Tom, and Ikeda;

No. 1818-84, S.D. 1 - Shito, Chairman, Hirono, Kim, Taniguchi, Tungpalan, and Ikeda;

No. 1819-84, S.D. 1 - Shito, Chairman, Andrews, Honda, Kim, Matsuura, and Ikeda;

No. 1821-84, H.D. 1, S.D. 1 - Shito, Chairman, Hirono, Kim, Lardizabal, Taniguchi, and Ikeda;

No. 1828-84, H.D. 1, S.D. 1 - Taniguchi, Say, and Kiyabu, Co-Chairmen, Crozier, Hee, Wong, and Anderson;

No. 1852-84, H.D. 1, S.D. 1 - Stanley, Chairman, Hayes, Tom, Tungpalan, and Medeiros;

No. 1863-84, H.D. 1, S.D. 1 - Stanley, Chairman, Honda, Tom, and Medeiros;

No. 1874-84, S.D. 1 - Kiyabu, Chairman, Bunda, Chun, Crozier, Grauly, Kawakami, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson, and Isbell;

No. 1878-84, S.D. 1 - Shito, Chairman, Andrews, Kim, Taniguchi, Tungpalan, and Ikeda;

No. 1880-84, H.D. 1, S.D. 1 - Shito, Chairman, Hayes, Hirono, Kim, Tom, and Ikeda;

No. 1882-84, H.D. 1, S.D. 1 - Shito, Chairman, Hayes, Hirono, Kim, Taniguchi, and Ikeda;

No. 1892-84, S.D. 1 - Takamine and Kiyabu, Co-Chairmen, Crozier, Kawakami, Levin, Nakata, and Anderson;

No. 1906-84, H.D. 1, S.D. 2 - Takamine and Kiyabu, Co-Chairmen, Crozier, Kawakami, Nakata, Souki, and Isbell;

No. 1912-84, H.D. 2, S.D. 1 - Shito and Kawakami, Co-Chairmen,

- Honda, Kim, Morgado, Wong, and Ikeda;
- No. 1921-84, H.D. 2, S.D. 2 - Hashimoto and Kiyabu, Co-Chairmen, Hee, Leong, Morgado, Wong, and Anderson;
- No. 1932-84, H.D. 1, S.D. 2 - Chun and Stanley, Co-Chairmen, Hayes, Hirono, Tom, Tungpalan, and Ikeda;
- No. 1933-84, H.D. 2, S.D. 2 - Kiyabu, Chairman, Chun, Grauly, Tam, Wong, Yoshimura, and Jones;
- No. 1940-84, H.D. 2, S.D. 1 - Hagino and Kiyabu, Co-Chairmen, Apo, Chun, Okamura, Yoshimura, and Dang;
- No. 1946-84, S.D. 2 - Ige and Kiyabu, Co-Chairmen, Apo, Chun, Leong, Morgado, and Anderson;
- No. 1950-84, H.D. 2, S.D. 2 - Stanley and Kiyabu, Co-Chairmen, Bunda, Lardizabal, Tom, Wong, and Anderson;
- No. 1956-84, H.D. 2, S.D. 2 - Albano and Yoshimura, Co-Chairmen, Grauly, Lardizabal, Wong, and Anderson;
- No. 1983-84, H.D. 1, S.D. 1 - Stanley, Chairman, Kim, Tom, and Medeiros;
- No. 1989-84, S.D. 1 - Stanley, Chairman, Taniguchi, Tom, Tungpalan, and Medeiros;
- No. 2006-84, S.D. 1 - Stanley and Crozier, Co-Chairmen, Andrews, Bunda, Lardizabal, Tam, and Medeiros;
- No. 2012-84, H.D. 1, S.D. 1 - Shito, Chairman, Andrews, Hayes, Kim, Taniguchi, and Ikeda;
- No. 2026-84, H.D. 1, S.D. 1 - Shito, Chairman, Hirono, Honda, Kim, Lardizabal, Matsuura, and Ikeda;
- No. 2028-84, H.D. 1, S.D. 1 - Shito and Kiyabu, Co-Chairmen, Kawakami, Kim, Tom, Yoshimura, and Ikeda;
- No. 2029-84, H.D. 1, S.D. 1 - Shito, Chairman, Honda, Kim, Matsuura, Taniguchi, and Ikeda;
- No. 2032-84, H.D. 1, S.D. 1 - Stanley, Chairman, Matsuura, Tom, and Medeiros;
- No. 2036-84, H.D. 1, S.D. 1 - Taniguchi and Hashimoto, Co-Chairmen, Grauly, Leong, Say, and Dang;
- No. 2044-84, H.D. 1, S.D. 1 - Shito and Tungpalan, Co-Chairmen, Hirono, Kim, Lardizabal, and Ikeda;
- No. 2054-84, H.D. 1, S.D. 1 - Shito and Kawakami, Co-Chairmen, Crozier, Kim, Souki, and Ikeda;
- No. 2075-84, H.D. 1, S.D. 1 - Okamura and Stanley, Co-Chairmen, Hee, Kiyabu-Saballa, Matsuura, Menor, and Isbell;
- No. 2092-84, H.D. 1, S.D. 2 - Kiyabu, Chairman, Bunda, Chun, Crozier, Grauly, Kawakami, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson, and Isbell;
- No. 2108-84, H.D. 1, S.D. 1 - Say and Matsuura, Co-Chairmen, Bunda, Kiyabu-Saballa, Souki, and Dang;
- No. 2142-84, H.D. 1, S.D. 2 - Stanley, Chairman, Andrews, Tom, and Medeiros;
- No. 2143-84, H.D. 2, S.D. 1 - Kawakami, Chairman, Hayes, Honda, Wong, Yoshimura, and Ikeda;
- No. 2151-84, H.D. 2, S.D. 2 - Taniguchi and Kiyabu, Co-Chairmen, Bunda, Chun, Crozier, Grauly, Kawakami, Levin, Morgado, Souki, Tam, Wong, Yoshimura, Anderson, and Isbell;
- No. 2161-84, H.D. 2, S.D. 1 - Taniguchi and Kawakami, Co-Chairmen, Morgado, Wong, Yoshimura, and Medeiros;
- No. 2163-84, H.D. 1, S.D. 1 - Stanley, Chairman, Honda, Taniguchi, Tom, and Medeiros;
- No. 2169-84, H.D. 2, S.D. 2 - Hagino and Kawakami, Co-Chairmen, Apo, Menor, Morgado, Wong, and Dang;
- No. 2194-84, H.D. 1, S.D. 1 - Kawakami and Say, Co-Chairmen, Bunda, Crozier, Nakata, Souki, and Isbell;
- No. 2196-84, H.D. 1, S.D. 1 - Shito, Chairman, Andrews, Hayes, Kim, Taniguchi, and Ikeda;
- No. 2203-84, H.D. 2, S.D. 1 -

Okamura and Bunda, Co-Chairmen, Crozier, Kiyabu-Saballa, Menor, Nakata, and Isbell;

No. 2224-84, H.D. 1, S.D. 1 - Shito, Chairman, Honda, Kim, Lardizabal, Tom, and Ikeda;

No. 2257-84, H.D. 2, S.D. 2 - Baker, Ige, and Kiyabu, Co-Chairmen, Chun, Hirono, Morgado, and Jones;

No. 2275-84, H.D. 1, S.D. 1 - Nakasato and Shito, Co-Chairmen, Albano, Taniguchi, Tungpalan, and Medeiros;

No. 2281-84, H.D. 1, S.D. 1 - Shito, Chairman, Andrews, Hayes, Hirono, Kim, and Ikeda;

No. 2308-84, H.D. 1, S.D. 1 - Stanley, Chairman, Honda, Lardizabal, Matsuura, and Medeiros;

No. 2320-84, H.D. 2, S.D. 1 - Stanley and Kiyabu, Co-Chairmen, Honda, Lardizabal, Morgado, Yoshimura, and Anderson;

No. 2333-84, H.D. 1, S.D. 1 - Stanley, Chairman, Andrews, Honda, Tungpalan, and Medeiros;

No. 2337-84, H.D. 1, S.D. 1 - Taniguchi and Stanley, Co-Chairmen, Hayes, Lardizabal, Nakasato, and Medeiros;

No. 2340-84, H.D. 1, S.D. 1 - Stanley, Chairman, Honda, Tom, and Medeiros;

No. 2402-84, S.D. 1 - Kiyabu, Chairman, Bunda, Chun, Crozier, Graulty, Kawakami, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson, and Isbell;

No. 2418-84, H.D. 1, S.D. 1 - Shito, Chairman, Honda, Kim, Lardizabal, Matsuura, Ikeda;

No. 2486-84, H.D. 2, S.D. 1 - Taniguchi and Wong, Co-Chairmen, Bunda, Morgado, Yoshimura, and Anderson;

No. 2597-84, S.D. 1 - Hirono, Say, and Andrews, Co-Chairmen, Kiyabu-Saballa, Okamura, Tam, and Ikeda; and

No. 2612-84, H.D. 2, S.D. 2 - Okamura and Kawakami, Co-Chairmen, Bunda, Crozier, Hee, Kiyabu-Saballa, and Isbell,

was placed on file.

A communication from the House (Hse. Com. No. 446), informing the Senate that the appointed House conferees, in a previous communication, to House Bill No. 1892-84: Takamine and Kiyabu, Co-Chairmen, Crozier, Kawakami, Levin, Nakata, and Anderson, is corrected to be for House Bill No. 1905-84, H.D. 1, S.D. 2, was placed on file.

#### STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 665-84) recommending that House Bill No. 2116-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2116-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 666-84) recommending that House Bill No. 194, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 194, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRONGFUL DEATH," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 667-84) recommending that House Bill No. 786, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 786, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report

(Stand. Com. Rep. No. 668-84) recommending that House Bill No. 1839-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1839-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 669-84) recommending that House Bill No. 1846-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1846-84, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 670-84) recommending that House Bill No. 1980-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1980-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVESDROPPING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 12, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 671-84) recommending that House Bill No. 1999-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1999-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for

Third Reading on Thursday, April 12, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 672-84) recommending that the Senate advise and consent to the nominations of Glenn T. Minami, John Roger Campbell, Robert M. Monden, Jean H. Miyahira, Patricia K. Osgood, and Roy K. Fujimoto to the Advisory Commission on Manpower and Full Employment, in accordance with Governor's Message No. 263.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 672-84 and Gov. Msg. No. 263 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 673-84) recommending that the Senate advise and consent to the nominations of Leonard E. Mason, Carol Kikkawa-Ward, and Shizuko Mukaida to the Policy Advisory Board for Elderly Affairs, in accordance with Governor's Message No. 172.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 673-84 and Gov. Msg. No. 172 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 674-84) recommending that the Senate advise and consent to the nominations of Fred L. Blair and Gene J. Dumanan to the Advisory Council for Children and Youth, in accordance with Governor's Message No. 102.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 674-84 and Gov. Msg. No. 102 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 675-84) recommending that the Senate advise and consent to the nomination of David M. Nakada to the Advisory Council for Children and Youth, in accordance with Governor's Message No. 262.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 675-84 and Gov. Msg. No. 262 was deferred until Wednesday, April 11,

1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 676-84) recommending that the Senate advise and consent to the nominations of Carolina Boland and Barbara Adams to the Board of Social Services and Housing, in accordance with Governor's Message No. 177.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 676-84 and Gov. Msg. No. 177 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 677-84) recommending that the Senate advise and consent to the nomination of John R. Pingree to the Commission on Manpower and Full Employment, in accordance with Governor's Message No. 101.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 677-84 and Gov. Msg. No. 101 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 678-84) recommending that the Senate advise and consent to the nomination of Thomas J. Foye to the Advisory Commission on Manpower and Full Employment, in accordance with Governor's Message No. 174.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 678-84 and Gov. Msg. No. 174 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 679-84) recommending that the Senate advise and consent to the nominations of Ruby L. Hargrave, Mark Henry Suiso, and Louis Hao to the Progressive Neighborhoods Task Force, in accordance with Governor's Message No. 222.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 679-84 and Gov. Msg. No. 222 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 680-84) recommending that

the Senate advise and consent to the nominations of Rolland Smith, Louise N. Kong, and Philip S. Chun to the Progressive Neighborhoods Task Force, in accordance with Governor's Message No. 175.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 680-84 and Gov. Msg. No. 175 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 681-84) recommending that the Senate advise and consent to the nomination of Ernest M.S. Loo to the Civil Service Commission, in accordance with Governor's Message No. 211.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 681-84 and Gov. Msg. No. 211 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 682-84) recommending that the Senate advise and consent to the nomination of Edward S. Kushi, Jr., to the Civil Service Commission, in accordance with Governor's Message No. 170.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 682-84 and Gov. Msg. No. 170 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 683-84) recommending that the Senate advise and consent to the nomination of Renton L.K. Nip to the Hawaii Employment Relations Board, in accordance with Governor's Message No. 173.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 683-84 and Gov. Msg. No. 173 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 684-84) recommending that the Senate advise and consent to the nominations of Dayton M. Nakanelua and Lorraine N. Shimamura to the Board of Trustees, Hawaii Public Employees Health Fund, in accordance with Governor's Message No. 221.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 684-84 and Gov. Msg. No. 221 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 685-84) recommending that the Senate advise and consent to the nominations of Gordon C. Murakami, Thomas Toguchi, and Rev. Christian Tirre to the Board of Trustees, Hawaii Public Employees Health Fund, in accordance with Governor's Message No. 176.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 685-84 and Gov. Msg. No. 176 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 686-84) recommending that the Senate advise and consent to the nomination of Mitsuyoshi Fukuda to the Board of Trustees, Deferred Compensation Plan, in accordance with Governor's Message No. 171.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 686-84 and Gov. Msg. No. 171 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 687-84) recommending that the Senate advise and consent to the nominations of Fred I. Kamemoto and James A. Brock, D.V.M., to the Natural Area Reserves System Commission, in accordance with Governor's Message No. 247.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 687-84 and Gov. Msg. No. 247 was deferred until Wednesday, April 11, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 688-84) recommending that the Senate advise and consent to the nomination of Warren E. Akiona to the Hawaii Fisheries Coordinating Council, in accordance with Governor's Message No. 245.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 688-84 and Gov. Msg. No. 245 was deferred until Wednesday, April 11,

1984.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 689-84) recommending that Senate Concurrent Resolution No. 11 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. 11, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 690-84) recommending that Senate Resolution No. 17 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. 17, entitled: "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," was referred to the Committee on Legislative Management.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 691-84) recommending that House Concurrent Resolution No. 29, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C..R. No. 29, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TRANSPORTATION FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 692-84) recommending that House Concurrent Resolution No. 20, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C..R. No. 20, H.D. 1, S.D. 1, entitled: "HOUSE



CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 693-84) recommending that House Concurrent Resolution No. 19, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C..R. No. 19, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 694-84) recommending that House Concurrent Resolution No. 28, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C..R. No. 28, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HOUSING FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 695-84) recommending that House Concurrent Resolution No. 30, H.D. 1, as amended in S.D. 1, be referred to the Committee on Economic Development.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.C..R. No. 30, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HIGHER EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Economic Development.

#### ORDER OF THE DAY

MATTERS DEFERRED  
FROM APRIL 9, 1984

#### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President then made the following committee assignments of concurrent resolutions that were offered on Monday, April 9, 1984:

Senate Concurrent Resolutions	Referred to:
No. 92 ciary	Committee on Judi-
No. 93 ciary	Committee on Judi-
No. 94 ciary	Committee on Judi-
No. 95 ciary	Committee on Judi-
No. 96 ciary	Committee on Judi-
No. 97 ciary	Committee on Judi-
No. 98 ciary	Committee on Judi-
No. 99 ciary	Committee on Judi-
No. 100 ciary	Committee on Judi-
No. 101 culture	Committee on Agri-
No. 102	Jointly to the Committee on Health and the Committee on Economic Development
No. 103 culture	Committee on Agri-
No. 104	Committee on Health
No. 105 Resources	Committee on Human
No. 106 ciary	Committee on Judi-
No. 107	Committee on Eco- nomic Development
No. 108	Committee on Health
No. 109	Committee on Eco- nomic Development
No. 110	Committee on Health
No. 111 Resources	Committee on Human

No. 112 and Means	Committee on Ways	No. 135	Committee on Health
No. 113	Committee on Economic Development	No. 136	Committee on Tourism
No. 114	Committee on Judiciary	No. 137	Committee on Agriculture
REFERRAL OF SENATE RESOLUTIONS			
The President then made the following committee assignments of resolutions that were offered on Monday, April 9, 1984:			
No. 115	Committee on Economic Development	Senate Resolutions	Referred to:
No. 116	Committee on Economic Development	No. 108	Committee on Tourism
No. 117	Committee on Judiciary	No. 109	Committee on Tourism
No. 118	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources	No. 110	Committee on Tourism
No. 119	Committee on Health	No. 111	Committee on Housing and Urban Development
No. 120	Committee on Health	No. 112	Committee on Tourism
No. 121	Committee on Transportation	No. 113	Committee on Judiciary
No. 122	Committee on Consumer Protection and Commerce	No. 114	Committee on Judiciary
No. 123	Committee on Education	No. 115	Committee on Judiciary
No. 124	Committee on Economic Development	No. 116	Committee on Judiciary
No. 125	Committee on Judiciary, then to the Committee on Legislative Management	No. 117	Committee on Judiciary, then to the Committee on Legislative Management
No. 126	Committee on Economic Development	No. 118	Committee on Judiciary
No. 127	Committee on Judiciary, then to the Committee on Legislative Management	No. 119	Committee on Judiciary
No. 128	Committee on Human Resources	No. 120	Committee on Judiciary
No. 129	Committee on Agriculture	No. 121	Committee on Judiciary
No. 130	Committee on Economic Development	No. 122	Committee on Agriculture, then to the Committee on Legislative Management
No. 131	Committee on Government Operations and County Relations	No. 123	Committee on Human Resources
No. 132	Committee on Agriculture	No. 124	Committee on Agriculture
No. 133	Committee on Economic Development		
No. 134	Jointly to the Committee on Agriculture and the Committee on Transportation		

No. 125	Committee on Health	No. 147	Committee on Health
No. 126 Resources	Committee on Human	No. 148	Committee on Health
No. 127	Committee on Judi-	No. 149	Committee on Health
	ciary	No. 150	Committee on Health, then to the Committee on Legislative Management
No. 128	Committee on Eco-	No. 151	Committee on Tour-
	nom ic Development		ism
No. 129	Committee on Health	No. 152	Committee on Trans-
No. 130	Committee on Eco-		portation
	nom ic Development	No. 153	Jointly to the Committee on Health and the Committee on Economic Development
No. 131	Committee on Health	No. 154	Jointly to the Committee on Health and the Committee on Human Resources, then to the Committee on Legislative Management
No. 132	Committee on Agri-	No. 155	Committee on Health
	culture, then to the Committee on Legislative Management	No. 156	Committee on Eco-
No. 133	Committee on Edu-		nom ic Development
	cation	No. 157	Committee on Trans-
No. 134	Committee on Eco-		portation
	nom ic Development	No. 158	Committee on Con-
No. 135	Committee on Judi-		sumer Protection and Commerce
	ciary, then to the Committee on Legislative Management	No. 159	Committee on Eco-
No. 136	Committee on Eco-		nom ic Development
	nom ic Development	No. 160	Committee on Judi-
No. 137	Committee on Eco-		ciary, then to the Committee on Legislative Management
	nom ic Development	No. 161	Committee on Judi-
No. 138	Committee on Gov-		ciary, then to the Committee on Legislative Management
	ernment Operations and County Relations	No. 162	Committee on Eco-
No. 139	Committee on Tour-		nom ic Development
	ism	No. 163	Committee on Judi-
No. 140	Committee on Con-		ciary, then to the Committee on Legislative Management
	sumer Protection and Commerce, then to the Committee on Legislative Management	No. 164	Committee on Agri-
No. 141	Committee on Edu-		culture, then to the Committee on Legislative Management
	cation	No. 165	Committee on Eco-
No. 142	Committee on Judi-		nom ic Development, then to the Committee on Legislative Management
	ciary, then to the Committee on Legislative Management	No. 166	Committee on Gov-
No. 143	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources		ernment Operations and County Relations
No. 144	Committee on Trans-	No. 167	Committee on Agri-
	portation		culture
No. 145	Committee on Tour-	No. 168	Committee on
	ism		
No. 146	Committee on Eco-		
	nom ic Development		

## Economic Development

No. 169 Jointly to the  
Committee on Agriculture and the  
Committee on Transportation

No. 170 Committee on  
Health, then to the Committee on  
Legislative Management

No. 171 Committee on Tour-  
ism

No. 172 Committee on Agri-  
culture

No. 173 Committee on Agri-  
culture

Senator Cobb, chairman of the Committee on Conference on the part of the Senate on Senate Bill Nos. 1744-84, S.D. 1, H.D. 1, and 1745-84, S.D. 1, H.D. 1, and House Bill Nos. 1819-84, S.D. 1; 1817-84, H.D. 1, S.D. 1; 1821-84, H.D. 1, S.D. 1; 2418-84, H.D. 1, S.D. 1; 2026-84, H.D. 1, S.D. 1; 1815-84, S.D. 1; 1816-84, S.D. 1; and 2029-84, H.D. 1, S.D. 1, then requested a waiver of the 48-hour Notice of a Public Hearing on the aforementioned bills for Wednesday, April 11, 1984, and the President granted the waiver.

Senator Solomon, chairman of the Committee on Conference on the part of the Senate on Senate Bill No. 1766-84, S.D. 1, H.D. 1, then requested a waiver of the 48-hour Notice of a Public Hearing on the aforementioned bill for Wednesday, April 11, 1984, and the President granted the waiver.

Senator Yamasaki, chairman of the Committee on Conference on the part of the Senate on House Bill No. 1640-84, H.D. 1, S.D. 1, then requested a waiver of the 48-hour Notice of a Public Hearing on the aforementioned bill for Wednesday, April 11, 1984, and the President granted the waiver.

Senator Chang then rose on a point of personal privilege as follows:

"Mr. President, today is a special day in Hawaii. Today is Wildlife Conservation Day and it is of special interest because we lead the nation in endangered wildlife species and have more endangered wildlife than all of the other 49 states combined.

"It is my hope that the people of this state recognize this special day and that our natural heritage is preserved."

MATTERS DEFERRED  
FROM APRIL 10, 1984APPOINTMENT OF  
CONFEREES

House Bill No. 183, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 183, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Young, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 267, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 267, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Fernandes Salling, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 271, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 271, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Aki, Hagino, Kuroda, Machida, and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 1319, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1319, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Kuroda, Aki, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1431, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1431, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Young, Holt, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 1549, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1549, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Holt, Abercrombie, and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1640-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1640-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Aki, Hagino, Holt, Kawasaki, B. Kobayashi, Machida, Mizuguchi, Solomon, Uwayne, Young, Ajifu, Henderson, and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1726-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1726-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Kawasaki, and George as Managers on the part of the Senate at such conference.

House Bill No. 1751-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1751-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Mizuguchi, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1794-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1794-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Hagino, and A. Kobayashi as Managers on the part of the Senate at such

conference.

House Bill No. 1796-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1796-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Young, Chairman, Holt, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1799-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1799-84, and the request for a conference on the subject matter thereof, the President appointed Senators Young, Chairman, Holt, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1811-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1811-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Holt, Uwayne, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 1828-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1828-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, and George as Managers on the part of the Senate at such conference.

House Bill No. 1874-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1874-84, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Aki, Hagino, Holt, Kawasaki, B. Kobayashi, Machida, Mizuguchi, Solomon, Uwayne, Young, Ajifu, Henderson, and Soares as Managers on the part of the Senate at such conference.

House Bill No. 1905-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1905-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Hagino, Solomon, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 1906-84, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1906-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Fernandes Salling, Hagino, Solomon, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 1921-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1921-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Solomon, Toguchi, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1933-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1933-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Machida, and George as Managers on the part of the Senate at such conference.

House Bill No. 1940-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1940-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Abercrombie, Holt, Mizuguchi, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 1946-84 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1946-84, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Mizuguchi, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1956-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1956-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Mizuguchi, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 2036-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2036-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators B. Kobayashi and Solomon, Co-Chairmen, Abercrombie, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2044-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2044-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Mizuguchi, Chairman, Abercrombie, Cobb, Holt, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2075-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2075-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Machida, Chairman, Fernandes Salling, and George as Managers on the part of the Senate at such conference.

House Bill No. 2092-84, H.D. 1 (S.D. 2):

In accordance with the disagreement

of the House to the amendments proposed by the Senate to H.B. No. 2092-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Aki, Chang, Hagino, Holt, Kawasaki, B. Kobayashi, Machida, Mizuguchi, Solomon, Uwayne, Young, Ajifu, Henderson, and Soares as Managers on the part of the Senate at such conference.

House Bill No. 2108-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2108-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Machida, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2143-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2143-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators B. Kobayashi, Chairman, Toguchi, and Soares as Managers on the part of the Senate at such conference.

House Bill No. 2151-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2151-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Aki, Hagino, Holt, B. Kobayashi, Machida, Mizuguchi, Solomon, Uwayne, Young, Ajifu, Soares, and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2161-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2161-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators B. Kobayashi, Chairman, Uwayne, and George as Managers on the part of the Senate at such conference.

House Bill No. 2169-84, H.D. 2 (S.D.

2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2169-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Holt, and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 2194-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2194-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Young, Chairman, Holt, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2203-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2203-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Fernandes Salling, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2257-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2257-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Machida, and George as Managers on the part of the Senate at such conference.

House Bill No. 2275-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2275-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators B. Kobayashi, Chairman, Solomon, and George as Managers on the part of the Senate at such conference.

House Bill No. 2308-84, H.D. 1 (S.D. 1):

In accordance with the disagreement

of the House to the amendments proposed by the Senate to H.B. No. 2308-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Machida, Chairman, B. Kobayashi, and George as Managers on the part of the Senate at such conference.

House Bill No. 2337-84, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2337-84, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators B. Kobayashi, Chairman, Carpenter, and Soares as Managers on the part of the Senate at such conference.

House Bill No. 2402-84 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2402-84, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Aki, and Henderson as Managers on the part of the Senate at such conference.

House Bill No. 2486-84, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2486-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, and George as Managers on the part of the Senate at such conference.

House Bill No. 2597-84 (S.D. 1):

In accordance with the disagreement

of the House to the amendments proposed by the Senate to H.B. No. 2597-84, and the request for a conference on the subject matter thereof, the President appointed Senators Young, Chairman, Holt, and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 2612-84, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2612-84, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Machida, and George as Managers on the part of the Senate at such conference.

At this time, Senator Solomon, on behalf of Senators Carpenter, Henderson and herself, introduced Mr. Francis Morgan, "a man who has been very influential in our sugar industry on the Big Island." Senator Solomon read portions of the Senate Certificate commending Mr. Morgan "for his lifelong commitment and dedication to Hawaii's sugar industry."

The honoree rose to be recognized and was presented with a lei by Senator Young and the Senate Certificate by Senator Solomon.

At 12:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 o'clock p.m.

#### ADJOURNMENT

At 12:21 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 11, 1984.



## FIFTY-FOURTH DAY

Wednesday, April 11, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain James R. Wilson, Captain, 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-Third Day.

The following introductions were then made to the members of the Senate:

Senator Abercrombie rose to introduce Ms. Jean Minton and stated as follows:

"Mr. President, I have a particular pleasure this morning. As you know, not all the business that we deal with at the Legislature and in the Senate is of a pleasant variety. One of the real delights of being in the Legislature is occasionally being able to do something on behalf of the Senate for someone in a manner that reflects credit on that person and on this Senate and gives all of us a sense of delight and pleasure. I have that opportunity this morning.

"Mr. President, we're going to honor with a certificate this morning a lady who did not know until literally one minute ago that she was going to get it. This is a complete surprise for her and that's one of the reasons that makes it such an especially happy time, and I know that everyone here who has had contact with her is going to share my enthusiasm for the presentation of this certificate."

Senator Abercrombie then read portions of the certificate and continued:

"Mr. President, I would like to take this opportunity to introduce to you and to those who are in our gallery today, someone who has been a friend to all of us here in the Legislature, someone we can be proud to be associated with in the legislative process, Ms. Jean Minton."

Senator Kawasaki then added the following:

"Mr. President, I would be remiss if I did not add a few remarks to that of Senator Abercrombie. We had named Ms. Minton 'Miss Condominium' sometime ago because she had the vigor to change statutes in this state regarding condominium owners, and she's such a persistent person. She prepares herself very well, does her homework, and she never lets off until a law that benefits that category of citizens, known as condominium owners, are taken care of.

"We have admired the work that she has done over the years and I have a particular bias and affinity with Ms. Minton not only because she is a good-looking blonde, but because she happens to be one of the Republicans that worked very hard in my campaign. She's got the philosophy that it doesn't matter what the guy is, if I like the guy I'm going to work hard, and she really worked hard in my campaign.

"But aside from what Senator Abercrombie said, she has never worked for herself alone. She's always worked for what she thought was the benefit of those people that were neglected in this state, and so with this kind of posture over the years, we've come to have great respect and love for Ms. Minton, and I'm delighted to join all of the Senators in providing this certificate to her."

Senator Cobb also rose to add tribute to Ms. Minton as follows:

"Mr. President, Senator Abercrombie neglected to mention that Jean Minton is perhaps one of the majority stockholders in the Committee on Consumer Protection and Commerce, and of the 14 pieces of legislation dealing with condominiums, apartments and the rights of owners, including one on mandatory arbitration, Ms. Minton has had a hand in at least a dozen of those measures.

"She is here, day and night, when we have our joint House/Senate conference committee hearings. I feel like hiring her as a committee clerk because she's done so much work already not only in the area of condominiums, but also in helping the Senate close down on a lot of the operations involving time sharing, as well as having a keen eye for the rights of Waikiki residents. It's more

than just 'Miss Condominium,' I think that she could qualify as 'Miss Waikiki' as well. Thank you."

Senator Kawasaki further added: "Mr. President, just an added comment lest the Senators here in this body feel she is just a kindly old benign lady, Shakespeare had a quote that said, 'Hell hath no fury like a woman scorned.' Well, 'hell hath no fury like Jean Minton' when she thinks condominium owners are shortchanged."

Senator Abercrombie presented the certificate to the honoree and Senator Kawasaki presented a lei.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

Senator Holt then introduced Adjutant General Alexis Lum seated in the gallery.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 311 to 313) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 311), submitting for consideration and confirmation to the Board of Acupuncture, the nomination of Randy Kook Do Chun, term to expire December 31, 1987, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 312), submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nomination of Phil Palmer, term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 313), submitting for consideration and confirmation to the Advisory Commission on Manpower and Full Employment, the nominations of the following:

Rodney E. Hustead, term to expire June 30, 1986; and

Doris K. Nakayama, term to expire June 30, 1985,

was referred to the Committee on Human Resources.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 447 to 454) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 447), informing the Senate that the Speaker added Representative Kawakami as an additional Manager on the part of the House at the conference on House Bill No. 1431, H.D. 2, S.D. 1, and Senate Bill No. 2184-84, S.D. 1, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 448), informing the Senate that on April 10, 1984, the Speaker discharged Conferees on the part of the House and appointed Representatives Bunda, Chairman, and Morgado and Isbell as Managers on the part of the House at the conference on House Bill No. 2402-84, S.D. 1, was placed on file.

A communication from the House (Hse. Com. 449), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1694-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 10, 1984, the Speaker appointed Representatives Shito, Chairman, Hirono, Kim, Lardizabal, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. 450), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1702-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 10, 1984, the Speaker appointed Representatives Shito, Chairman, Hirono, Kim, Lardizabal, Tom and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. 451), informing the Senate that on April 10, 1984, the Speaker appointed Representative Albano as an additional conferee, and as Co-chairman together with Representative Kiyabu, on the part of the House at the conference on Senate Bill No. 1115, S.D. 2, H.D. 2, was placed on file.

A communication from the House

(Hse. Com. 452), informing the Senate that on April 10, 1984, the Speaker appointed Representative Albano as an additional conferee, and as Co-chairman together with Representative Kiyabu, on the part of the House at the conference on Senate Bill No. 2125-84, S.D. 2, H.D. 2, was placed on file.

A communication from the House (Hse. Com. 453), informing the Senate that on April 10, 1984, the Speaker appointed Representative Albano as an additional conferee, and as Co-chairman together with Representative Kiyabu, on the part of the House at the conference on Senate Bill No. 2119-84, S.D. 2, H.D. 2, was placed on file.

A communication from the House (Hse. Com. 454), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1835-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 11, 1984, the Speaker appointed Representatives Shito, Chairman, Kim, Lardizabal, Matsuura and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

#### STANDING COMMITTEE REPORT

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 696-84) recommending that Senate Resolution No. 37, as amended in S.D. 1, be adopted.

On motion by Senator Holt, seconded by Senator Chang and carried, the report of the Committee was adopted and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING HONOLULU COMMUNITY COLLEGE TO IMPLEMENT A PILOT PROGRAM ON NON-CREDIT COURSES FOR SMALL BUSINESS," was adopted.

#### ORDER OF THE DAY

##### MATTERS DEFERRED FROM APRIL 9, 1984

##### THIRD READING

House Bill No. 1854-84:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION," having been read throughout, passed Third Reading on the following showing of

Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

House Bill No. 1947-84:

By unanimous consent, action on H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," was deferred until Thursday, April 12, 1984.

House Bill 1948-84:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1948-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO ALLOW FLEXIBILITY IN SCHEDULING THE MANDATORY RECESS," 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, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

House Bill No. 1662-84:

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, H.B. No. 1662-84, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S MENTAL HEALTH SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

House Bill No. 2233-84:

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, H.B. No. 2233-84, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused,

3 (Young, Ajifu and Henderson).

House Bill No. 1738-84, H.D. 1:

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, H.B. No. 1738-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-MARITAL EXAMINATION FOR RUBELLA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

House Bill No. 1741-84, H.D. 1:

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, H.B. No. 1741-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 653-84 (H.B. No. 1720-84, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 653-84 was adopted and H.B. No. 1720-84, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 654-84 (H.B. No. 2039-84, H.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 654-84 be adopted and H.B. No. 2039-84, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Kawasaki rose to speak against this bill as follows:

"Mr. President, I'm voting 'no' on this bill because it is my judgment that perhaps the ceiling of the loan amount of \$100,000 should be maintained so we would have from the loan fund kitty enough monies to take care of a greater number of small

businesses who may qualify and who may need this loan.

"To remove that \$100,000 ceiling and lift it up to a quarter-of-a-million dollars, I think, restricts the number of small businesses that we could help in the way of loans needed by them, so I vote against this bill. A \$100,000 is, perhaps, an adequate figure when we consider all the businesses that may apply for this loan."

Senator Abercrombie then rose and inquired: "Mr. President, I was under the impression...I'm making an inquiry, I think, of the chairman of Ways and Means. I was under the impression that what Senator Kawasaki just cited would not be a problem, that there was sufficient funds to handle the applications and still have the \$250,000 loans. Would that impression be correct?"

The Chair replied: "That is my impression."

Senator Abercrombie then queried: "Would the chairman confirm that, please?"

Senator Yamasaki replied: "Yes, Mr. President, the testimony from the Department of Planning and Economic Development and also from the small business people indicated that the revolving fund is sufficient even though we increased it to \$250,000. Because the cost of doing business has also increased in prices, they need to have the increase in the loan fund."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 654-84 was adopted and H.B. No. 2039-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Kawasaki). Excused, 3 (Young, Ajifu and Henderson).

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

Standing Committee Report No. 655-84 (H.B. No. 1636-84, H.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi

and carried, Stand. Com. Rep. No. 655-84 was adopted and H.B. No. 1636-84, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 656-84 (H.B. No. 1739-84, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 656-84 was adopted and H.B. No. 1739-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 657-84 (H.B. No. 2184-84, H.D. 2):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 657-84 was adopted and H.B. No. 2184-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Kawasaki). Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 658-84 (H.B. No. 359):

Senator Yamasaki moved that Stand. Com. Rep. No. 658-84 be adopted and H.B. No. 359, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Kuroda rose to speak in support of House Bill 359 as follows:

"The Tuition Waiver Program was established in 1980 on a trial basis. At that time, skepticism abounded. There were many questions as to whether tuition waivers granted to eligible National Guard and Reserve members would be an attractive and

effective recruitment and retention tool.

"Four years ago, the then chairman of the Higher Education Committee, reluctantly passed it out of committee. He had philosophical concerns of the measure. Without his cooperation we would not have had this trial period. The then chairman of the Ways and Means Committee agreed to approve it on trial basis. He was concerned about the effect on the U.H. budget. The trial period is almost over and I am happy to acknowledge that the results show that the Tuition Waiver Program has taken firm root among National Guard and Reserve members.

"A summary report prepared by the University of Hawaii shows that during the course of seven semesters, the number of eligible Guard and Reserve participants in the Tuition Waiver Program steadily increased. Whereas, 177 people participated in the inaugural semester in 1980, 829 people are participating today in the seventh semester. Though the growing number of participants in the program is an important statistic, it is not quite as impressive as the number of participants who expressed their view that the Tuition Waiver Program was the element which attracted and retains them in their respective Guard or Reserve units.

"Regarding this point, of the 1,029 Hawaii National Guard members who participated in this program, 673 or 61 percent expressed their view that the Tuition Waiver Program was the reason for their enlistment and re-enlistment. Similarly, the United States Army Reserve, Pacific, have also experienced confirming success. Of their 472 participants, 209 participants revealed that they joined the Army Reserve because of the Tuition Waiver Program, while 363 expressed the view that the Tuition Waiver Program was an incentive for them to remain in the Army Reserve.

"Statistically, this program has proven itself by contributing to the objective of boosting enlistment and re-enlistment participation of Guard and Reserve members. Its contribution has helped to preserve the most vital strength of our Guard and Reserve forces -- its people. A strong and viable National Guard and Reserve contributes significantly to our national defense. But, equally as important for all of us here in Hawaii is the simple fact that a strong National Guard and Reserve personnel strength assures the preservation of their important contribution to the

economy of Hawaii -- a fact, we cannot ignore.

"Mr. President and fellow Senators, I urge passage of this bill. Thank you."

Senator Kawasaki rose on a point of inquiry directed to Senator Kuroda. The Chair asked Senator Kuroda if he would yield to a question, and Senator Kuroda having replied in the affirmative, Senator Kawasaki inquired as follows:

"Do we have any statistics to show, of the number of reservists in the Army Reserve and the National Guard, how many of those people who had taken advantage of the tuition waiver who matriculated at the University and completed their courses remain both in the National Guard and the Army Reserve after the completion of their education?"

Senator Kuroda replied: "I believe Colonel Cobb has a response."

Senator Cobb then stated: "Mr. President, I don't have it for just those who participated in the program but I am aware, speaking only for the Reserve, that we have a retention rate of over 75 percent in the first term and over 85 percent on second and subsequent terms of enlistment. So, the retention rate is exceedingly high in the Reserve. I know that the Guard has similar figures, as well, but I don't have their precise figures."

Senator Kawasaki thanked Senator Cobb for the response.

Senator Kuroda further added: "Mr. President, I speak confidently when I say that there are people who joined the Army Reserve and National Guard for whatever reason and after experiencing the enthusiasm, the fun and the challenge, many of them have continued to make it a career. We will provide some statistics to this body in answer to the inquiry made."

Senator Holt then spoke in favor of the bill as follows:

"Mr. President, testimony received from the University included two basic concerns. First, was the philosophical objection to the program, based on the preferential granting of tuition waivers to a specific organization. The second concern was the loss of state revenue on potential tuition revenue.

"The University recognizes,

however, that the ultimate fate of this program involves state policy which is completely within the jurisdiction of the Legislature. I believe this program has evolved into a vital program which is essential to the maintenance of a strong, educated and highly motivated force of guardsmen and reservists.

"I would also like to point out, Mr. President, that the program is a strong reflection of the Legislature's commitment to the spirit and intent of Article I, Section 17, of the State Constitution which recognizes the importance of a well regulated militia which is necessary to the security of a free state.

"With this in mind, I would like to urge my fellow Senators to vote in favor of this bill."

Senator Kawasaki then rose to speak in favor of the measure as follows:

"Mr. President, I'm voting for this bill based on the dialogue that has taken place here today, but the other question that also bothers me -- have we obtained the Attorney General's opinion on the constitutionality of preferential treatment for one segment of the population which is a serious concern that I think we should have."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 658-84 was adopted and H.B. No. 359, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL GUARD AND RESERVE TUITION WAIVERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 659-84 (H.B. No. 1797-84, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 659-84 was adopted and H.B. No. 1797-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 660-84 (H.B. No. 851):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 660-84 was adopted and H.B. No. 851, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 661-84 (H. B. No. 1718-84, H.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 661-84 be adopted and H.B. No. 1718-84, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Kawasaki rose to speak against the bill as follows: "Mr. President, I vote against this bill primarily because I think extending the time for the resolution of an impasse situation prolongs the agony. It just seems to me the time-frame allowed under the present statute is enough for these people to arrive at a decision, one way or another. To extend it, I think, prolongs the negotiation period and all the difficulties that the negotiating parties are going to meet in the way of coming to a decision."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 661-84 was adopted and H.B. No. 1718-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Kawasaki). Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 662-84 (H.B. No. 1185, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 662-84 was adopted and H.B. No. 1185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A PUBLIC GUARDIANSHIP AGENCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

House Bill No. 1213:

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, H.B. No. 1213, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUE BE REFUNDED TO TAXPAYERS UNDER CERTAIN CONDITIONS," 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, 21. Noes, 1 (Carpenter). Excused, 3 (Young, Ajifu and Henderson).

House Bill No. 1827-84:

Senator Yamasaki moved that H.B. 1827-84, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Abercrombie rose to speak in support of the bill as follows:

"Mr. President, I believe that this measure, which I hope will receive the support of all here, is an important one because we find ourselves in many instances following federal practices with respect to taxation on a more or less rote basis. This is particularly important because, if my understanding of the bill is correct, we will not put to those who are receiving social security on to a basis which might end up with them having to pay taxes on that. I'm assuming and I'm sure that it would not be the policy of the state to attempt to gain revenues by such a practice. I think it would fly in the face of what social security is supposed to serve and there is a real, genuine concern among the community of people who are senior citizens and elderly people who are receiving social security that this was a danger.

"The fact that so many people are concerned about it, Mr. President, I think reflects on the fears that have been generated in the last few years with respect to how we're going to deal with budgets not only at the state level, but at the federal level and whether we are going to, in effect, 'attack' the area of social security in such a manner as not just to reduce benefits, but to possibly undermine the capacity for people who are receiving such benefits to be able to conduct their lives in the way that gives them a sense of security and assurance that they will be able to

take care of themselves. It's very important that we pass this bill."

The motion was put by the Chair and carried, and H.B. No. 1827-84, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

#### ADVISE AND CONSENT

Standing Committee Report No. 672-84 (Gov. Msg. No. 263):

Senator Mizuguchi moved that Stand. Com. Rep. No. 672-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations to the Advisory Commission on Manpower and Full Employment of the following:

Glenn T. Minami, John Roger Campbell, Robert M Monden, Jean H. Miyahira and Patricia K. Osgood, terms to expire June 30, 1987; and

Roy K. Fujimoto, term to expire June 30, 1986,

seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 673-84 (Gov. Msg. No. 172):

Senator Mizuguchi moved that Stand. Com. Rep. No. 673-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations of Leonard E. Mason, Carol Kikkawa-Ward and Shizuko Mukaida, to the Policy Advisory Board for Elderly Affairs, terms to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

Standing Committee Report No. 674-84 (Gov. Msg. No. 102):

Senator Mizuguchi moved that Stand. Com. Rep. No. 674-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations to the Advisory Council for Children and Youth of the following:

Fred L. Blair, term to expire December 31, 1987; and

Gene J. Dumaran, term to expire December 31, 1984,

seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 675-84 (Gov. Msg. No. 262):

Senator Mizuguchi moved that Stand. Com. Rep. No. 675-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of David M. Nakada to the Advisory Council for Children and Youth, term to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Abercrombie).

Standing Committee Report No. 676-84 (Gov. Msg. No. 177):

Senator Mizuguchi moved that Stand. Com. Rep. No. 676-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations of Carolina Boland and Barbara Adams, to the Board of



Social Services and Housing, terms to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 677-84 (Gov. Msg. No. 101):

Senator Mizuguchi moved that Stand. Com. Rep. No. 677-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of John R. Pingree, to the Commission on Manpower and Full Employment, term to expire June 30, 1984, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 678-84 (Gov. Msg. No. 174):

Senator Mizuguchi moved that Stand. Com. Rep. No. 678-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of Thomas J. Foye to the Advisory Commission on Manpower and Full Employment, term to expire June 30, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 679-84 (Gov. Msg. No. 222):

Senator Mizuguchi moved that Stand. Com. Rep. No. 679-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations to the Progressive Neighborhoods Task Force, of the following:

Ruby L. Hargrave, term to expire December 31, 1984;

Mark Henry Suiso, term to expire December 31, 1987; and

Louis Hao, term to expire December 31, 1987,

seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 680-84 (Gov. Msg. No. 175):

Senator Mizuguchi moved that Stand. Com. Rep. No. 680-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations of Rolland Smith, Louise N. Kong and Philip S. Chun, to the Progressive Neighborhoods Task Force, terms to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 681-84 (Gov. Msg. No. 211):

Senator Mizuguchi moved that Stand. Com. Rep. No. 681-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of Ernest M.S. Loo to the Civil Service Commission, term to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 682-84 (Gov. Msg. No. 170):

Senator Mizuguchi moved that Stand. Com. Rep. No. 682-84 be received and placed on file, seconded

by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of Edward S. Kushi, Jr. to the Civil Service Commission, term to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 683-84 (Gov. Msg. No. 173):

Senator Mizuguchi moved that Stand. Com. Rep. No. 683-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of Renton L. K. Nip to the Hawaii Employment Relations Board, term to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 684-84 (Gov. Msg. No. 221):

Senator Mizuguchi moved that Stand. Com. Rep. No. 684-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations to the Board of Trustees, Hawaii Public Employees Health Fund, of the following:

Dayton M. Nakanelua, term to expire December 31, 1986; and

Lorraine N. Shimamura, term to expire December 31, 1984,

seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 685-84 (Gov. Msg. No. 176):

Senator Mizuguchi moved that

Stand. Com. Rep. No. 685-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nominations of Gordon C. Murakami, Thomas Toguchi and Rev. Christian Tirre, to the Board of Trustees, Hawaii Public Employees Health Fund, terms to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 686-84 (Gov. Msg. No. 171):

Senator Mizuguchi moved that Stand. Com. Rep. No. 686-84 be received and placed on file, seconded by Senator Abercrombie and carried.

Senator Mizuguchi then moved that the Senate advise and consent to the nomination of Mitsuyoshi Fukuda to the Board of Trustees of the Deferred Compensation Plan, term to expire December 31, 1987, seconded by Senator Abercrombie.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 687-84 (Gov. Msg. No. 247):

Senator Aki moved that Stand. Com. Rep. No. 687-84 be received and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of Fred I. Kamemoto and James A. Brock, D.V.M., to the Natural Area Reserves System Commission, terms to expire December 31, 1987, seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

Standing Committee Report No. 688-84 (Gov. Msg. No. 245):

Senator Aki moved that Stand. Com. Rep. No. 688-84 be received

and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of Warren E. Akiona to the Hawaii Fisheries Coordinating Council, term to expire December 31, 1987, seconded by Senator Hagino.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Young, Ajifu and Henderson).

At this time, Senator Solomon, chairman of the Committee on Education, requested a waiver of the 48-hour Notice of a Public Hearing on Governor's Message Nos. 304 and 305 of the Senate Education Committee's hearing notice for Thursday, April 12, 1984, and the President granted the waiver.

Senator Mizuguchi, Chairman of the Committee on Human Resources, then requested waiver of the 48-hour Notice of a Public Hearing on Governor's Message No. 313 of the Senate Human Resources Committee's hearing notice for Thursday, April 12, 1984, and the President granted the waiver.

#### RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 1577-84, S.D. 1, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 1577-84, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1577-84, S.D. 1, and S.B. No. 1577, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was placed on the calendar for Final Reading on Thursday, April 12, 1984.

Senate Bill No. 1890-84, S.D. 1, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 1890-84, S.D. 1, H.D. 1, seconded by Senator B. Kobayashi and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1890-84, S.D. 1, and S.B. No. 1890, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", was placed on the calendar for Final Reading on Thursday, April 12, 1984.

Senate Bill No. 785, S.D. 1, H.D. 2:

Senator Cobb moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 785, S.D. 1, H.D. 2, seconded by Senator Carpenter and carried.

On motion by Senator Cobb, seconded by Senator Carpenter and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 785, S.D. 1, and S.B. No. 785, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES", was placed on the calendar for Final Reading on Thursday, April 12, 1984.

#### APPOINTMENT OF CONFEREES

House Bill No. 177, H.D. 1 (S.D.1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 177, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Hagino, Kuroda, Yamasaki and Henderson as Managers on the part of the Senate at such conference.

#### CHANGE OF CONFERENCE COMMITTEE MANAGERS

House Bill No. 2151-84, H.D. 2 (S.D. 2):

The President appointed Senators Toguchi and George as Managers and discharged Senators Uwaine and Soares as Managers on the part of the Senate at the conference to be held to consider the amendments proposed by the Senate to H.B. No. 2151-84, H.D. 2.

#### ADJOURNMENT

At 12:22 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 12, 1984.

## FIFTY-FIFTH DAY

Thursday, April 12, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Don Gurney, Director, Baptist Student Ministries, Hawaii Baptist Convention, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-Fourth Day.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Senator Chang then introduced to the members of the Senate Hawaii's Chinese Living Treasures of 1984 and stated as follows:

"Mr. President, it is with great pride that I present to the Senate several persons who have been designated as Hawaii's Chinese Living Treasures in 1984.

"The Chinese Living Treasures program was established to recognize individuals and organizations in our community who have unselfishly dedicated their lives towards the preservation of the Chinese cultural heritage in the areas of the arts, crafts, music, and public service.

"We have with us half of the group that has been honored with the Living Treasures designation. Representative Rod Tam is presenting six of the Living Treasures in the House.

"The Chinese Living Treasures with us today are: Lam Oi Char, Lily Siou, Irma Tam Soong, Bernice Yee, and the Hawaii Chinese History Center, represented by Mrs. Puanani Kinney, president.

"Accompanying these Living Treasures are Leslie Poon, president of the Chinese Youth of Hawaii, sponsors of the Chinese Living Treasures program, and Lester Liu, a trustee of the organizations for the trustees.

"I would like to congratulate the Chinese Youth of Hawaii on their vast

contributions to the Chinese community and especially congratulate them on their 50th anniversary, celebrated this year."

The honorees rose to be recognized and were presented the Senate Certificate and leis by Senators Chang, Aki, Carpenter, Cobb, Hagino, Toguchi, Soares, and Young.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 455 to 461) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 455), transmitting House Concurrent Resolution No. 39, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No. 39, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHA WELLS," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 456), transmitting House Concurrent Resolution No. 52, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No. 52, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE INTENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPAND THE USE OF CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS," was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 457), transmitting House Concurrent Resolution No. 95, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No.

95, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO PESTICIDE AND TOXIC/HAZARDOUS CHEMICAL USAGE BY THE MILITARY AND OTHER FEDERAL AGENCIES," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 458), transmitting House Concurrent Resolution No. 105, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

By unanimous consent, H.C.R. No. 105, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER FOR DECP, EDB, TCP, AND OTHER CHEMICAL CONTAMINANTS," was referred to the Committee on Health.

A communication from the House (Hse. Com. No. 459), transmitting House Concurrent Resolution No. 110, H.D. 1, which was adopted by the House of Representatives on April 11, 1984, was placed on file.

At this time, Senator Abercrombie rose to remark on H.C.R. No. 110, H.D. 1, as follows:

"Mr. President, before you refer H.C.R. No. 110, H.D. 1, 'Requesting the Board of Land and Natural Resources to Lease the Former Hale Mohalu Site to an Eleemosynary Organization for Youth Athletic and Recreation Activities,' I want to register an objection to this House communication indicating that the committee report itself is a contradiction in terms, and I trust that the Tourism Committee, if the resolution is referred there, will be open to amendments to the resolution as presented by the House.

"I've very seldom seen a communication come from the House as illogically reasoned as this resolution."

By unanimous consent, H.C.R. No. 110, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was referred to the Committee on Tourism.

A communication from the House (Hse. Com. No. 460), informing the

Senate that the Speaker has added Representative Albano as co-chairman together with Representative Kiyabu on the part of the House at the conference on Senate Bill No. 1841, was placed on file.

A communication from the House (Hse. Com. No. 461), informing the Senate that the amendments proposed by the Senate to the following listed House Bills were agreed to by the House, and passed Final Reading in the House of Representatives on April 11, 1984:

H.B. No. 162, H.D. 2, S.D. 1;  
 H.B. No. 537, H.D. 1, S.D. 2;  
 H.B. No. 556, S.D. 1;  
 H.B. No. 787, H.D. 1, S.D. 1;  
 H.B. No. 847, H.D. 1, S.D. 2;  
 H.B. No. 1721-84, H.D. 1, S.D. 1;  
 H.B. No. 1740-84, S.D. 1;  
 H.B. No. 1742-84, S.D. 1;  
 H.B. No. 1777-84, S.D. 1;  
 H.B. No. 1779-84, H.D. 1, S.D. 1;  
 H.B. No. 1838-84, S.D. 1;  
 H.B. No. 1842-84, H.D. 1, S.D. 1;  
 H.B. No. 1845-84, H.D. 1, S.D. 1;  
 H.B. No. 1848-84, H.D. 1, S.D. 1;  
 H.B. No. 1892-84, S.D. 1;  
 H.B. No. 1925-84, H.D. 1, S.D. 1;  
 H.B. No. 2002-84, H.D. 2, S.D. 2;  
 H.B. No. 2020-84, S.D. 1;  
 H.B. No. 2077-84, H.D. 1, S.D. 1;  
 H.B. No. 2181-84, S.D. 1;  
 H.B. No. 2201-84, H.D. 1, S.D. 1;  
 H.B. No. 2261-84, H.D. 1, S.D. 1;  
 H.B. No. 2268-84, S.D. 1;  
 H.B. No. 2396-84, S.D. 1;  
 H.B. No. 2451-84, H.D. 1, S.D. 1;  
 H.B. No. 2477-84, H.D. 1, S.D. 1;  
 H.B. No. 2484-84, H.D. 1, S.D. 1;  
 and  
 H.B. No. 2604-84, S.D. 1,

was placed on file.

#### STANDING COMMITTEE REPORTS

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 697-84) recommending that House Bill No. 2332-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2332-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE TO KEEP FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 1984.

Senator Chang, for the Committee on Judiciary, presented a report

(Stand. Com. Rep. No. 698-84) recommending that House Bill No. 1678-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1678-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 699-84) recommending that the Senate advise and consent to the nomination of Marc V. Oley to the Hawaii Paroling Authority, in accordance with Governor's Message No. 103.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 699-84 and Gov. Msg. No. 103 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 700-84) recommending that the Senate advise and consent to the nomination of Michael M.C. Yee to the Board of Registration, Island of Oahu, in accordance with Governor's Message No. 179.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 700-84 and Gov. Msg. No. 179 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 701-84) recommending that the Senate advise and consent to the nomination of Leonilda T. Caires to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, in accordance with Governor's Message No. 180.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 701-84 and Gov. Msg. No. 180 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 702-84)

recommending that the Senate advise and consent to the nomination of Evelyn T. Brand to the Board of Registration, Kauai and Niihau, in accordance with Governor's Message No. 181.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 702-84 and Gov. Msg. No. 181 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 703-84) recommending that the Senate advise and consent to the nomination of Joseph Cardoza, Esq., to the Juvenile Justice Interagency Board, in accordance with Governor's Message No. 212.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 703-84 and Gov. Msg. No. 212 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 704-84) recommending that the Senate advise and consent to the nomination of Warren Hisashi Nishimura to the Board of Registration, Island of Hawaii, in accordance with Governor's Message No. 297.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 704-84 and Gov. Msg. No. 297 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 705-84) recommending that the Senate advise and consent to the nominations of Douglas G. Gibb and Mary Lou Barela to the Juvenile Justice Interagency Board, in accordance with Governor's Message No. 178.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 705-84 and Gov. Msg. No. 178 was deferred until Friday, April 13, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 706-84) recommending that the Senate advise and consent to the nominations of Hiroshi Sakai and Robert S. Toyofuku to the Commission to Promote Uniform Legislation, in accordance with Governor's Message No. 182.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 706-84 and Gov. Msg. No. 182 was deferred until Friday, April 13, 1984.

At this time, Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, will there be any discussion in a caucus of the bills and nominations prior to the vote?"

The Chair answered: "The answer is 'yes,' there will be a caucus."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 707-84) recommending that Senate Resolution No. 59, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.R. No. 59, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was adopted.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 708-84) recommending that Senate Concurrent Resolution No. 51, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Cobb and carried, the report of the Committee was adopted and S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was adopted.

Senator Abercrombie then rose on a point of inquiry as follows:

"Mr. President, before you proceed to the order of the day, with respect to the nominations on one-day notice, 706-84, Gov. Msg. 182. There are two names there. I have an objection to one name, not to both. Does that create a difficulty with respect to approval or disapproval?"

The Chair answered: "No, I don't see any difficulty; if there is a request by Senators to take up the names individually, we will."

Senator Abercrombie thanked the Chair.

#### ORDER OF THE DAY

MATTER DEFERRED  
FROM APRIL 11, 1984

#### THIRD READING

House Bill No. 1947-84:

Senator Cobb moved that H.B. No. 1947-84, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Carpenter rose to speak against the bill and stated as follows:

"Mr. President, this bill, 'A Bill for an Act Proposing an Amendment to Article II, Section 12, of the Hawaii Constitution, to Allow Greater Flexibility in Scheduling the Deadline for Introducing Bills,' is, Mr. President, as represented on the standing committee report, merely a 'hope.'

"There is nothing in this proposed amendment, which merely seeks to remove certain language from the present Constitution to allow a number of events to occur, amongst which are the preference as indicated in the committee report to extend the session, to allow bills to be introduced earlier than is presently allowed.

"Mr. President, besides the nice idea that it represents, it is flawed in the sense that no Representative nor Senator is legally assigned the duties, after an election until such time as the oath of office is administered in accordance with Article XI, Section 4, of the Constitution.

"Unless, Mr. President, there is some idea that oaths of office will be administered at an earlier date to allow bills to be introduced by individuals having the full authority of that office, this bill is deficient.

"At least, every session, approximately one-half of the number of Senators will not be sworn in until opening day.

"On election years, none of the Representatives, who hold two-years terms, will be sworn in until opening day. So, this bill can only be effective, or the ideas represented in the committee report can only take place if a number of events occur, amongst which is, first, the oath of office must be administered prior (to opening day) in order to allow every Representative or Senator to introduce bills earlier than is presently allowed. And, Mr. President, it may very well be that, among other things, the Senate or the House may not be organized by that time.

"Certainly, the costs will increase because no one up to this time, as I understand it, has a full complement of staff for earlier drafting of and introduction of bills, which would certainly incur an additional cost to the Legislative process.

"So, Mr. President, for these and a host of other reasons, I suggest that while the idea may be a good one, in terms of its practicality, it is deficient in a number of respects.

"Thank you very much."

Senator Abercrombie also rose to speak against the measure and stated as follows:

"Mr. President, I would incorporate many of the thoughts of the previous speaker as my own with respect to this bill. The title of the bill is a misnomer. It does not allow for greater flexibility unless you want to have incumbent legislators have greater flexibility at the expense of those who may be newly elected.

"Mr. President, the committee report itself indicates an example of so-called flexibility, 'Bill introduction begins on the first Wednesday in January, two weeks before the legislature convenes.'

"As has been indicated by the previous speaker, the passage of this would do nothing with respect to the rules and regulations and how the Senate and the House run.

"I've long been an advocate of more staff for the Legislature, but I am constantly and those who have my point of view are constantly rebuffed by those who say this would increase cost. We increase cost for everybody else in the state and in the administration and all of the rest of it, but not for ourselves. This puts a premium on those who are already familiar with the drafting process, who already have access and understanding of the Legislative Reference Bureau, the Majority and Minority Research offices, etc. Those who are not familiar will not have the same capacities.

"The committee report states, 'The Legislature convenes on the third Wednesday in January. Non-essential legislative business is deferred....' I presume that refers to just the third Wednesday itself, but there's nothing about what happens between November and January.

"As the previous speaker has

indicated, presumably if there is an organization, there should be some attempt at some kind of program from which legislation would be derived. I don't see that we do not conduct legislative business.

"There is also an indication, as we move down the committee report, 'Bill introductions would be cut off sometime after the first week (of the session), but before the end of the second week of session.' I don't see that as providing greater flexibility to those who want to control the Legislature, who want to control the flow of legislation, who want to diminish the capacity of the public to make its view known to legislators and to solicit legislators to enter bills which would benefit the public. I think that we are not in the business here of doing what's convenient for us. We're in the business here of doing what's convenient for the public purpose and to cut off the date of introduction of bills, I think, flies in the face of the experience of everyone on this floor, no matter how long their length of service in the Senate or in the House.

"All of us have turned in bills on the last day of bill introduction that have evolved as a result of discussions and perceptions that we have arrived at, once the session is underway, and once we see some of the legislation coming in. It doesn't make any sense to try, from a public purpose point of view, to cut this off.

"I would indicate further, under Section 5(c), page 2, of the committee report, 'There would be less pressure to hold hearings during the legislative recess....' Why should there be less pressure during the legislative recess. That's when we should be taking the time to explore some of these issues at greater length so they don't come under the so-called pressure cooker that exists during the 60-day session of the Legislature. That certainly is not indicated in the title of the bill about greater flexibility.

"If we want greater flexibility, we should be encouraging interim work, not trying to discourage interim work. I think we should put more pressure on ourselves to hold hearings during the legislative recess so that many of the issues which are ongoing can be discussed in greater length.

"Continuing on (c), '...or during late evening hours which are



inconvenient to the general public.' Since when is it inconvenient to the general public to hold hearings at a time when people are more available? If late evening hours may be inconvenient to legislators, they need not run for office.

"But it certainly is not inconvenient to those people who put in a full working day and then because of their interest in a subject matter are willing to come down to the Legislature during the evening or on weekends or any other time that they can get here. I hardly see it as an argument to be made to the public, should we pass this legislation, that if we pass the legislation we won't do any work during the interim and don't worry, you won't be able to do anything about it anyway because we're not holding hearings at night. That's a helluva message to deliver to the public.

"Under (a), 'More time would be available for hearings by committees.' How's it going to be more time be available for hearings by the committee if the idea of passing it is to restrict interim work and to cut down on evening hours for legislators.

"Shorter agenda would be possible.' Since when are we in the business of making shorter agendas. I don't see anything in the Constitution that says the object of the legislative process is to make its work as short as possible. Have longer agendas, if that's what's involved. Public business has to be served whether it's a long agenda or a short agenda. What difference does it make?

"Shorter agendas would result in more deliberative hearings and shorter waiting periods for persons wishing to testify.' That's not true at all. You can have a subject matter before a committee with only one issue before it and I've seen hearings where the hearings went on all day long and you had to have another session afterwards; one subject matter just on raising the drinking age, for example, this year. The hearings went on for hours and hours and hours, just on that one subject alone.

"On the other hand, I've seen hearings take place with an agenda as long as your arm that just whistled right through, unless there's somebody like me around or Duke.

"So the point here is that this is no argument to make to the public, and

if it passes, I think those of us who'd like to see the public defeat it will be requesting of those who favor of it is to give the public a reason why this benefits them as opposed to suiting the convenience of individual legislators who don't wish to work as hard as they should.

"Thank you."

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

By unanimous consent, action on H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," was deferred until Friday, April 13, 1984.

#### FINAL READING

Senate Bill No. 785, S.D. 1, H.D. 2:

Senator Cobb moved that S.B. No. 785, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I'm voting against this bill because I don't think we should by statute dictate the interest rates that are chargeable by retail merchants to the average consumer.

"While there are some improvements made to the basic statute regarding sales, I think the language, particularly on page 40 of the bill, is objectionable where we mandate, practically, interest charges to be charged.

"Let me read line 15, for example, 'Upon maturity of a contract, the rate of finance charge on the unpaid principal balance of the contract shall be eighteen per cent a year, unless a lesser rate for after maturity finance charge is specified in the contract.'

"Unless the rate is specified in the contract, I don't think we should be dictating by putting it into concrete, as it were, rates that retail merchants should charge borrowers after the contract matures.

"Of course, I've always objected to

the possibility of a 24 percent per year charge being imposed upon consumers on a renewed loan. These kinds of things, I think, should be left as the businesses generally advocate 'open-market competition climate,' and for us to enact by statute these charges which, in my judgment, are usurious for that matter, I think, is not what we may want and in two or three years we may regret doing this.

"For that reason, I vote against this bill."

The motion was put by the Chair and carried, and S.B. No. 785, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Kawasaki). Excused, 2 (Kuroda and Uwaine).

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

Senate Bill No. 1577-84, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1577-84, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kuroda and Uwaine).

In accordance therewith, the President discharged the Managers who were appointed on the part of the Senate.

Senate Bill No. 1890-84, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1890-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kuroda and Uwaine).

In accordance therewith, the President discharged the Managers

who were appointed on the part of the Senate.

### THIRD READING

House Bill No. 2116-84, H.D. 1:

Senator Cobb moved that H.B. No. 2116-84, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure as follows:

"I do not believe it is a good idea to change the reacquaintance or updating requirements for drivers with the kind of equipment that's being addressed here.

"In the caucus I indicated that I drive an automobile, for example, which is 20 years old and as a result I have to have it inspected twice a year rather than once a year. I have found that while that costs me some money, on occasion it costs me money for good reason, more likely that there needs to be attention paid as a result.

"In other words, Mr. President, the argument being that, while it may on the surface seem to be an inconvenience to me, the public purpose is well served by such an activity. I think, also, I indicated from a personal point of view, I was reminded the other day that some of the rules of the road are there for good purposes.

"I happened to be coming to a stop light and a light that was changing and I felt I could make the light. It's not what the rules of the road say, and I decided no, that wasn't a good idea, and as I pulled up I discovered that someone was crossing, an elderly person was crossing against the light, a person I did not see because of the car in the other areas of the road. Had I gone through that light, I might very well have hit that person. But the burden of my point there is that I was reminded by a stroke of good fortune as to what the rules of the road were.

"It might be good if, with respect to licenses, we had to be tested more often.

"I also went through the experience of letting my license lapse and had to take my test all over again and had to familiarize myself on all the rest of it in order to get that license. It turned out that I missed a few

questions on that. I was confident that I could pass it all and it turned out I didn't know everything. I hadn't remembered everything and it was to my benefit to know these things.

"I don't see any harm whatsoever when we're dealing with drivers who have control over vehicles far larger than anything that we're driving. We're talking about vehicles that weigh tons and tons and have tremendous force behind them who are on the road infinitely more often than we are and for much longer periods of time.

"I see nothing wrong whatsoever and every benefit to be derived from seeing to it that if for no other reason than refamiliarizing yourself, reacquainting yourself with the reasons for the rules of the road that they be required to, on an annual basis rather than a biennial basis, to submit themselves to a driver improvement program. Certainly, no public harm comes from such an activity and there's every reason to believe public good would accrue from it.

"If a driver finds it inconvenient, that's a comment on the driver's perception of public safety in his or her own relationship to it, not a comment on the illogic of the law or the inconvenience of the law or the motivation of the law.

"The burden, it seems to me, is on those who would say that we should not have a regular yearly, an annual if you will, driver improvement program which would have at the very least a period of time in which the drivers of these heavy vehicles would have the opportunity to recognize once again the special place that they occupy on the public road and their responsibility."

Senator B. Kobayashi rose to speak in support of the measure as follows:

"Mr. President, the bill was warmly supported by the various safety officers involved, including the Department of Transportation safety officer and the Honolulu Police Department.

"The crux of the bill really was that we have a situation in which most of us here have a driver's license that extends for four years. This driver's license extends for only two years if you are 65 years and above. In the case, however, of professional drivers they have a

yearly requirement.

"This yearly requirement is not just a re-licensing procedure such as we go through where we get our eyes checked and a rather short 20-question test. This procedure, rather, is a full-blown almost driver education course in which you have classroom hours; you have vehicle instruction and check-out procedures; and you have a problem of not only inconvenience, so to speak, but time away from the job and cost to either the employer or in some cases the employee.

"So, it's a matter of time and not inconvenience. It's a matter of saying that these drivers generally have a good record as supported by the various safety officers involved, and also that there frequency of renewal is already much greater than most of us here in this room who have four years for renewal."

Senator Carpenter then rose to speak against the measure as follows:

"Mr. President, the committee report on page 1, I believe, expresses a conflict. In the last two sentences of the last paragraph: 'Your Committee finds that the potential danger and seriousness of accidents involving heavy trucks and buses justifies the requirement of driver safety courses as a means of reinforcing positive driving behavior and detecting potentially dangerous drivers.'

"On the other hand, Mr. President, the next sentence conflicts with that when it says: 'Your Committee further finds that it is both justifiable and financially reasonable that experienced, full-time drivers only be required to participate in biennial driver safety course and therefore your Committee is in agreement with the intent and purpose of this bill.'

"Mr. President, the question is, financially responsible to whom? And are we also assuming that experienced drivers do not experience accidents?"

"I think the answer to both of those questions is 'no.' They do, and they get into every bit as serious accidents as anyone else, although the statistics may tend to favor those who have experience versus those who may not.

"I think, Mr. President, what this represents basically is a relaxing of standards, irrespective of whether

the Department of Transportation has testified in favor of this.

"I know for a fact, on the Big Island, the Department of Transportation has always been strapped for personnel who actually conduct the tests and any relief from that, as I see this bill representing, perhaps reduces the load. That perhaps could be simulated throughout the State of Hawaii.

"I don't believe that shirking the duty or having an inadequate number of personnel to adequately conduct the safety requirements of these tests is excuse to support a measure which essentially reduces the standards of safety that we need on our state highways.

"Thank you."

Senator Abercrombie then further remarked, in speaking against the measure, as follows:

"Mr. President, the comments of the chairman of the Transportation Committee would seem to argue for the points raised by Senator Carpenter and myself.

"If the drivers of these heavy vehicles, in fact, have a better record than other drivers, maybe it's because they have to go through this course every year and be reminded. And as far as the rest of us not having to take a driver's test or to renew our license on the same basis, I for one have just indicated that I thought perhaps that to our disadvantage. And the fact that we are not doing or participating in a safety program as much as we should, would it not be an argument for someone else then not to do it, as well. I don't see the logic behind that.

"The fact of the matter is that we are lowering the standard here and taking a chance; whereas, if we continued it on the present basis it would seem to me, as I indicated previously, at the very least people who might otherwise become a bit complacent precisely because they, as sensible professionals, might have the opportunity to remind themselves as to what they are doing.

"I find it interesting that in some of the contacts I've had with people who race, for example, they are constantly going through checks on themselves with respect to reaction time, with respect to equipment. These equipment changes do take

place, especially with these heavy vehicles, and they do not see it as a burden at all to re-familiarize themselves, in effect, with equipment and techniques; rather, they find that as a boon to their capacity to be able to engage in their sport."

The motion was put by the Chair and carried, and H.B. No. 2116-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Carpenter). Excused, 2 (Kuroda and Uwaine).

House Bill No. 194, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 194, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRONGFUL DEATH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 786, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 786, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1839-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1839-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Carpenter). Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1846-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1846-84, entitled:

"A BILL FOR AN ACT RELATING TO COMMUNITY PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1980-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1980-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVES-DROPPING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Ajifu). Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

House Bill No. 1999-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1999-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Abercrombie, Holt, Kuroda and Uwaine).

At this time, Senator Cayetano rose on a point of inquiry and asked: "Mr. President, will the chairman of the

Ways and Means Committee yield to a question?"

The Chair posed the question to the chairman, and Senator Yamasaki having answered in the affirmative, Senator Cayetano asked as follows:

"Mr. President, this morning I heard on the radio that the Senate Ways and Means Committee will be making the Senate position on the budget worksheets available to the public. Is that correct?"

Senator Yamasaki answered: "Yes, Mr. President. In the conference on the budget, House Bill 1640, we have made available to the public our positions on House Bill 1640. We have the worksheets on display at the conference for public inspection."

Senator Cayetano continued: "Mr. President, I have not hesitated to criticize the chairman when I thought he was acting wrongly in not making these worksheets available to the public. I won't hesitate now to commend him for this step which I think is a step in the right direction.

"Hopefully, another step will be taken very soon to accommodate the members of the Senate."

#### ADJOURNMENT

At 12:31 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 13, 1984.

## FIFTY-SIXTH DAY

Friday, April 13, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:40 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Brother Edward Gomez, S.M., of St. Louis High School, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-Fifth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Abercrombie introduced seven year old Kimberly Taylor as follows:

"Mr. President, I have a distinct pleasure today, in the gallery is a very charming young lady whose art work have graced my offices for some time and which I enjoy a great deal. I was pleased to see her this morning and I'd like for Kimberly to stand along with her dad, Mr. Carroll Taylor."

Senator Fernandes Salling introduced a group of 15 students from Kauai who are participating in the Student Legislative Experience Workshop, accompanied by their advisors.

Senator Kuroda then introduced Mr. Sam Okinaga as follows:

"Mr. President, Mr. Sam Okinaga is retiring after 31 years of distinguished service to one of our outstanding fiduciary corporations in Hawaii -- State Savings and Loan Association. This gentleman is usually described by young ladies and sometimes older ladies as the tall, suave gentleman in a suit with a pipe."

Senator Kuroda read portions of the Senate Certificate honoring Mr. Okinaga.

The honoree then rose to be recognized and was presented with the Senate Certificate by Senator Kuroda and leis by Senators Fernandes Salling, Solomon and Young.

Senator Holt introduced Dr. Fujio

Matsuda as follows:

"Mr. President, I have the distinct honor and privilege this morning to recognize one who contributed a lot to the State of Hawaii with many years of public service and who has decided to move on to another field.

"Mr. President, Dr. Fujio Matsuda, as we well know, has been president of our University for a good many years. He has accomplished a lot during his time there and I think it's only proper that this body recognize his many contributions to the people of this state."

Senator Holt read portions of the certificate recognizing and honoring Dr. Matsuda upon the occasion of his retirement and acceptance of the position of executive director of the Research Corporation of the University of Hawaii.

The honoree, who was accompanied by his wife, Amy, and Mr. Stanley Mukai, chairman of the Board of Regents, rose to be recognized. Senator Holt presented the Senate Certificate and Senators A. Kobayashi and Mizuguchi presented the leis.

Senator Abercrombie then remarked as follows:

"Mr. President, I have enjoyed a relationship with President Matsuda over the past decade, one which may be characterized as being friendly adversaries on occasion and always one that was characterized by, I would hope, our mutual commitment toward the betterment of the University of Hawaii.

"There is a side to President Matsuda that not everyone is always aware of because of the nature of his duties and in effect the formal occasions that he is seen in most of the time. I do not know that everybody has had the opportunity to be with him on an informal basis as I have and, in particular, I want to note in passing that he is the kind of person that when it comes to the little things that can mean so much to someone that he does not neglect them in the least.

"I refer, in particular, to the visits that my mother has made here in the past. The one person that she remembers, in particular, as being especially kind and thoughtful where

she is concerned has been President Matsuda. He's always gone out of his way to make sure she understands that despite the fact that I have given him such a bad time, he forgives me anyway.

"And, I do want to say in conclusion that I, on the one hand, regret that we will not have his services as President of the University of Hawaii, but he will be continuing in another capacity, and on the other hand, of course, I'm very grateful that he is allowing some of us younger fellows a chance. Thank you very much."

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 314 to 317) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 314), transmitting a report entitled: "Tax Credits Claimed by Hawaii Residents 1982," prepared by the Department of Taxation, March 1984, pursuant to Section 231-3 (8), HRS, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 315), informing the Senate that on April 12, 1984, he signed the following bill into law:

S.B. No. 538 as Act 5, entitled: "RELATING TO HILO HOSPITAL,"

was placed on file.

A message from the Governor (Gov. Msg. No. 316), submitting for consideration and consent to the Second Circuit Court, the nomination of Richard R. Komo, as Judge, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 317), informing the Senate that on April 13, 1984, he signed the following bills into law:

S.B. No. 1546-84 as Act 6, entitled: "RELATING TO SERVICES

FEES";

S.B. No. 1551-84 as Act 7, entitled: "RELATING TO BOARDS AND COMMISSIONS";

S.B. No. 1951-84 as Act 8, entitled: "RELATING TO AGRICULTURE";

S.B. No. 2157-84 as Act 9, entitled: "RELATING TO PEST CONTROL OPERATORS";

H.B. No. 530 as Act 10, entitled: "RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS IN THE PLANNING AND DEVELOPMENT OFFICE OF THE DEPARTMENT OF AGRICULTURE"; and

H.B. No. 531 as Act 11, entitled: "RELATING TO CERTAIN EMPLOYEES IN THE DIVISION OF MILK CONTROL OF THE DEPARTMENT OF AGRICULTURE",

was placed on file.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 462 to 464) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 462), transmitting House Concurrent Resolution No. 87, H.D. 1, which was adopted by the House of Representatives on April 12, 1984, was placed on file.

By unanimous consent, 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 referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 463), transmitting House Concurrent Resolution No. 94, H.D. 1, which was adopted by the House of Representatives on April 12, 1984, was placed on file.

By unanimous consent, 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 referred to the Committee on Health.

A communication from the House

(Hse. Com. No. 464), transmitting House Concurrent Resolution No. 123, H.D. 1, which was adopted by the House of Representatives on April 12, 1984, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 123, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MAY, 1984 AS BETTER HEARING AND SPEECH MONTH," was adopted.

#### STANDING COMMITTEE REPORTS

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 709-84) recommending that Senate Concurrent Resolution No. 73 be adopted.

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, the report of the Committee was adopted and S.C..R. No. 73, entitled: "SENATE CONCURRENT RESOLUTION URGING A CONCERTED EFFORT BY THE UNITED STATES CONGRESS TO PERMIT HAWAII TO ENACT AMENDMENTS TO ITS PREPAID HEALTH CARE ACT WITHOUT THE RESTRICTIVE WORDING OF SECTION 514(b) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)," was adopted.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 710-84) recommending that House Bill No. 1466 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1466, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES TO RELATIVES OF DECEASED EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 711-84) recommending that House Bill No. 1851-84, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1851-84,

H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 16, 1984.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

#### ORDER OF THE DAY

MATTER DEFERRED FROM  
APRIL 12, 1984

#### THIRD READING

House Bill No. 1947-84:

By unanimous consent, action on H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," was deferred until Monday, April 16, 1984.

At this time, Senator Cobb introduced Senator James H. Donovan of New York, who was sitting in the gallery.

#### ADVISE AND CONSENT

Standing Committee Report No. 699-84 (Gov. Msg. No. 103):

Senator Chang moved that Stand. Com. Rep. No. 699-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Marc V. Oley to the Hawaii Paroling Authority, term to expire December 31, 1987, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 700-84 (Gov. Msg. No. 179):

Senator Chang moved that Stand. Com. Rep. No. 700-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the



nomination of Michael M. C. Yee to the Board of Registration, Island of Oahu, term to expire December 31, 1987, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 701-84 (Gov. Msg. No. 180):

Senator Chang moved that Stand. Com. Rep. No. 701-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Leonilda T. Caires to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, term to expire December 31, 1987, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 702-84 (Gov. Msg. No. 181):

Senator Chang moved that Stand. Com. Rep. No. 702-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Evelyn T. Brand to the Board of Registration, Kauai and Niihau, term to expire December 31, 1987, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 703-84 (Gov. Msg. No. 212):

Senator Chang moved that Stand. Com. Rep. No. 703-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Joseph Cardoza, Esq. to the Juvenile Justice Interagency Board, term to expire December 31, 1986, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 704-84 (Gov. Msg. No. 297):

Senator Chang moved that Stand. Com. Rep. No. 704-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nomination of Warren Hisashi Nishimura to the Board of Registration, Island of Hawaii, term to expire December 31, 1987, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 705-84 (Gov. Msg. No. 178):

Senator Chang moved that Stand. Com. Rep. No. 705-84 be received and placed on file, seconded by Senator Cayetano and carried.

Senator Chang then moved that the Senate advise and consent to the nominations to the Juvenile Justice Interagency Board, of the following:

Douglas G. Gibb, term to expire December 31, 1987; and

Mary Lou Barela, term to expire December 31, 1986,

seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Mizuguchi).

Standing Committee Report No. 706-84 (Gov. Msg. No. 182):

By unanimous consent, action on Stand. Com. Rep. No. 706-84 recommending that the Senate advise and consent to the nominations of Hiroshi Sakai and Robert S. Toyofuku to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 182, was deferred until Monday, April 16, 1984.

Senator Solomon, chairman of the Committee on Conference on the part of the Senate on House Bill No. 1921-84, H.D. 2, S.D. 2, then requested a waiver of the 48-hour Notice of a Public Hearing for Friday, April 13, 1984, and the President granted the waiver.

Senator Kawasaki rose on a point of personal privilege as follows:

"Mr. President, actually, it should be on a point of information and my providing the information.

"Mr. President, last week, this body voted on a bill that emanated from the Committee on Ways and Means, House Bill 1319, the live-in cultural parks bill, and at that time, along with some members of the Minority party across the aisle here and myself who had voiced objections as to the problems that this bill is going to create, one of my concerns was the constitutionality of that bill, treating one ethnic group separately from the rest of the ethnic groups comprising the population of the State of Hawaii.

"The Attorney General's opinion relative to the constitutionality of this bill has come to my attention, which I feel compelled to read into the records of the Senate Journal because I think this issue will come up time and again, and perhaps this is one time we should clearly know what is the constitutional problem involved here, and let me quote from the Attorney General's opinion:

"The proposed bill may constitute a denial of equal protection of the law under the 14th Amendment of the United States Constitution and Article I, Section 4, of the Hawaii Constitution' and it goes on to state that provision in the Constitution which I will not read...it's rather lengthy. It continues:

"Any legislation which favors one race, or group of people over another, is inherently a constitutional suspect,' and that's one of the reasons I voted against OHA.

"As a matter of fact, we had a minority of one in this entire Legislature against OHA, and some day, as I said, this matter is going to be taken to the U.S. Supreme Court and perhaps the creation of OHA is going to be invalidated. At that point, how do we return back to the state literally millions of dollars involved in programs for the organization? 'Public parks'...and

this refers to H.B. 1319 which we passed as it came out of Ways and Means, and I recall that this week you appointed the conferees to settle the difference between the House and the Senate on this particular bill, and this is the reason I'd like to read this into the records.

"Public parks are designed and maintained through the use of public funds. While the State is not obligated to create such parks, once they are established, the State cannot deny any of its citizens the use of such facilities while allowing others such privileges. Nor can the State deny the use of such facilities to its citizens through the demise of such property.

"The Fourth Circuit Court has ruled the public parks are controlled by the same principles of constitutional law as are controlling in public education..that citizens of the State have rights to use parks thereof without discrimination on ground of race; that these rights cannot be abridged by leasing parks with ownership being retained by the State.

"Citizens in the United States imposes uniform burdens, such as paying taxes and bearing arms for the preservation and the operation of our government. In like manner whatever advantages or privileges one citizen in the United States may enjoy through his liberty becomes a constitutional right of each citizen and without regard to race, color or creed. These principles of law have been fully and elaborately established in the Fourth Circuit Court of Appeals and by the Supreme Court of the United States and this must be adhered to in this case.

"The enactment of this bill (again talking about H.B. 1319) into law would prohibit residents of the State of Hawaii from equally enjoying public park facilities. The proposed bill further clashes with Hawaii Revised Statutes, Section 171-64, which states:

"The Board of Land and Natural Resources shall provide in every patent, deed, lease, agreement, license, or permit that the use and enjoyment of the premises being granted shall not be in support of any policy which discriminates against anyone based upon race, creed, color, national origin, or a physical handicap.'

"In every constitutional question,

there must be a balancing of the interests, and it is our opinion that allowing native Hawaiians to live in State parks is not in the best interest of the citizens of this State or in the furtherance of cultural preservation. The State is interested in the preservation of all cultures such as the Samoan, Tongan, Chinese, Japanese, Vietnamese and Filipino cultures. The State cannot give preference to one culture over another.

"Aside from possibly being unconstitutional, the proposed bill has a number of practical problems: (1) The bill would allow native Hawaiians or their families to reside in the proposed cultural parks. If a native Hawaiian were married to a non-native Hawaiian, this would mean people without or less than half Hawaiian blood would be residing on State lands. (2) The bill permits the Office of Hawaiian Affairs to determine who would be qualified to reside in the cultural parks based on "background and qualifications." This would mean the exclusion of some native Hawaiians from the live-in park. (3) The bill specifies that non-residents may "observe, appreciate and learn about native Hawaiian activities" without violating the resident's privacy. What constitutes privacy is not spelled out.

"As can be seen, there are many practical questions involved as well as legal questions.

"Conclusion: We conclude that there are serious constitutional questions raised by House Bill 1319-84. We believe that the proposed bill may violate the equal protection clause of both State and Federal Constitutions. Sincerely, Chelun Huang, Deputy Attorney General."

"This is, I think, a confirmation of some of the reservations we had about the legality of the bill. I'd like to have that entered into the Journal."

The Chair then stated: "If I might suggest, Senator Kawasaki, if you would share that opinion with the conferees. The bill is still in conference."

Senator Kawasaki then remarked: "I don't believe the conferees have met as yet."

The Chair announced: "The conferees on the part of the Senate are Senators Yamasaki, Chairman, Kuroda, Aki and A. Kobayashi."

Senator Yamasaki then said: "We have not met yet."

Senator Cobb rose and stated: "Mr. President, on a point of parliamentary privilege, I'd like to request also that the Senator from the 14th District provide us with the opinion number and year of the AG's opinion."

Senator Kawasaki responded: "I will give him the opinion rendered."

Senator A. Kobayashi then rose on a point of personal privilege and stated as follows:

"Mr. President, I'd like to comment on those comments of the previous speaker.

"When the idea of a cultural live-in park was formulated, the park would be confined to land covered by Public Law 88. There are about 130 acres of the Sand Island Park and this would confine it to only about 20 acres. No public funds would be used.

"The whole idea of the park was to promote Hawaiian culture, to share this culture with the children of Hawaii. The park would be open seven days a week and, because of the invasion of privacy, probably limited to about 12 hours a day. At night, the residents would have to share in the maintenance and enforcement of park rules. And there would be strict standards set up. Only native Hawaiian families would reside, so if a native Hawaiian is married to a non-native Hawaiian they would still qualify as a native Hawaiian family.

"Very strict standards would be set. It would probably take quite a few years before these standards are formulated but the whole purpose of the park is to encourage a pride and a sharing of our Hawaiian culture which is slowly being lost.

"Thank you."

Senator Carpenter then inquired as follows:

"Mr. President, I assume that the remarks of the Senator from the 14th District and the previous speaker are being entered into the records of the proceedings of the Senate, is that correct?"

The Chair answered: "That is correct."

Senator Carpenter then remarked as follows:

"Mr. President, I would like to make a few comments on a point of personal privilege relating to House Bill 1319.

"Mr. President, though the language cited by the Senator from the 14th District speaks to and the Attorney General's opinion citing the possible inaction of this bill as being constitutionally suspect, may I suggest that, specifically, enumerated in the bill is a public law (the number does not come to mind at the present time) which is an instrument of federal policy enacted into law by the Congress under the Federal Constitution. The Federal Constitution is adopted as a part of the Hawaii State Constitution and may I suggest also that the federal Office of Indian Affairs or federal offices of minority affairs specifically speak to certain racial groups the United States held to be constitutionally sound. The state agency known as OHA (the Office of Hawaiian Affairs) certainly is the state counterpart to an agency similarly constructed as that of the Office of Indian Affairs.

"Mr. President, may I suggest that the Attorney General's opinion while reading 'constitutionally suspect' means just that -- 'suspect'. They have not obviously come to any firm conclusion because interspersed in federal law are a whole bunch of inconsistencies which conceptually go against the 14th Amendment.

"The people of the State of Hawaii have seen fit to enact a constitutional amendment to create an agency which speaks to address the concerns of a minority group, specifically, the Hawaiian race. And my feeling is, Mr. President, that the discussions that should ensue should embrace all of the concerns in addition to that initially opposed by the Senator from the 14th District as regards the Attorney General's opinion cited.

"Thank you."

The Chair then made the following announcement:

"The Chair at this time would like to call the members attention to Senate Bill 20, S.D. 1, H.D. 2, Relating to the Payment for Goods and Services, which passed final reading and was transmitted to the Governor on April 5th.

"It has been brought to our

attention that there is a typographical error in the bill. Consequently, the Speaker and I have written to the Governor requesting that he return the bill in order that we may correct the error. It has been our practice, after the session has adjourned, that the Revisor of Statutes would take care of these matters. However, we do have time; therefore, we have requested that the Governor return Senate Bill 20.

"The error contained is on page 1, lines 12 and 13, which are repeated on lines 14 and 15."

In accordance therewith, the President appointed Senators Yamasaki, Chairman, Kawasaki and Soares as Managers on the part of the Senate, at the conference to be held to reconsider the amendment proposed on S.B. No. 20, S.D. 1, H.D. 2.

Senator Cobb then inquired: "Mr. President, assuming the Governor returns the bill as requested by both Houses, is the matter then automatically referred to the conference committee for conference draft 1?"

The Chair answered: "That is correct."

Senator Cobb responded: "Thank you. May the Journal so reflect that."

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the Senate Clerk to receive conference committee reports and standing committee reports prior to 5:00 o'clock p.m. In consequence thereof, and subsequent to its recessing at 12:15 o'clock p.m., the Senate took the following action on the following bills, Governor's messages on appointments to boards and commissions, and conference and standing committee reports:

#### STANDING COMMITTEE REPORTS

Standing Committee Report No. 712-84 was received and House Bill No. 1754-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 713-84 was received and House Bill No. 2568-84, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was placed on the calendar

for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 714-84 was received and House Bill No. 1755-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 715-84 was received and House Bill No. 1984-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 716-84 was received and House Bill No. 1764-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 717-84 was received and House Bill No. 1765-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 718-84 was received and House Bill No. 1766-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 719-84 was received and House Bill No. 1786-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 720-84 was received and House Bill No. 2160-84, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 721-84 was received and House Bill No. 2497-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 722-84 recommending that the Senate advise and consent to the nominations of the following:

John Lopes, Lawrence S. Sakamoto, and Roy Yasukochi to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 94;

Josephine C. Duvauchelle, to the State Board of Nursing, in accordance with Gov. Msg. No. 95;

Gary T. Taogoshi, to the Board of Barbers, in accordance with Gov. Msg. No. 126;

Edwin N. Fujimoto, D.D.S., to the Board of Dental Examiners, in accordance with Gov. Msg. No. 127;

Howard L. Farwell, to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 128;

June Uyehara-Isono, to the Board of Hearing Aid Dealers and Fitters, in accordance with Gov. Msg. No. 130;

Rex R. Ball, to the Board of Massage, in accordance with Gov. Msg. No. 31; and

John K. Uyetake, to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 132,

was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 723-84 recommending that the Senate advise and consent to the nominations of the following:

Richard Rovin, N.D., to the Board of Examiners in Naturopathy, in accordance with Gov. Msg. No. 133;

Gloria M. Mayer, to the Board of Dispensing Opticians, in accordance with Gov. Msg. No. 134;

Douglas P. Hagen, D.O., to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 135;

Herbert B. Weaver, Ph.D., to the Board of Certification of Practicing Psychologists, in accordance with Gov. Msg. No. 136;

Dorothy D. Craven, Roland F.S. Tam, M.D. and Vickie M. I. Peiler, to the Board of Speech Pathology and Audiology, in accordance with

Gov. Msg. No. 137;

Perfecto L. Cortez, to the Board of Public Accountancy, in accordance with Gov. Msg. No. 203; and

Nicholas W. Teves, Jr., Wallace M. Miura, and George R. Rodrigues, Jr., to the Contractors License Board, in accordance with Gov. Msg. No. 204,

was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 724-84 recommending that the Senate advise and consent to the nominations of the following:

Thomas F. Seu, to the Credit Union Review Board, in accordance with Gov. Msg. No. 205;

Herbert K. Endo, to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 206;

Elizabeth J. Waite, to the Board of Nursing, in accordance with Gov. Msg. No. 207;

Patrick H. Nam, O.D., to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 218;

John E. Knight, D.D.S., to the Board of Dental Examiners, in accordance with Gov. Msg. No. 231;

Marion F. Oki, to the Board of Barbers, in accordance with Gov. Msg. No. 232;

Rick Hoo, to the Board of Cosmetology, in accordance with Gov. Msg. No. 234;

Warren M. La France, to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 235;

and

Thomas P. Papandrew and Rodney M. Kawamura, to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, in accordance with Gov. Msg. No. 236,

was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 725-84 recommending that the Senate advise and consent to the nominations of George K. Kawelo, Sr. Raymond M. Hightower, Jaime Vergara, Shimeji Kanazawa and Diana McKeague to the Policy Advisory Board for Elderly Affairs, in accordance with Gov. Msg. No. 296, was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 726-84 recommending that the Senate advise and consent to the nominations of Rodney E. Hustead and Doris K. Nakayama to the Advisory Commission on Manpower and Full Employment, in accordance with Gov. Msg. No. 313, was placed on the calendar for further consideration on Monday, April 16, 1984.

Standing Committee Report No. 727-84 recommending that the Senate advise and consent to the nomination of Geraldine Ah Sam to the Board of Vocational Rehabilitation, in accordance with Gov. Msg. No. 309, was placed on the calendar for further consideration on Monday, April 16, 1984.

#### ADJOURNMENT

At 5:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, April 16, 1984.

## FIFTY-SEVENTH DAY

Monday, April 16, 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 Major Bill Powley, Member, Christian Science Society of Wahiawa, after which the Roll was called showing all Senators present with the exception of Senators Holt and Solomon who were excused.

The Chair announced that he had read and approved the Journal of the Fifty-Sixth Day.

The following introductions were then made to the members of the Senate:

Senator Mizuguchi introduced Mr. James Morita and Mr. Richard Okinaka of City Bank and stated as follows:

"Mr. President, I have the great pleasure of introducing two individuals who are associated with City Bank.

"1984 marks the 25th anniversary of City Bank. City Bank was issued its state charter to engage in commercial banking on June 19, 1959 and, since then, City Bank has grown over the years to become the fifth largest commercial bank in the state.

"Over the past 25 years, City Bank has played an important role in the growth and prosperity of the State of Hawaii. Mr. James Morita and Mr. Richard Okinaka have played an important role in the growth and development of City Bank.

"Mr. James Morita has served as the chairman of the board since its inception, has also served as president, and is now the executive officer of City Bank.

"Mr. Richard Okinaka is president of City Bank."

The honorees were asked to rise and be recognized. Senator Mizuguchi presented them with the Senate Certificate and Senators Young and A. Kobayashi presented the leis.

Senator Abercrombie then rose to speak on the Senate Certificate commemorating Colonel L.W. Bill Bryan and Mrs. Irma C. Bryan as follows:

"Mr. President, the certificate we will be giving today will be commemorating Col. L.W. Bill Bryan, forester, botanist, soldier, and hiker for his lasting contributions to science and to humanity's knowledge of our physical environment, and commending his wife, Irma C. Bryan, who was his assistant and collaborator in the meticulous and comprehensive study of plant life on the Big Island during the four decades of research in which they engaged.

"Long before his passing in 1983, Col. Bryan was widely acknowledged as having established many new species of flora in the Islands and in preventing the extinction of some native plant species.

"During his 40 years as territorial and state forester on the Big Island of Hawaii, he directed the planting of more than ten million trees, established several nurseries, 22 arboreta in which 1,057 different species of plants were studied, and planted seven experimental fruit orchards containing 597 varieties of fruit bearing trees grown under different climatic conditions on different sections of the Big Island.

"The records of his observations and studies have been maintained by Colonel and Mrs. Bryan and are now being made available to scholars and researchers who can use them in the study of Hawaii's physical environment and in the introduction and establishment of diversified agriculture in this state. He also directed work on construction of 273 miles of trails and 61 miles of telephone lines along with establishing and maintaining 19 rain gauges and seven thermograph stations on the Big Island.

"His work in animal control was instrumental in saving many native species which have been driven to near extinction by the domination of cattle on the Big Island before the turn of the century.

"Today, Colonel and Mrs. Bryan's son Jack is here to accept this certificate on behalf of his parents. Mrs. Bryan is unable to make the trip here from the Big Island but I know she's most anxious to receive this certificate."

Senator Abercrombie then introduced, on behalf of Col. Bill

Bryan, his son Jack and his wife Patricia, accompanied by Mr. Robert Bloom and his wife Beckie, "researchers who are taking advantage of the work that Colonel and Mrs. Bryan did and who hope to be able to make a contribution to our diversified agriculture industries."

Senator Abercrombie presented the Senate Certificate to Mr. Jack Bryan and Senators Carpenter, Fernandes Salling, Henderson and Young presented the leis to each of the guests.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 465 to 474) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 465), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2087-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 13, 1984, the Speaker appointed Representatives Shito, Chairman, Andrews, Honda, Kim, Taniguchi, and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 466), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1745-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 10, 1984, the Speaker appointed Representatives Shito, Chairman, Andrews, Honda, Kim, Matsuura, and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 467), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1740-84, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 10, 1984, the Speaker appointed Representatives Shito, Chairman, Andrews, Kim, Matsuura, Tom, and

Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 468), requesting the Senate to return to the House for reconsideration Senate Bill No. 1948-84, S.D. 2, and Senate Bill No. 1949-84, was placed on file.

A communication from the House (Hse. Com. No. 469), transmitting House Concurrent Resolution No. 7, H.D. 1, which was adopted by the House of Representatives on April 13, 1984, was placed on file.

By unanimous consent, 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 Judiciary, then to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 470), transmitting House Concurrent Resolution No. 8, H.D. 1, which was adopted by the House of Representatives on April 13, 1984, was placed on file.

By unanimous consent, H.C.R. No. 8, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Education, then to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 471), transmitting House Concurrent Resolution No. 40, which was adopted by the House of Representatives on April 13, 1984, was placed on file.

By unanimous consent, H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," was referred to the Committee on Higher Education, then to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 472), transmitting House Concurrent Resolution No. 50, H.D. 1, which was adopted by the House of Representatives on April 13, 1984, was placed on file.

By unanimous consent, H.C.R. No. 50, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO



CONDUCT A STUDY OF THE PUBLIC AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Housing and Urban Development, then to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 473), transmitting House Concurrent Resolution No. 57, H.D. 1, which was adopted by the House of Representatives on April 13, 1984, was placed on file.

By unanimous consent, H.C.R. No. 57, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON COUNSELING SERVICES IN THE PUBLIC SECONDARY SCHOOLS," was referred to the Committee on Education, then to the Committee on Legislative Management.

A communication from the House (Hse. Com. No. 474), transmitting House Concurrent Resolution No. 130, which was adopted by the House of Representatives on April 13, 1984, was placed on file.

By unanimous consent, H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY FOR THE ESTABLISHMENT OF A CONVENTION CENTER," was referred to the Committee on Tourism.

#### CONFERENCE COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2161-84, H.D. 2, presented a report (Conf. Com. Rep. No. 2-84) recommending that H.B. No. 2161-84, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-84 and H.B. No. 2161-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENTS TO THE BICYCLE LAWS," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2486-84, H.D. 2, presented a report (Conf. Com. Rep. No. 3-84) recommending that H.B. No. 2486-84, H.D. 2, S.D. 1, as amended in C.D.

1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-84 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," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 728-84) recommending that the Senate advise and consent to the nominations of the following:

Harold Aiu to the Board of Taxation Review, Fourth Taxation District, in accordance with Governor's Message No. 224;

Roy K. Amemiya, Jr., to the Board of Taxation Review, First Taxation District, in accordance with Governor's Message No. 265;

Hideo Matsushita and Joseph A. Frye to the Board of Taxation Review, Second Taxation District, in accordance with Governor's Message No. 266; and

Antone De Morales to the Board of Taxation Review, Third Taxation District, in accordance with Governor's Message No. 267.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 728-84 and Gov. Msg. No. 224, 265, 266, and 267 was deferred until Tuesday, April 17, 1984.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 729-84) recommending that Senate Concurrent Resolution No. 49, 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. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO INVESTIGATE THE ALLEGED NON-PAYMENT OF THE GENERAL EXCISE TAX BY MAINLAND CONTRACTORS PERFORMING PUBLIC WORKS ON MILITARY BASES IN HAWAII," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

730-84) recommending that House Concurrent Resolution No. 51, 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. 51, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING AND DECLARING THAT THE PRESENT PLAN UNDER WHICH THE HAWAII STATE AGENCY FOR SURPLUS PROPERTY IS OPERATING HAS BEEN DEVELOPED BY THE LEGISLATURE TO BE THIS STATE'S PERMANENT PLAN OF OPERATION AS CONTEMPLATED BY SECTION 203(J)(4)(A) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED BY PUBLIC LAW 94-519," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 731-84) recommending that House Bill No. 2383-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2383-84, entitled: "A BILL FOR AN ACT RELATING TO JOURNALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

At 11:59 o'clock a.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 732-84) recommending that House Bill No. 1800-84, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 732-84 and 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 Tuesday, April 17, 1984.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 733-84) recommending that Senate Concurrent Resolution No. 72 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. 72, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF," was adopted.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 734-84) recommending that the Senate advise and consent to the nominations of Eric S. Fukunaga and Helen M. Wiegert to the Hawaii Community Development Authority, in accordance with Governor's Message No. 100.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 734-84 and Gov. Msg. No. 100 was deferred until Tuesday, April 17, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 735-84) recommending that the Senate advise and consent to the nominations of John Spierling and William A. Knutson to the Hawaii Housing Authority, in accordance with Governor's Message No. 168.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 735-84 and Gov. Msg. No. 168 was deferred until Tuesday, April 17, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 736-84) recommending that the Senate advise and consent to the nominations of Ivan M. Lui-Kwan and Kenneth K. Takenaka to the Hawaii Community Development Authority, in accordance with Governor's Message No. 295.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 736-84 and Gov. Msg. No. 295 was deferred until Tuesday, April 17, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 737-84) recommending that House Concurrent Resolution No. 49, 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. 49,

H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DEMANDING THAT THE UNITED STATES GOVERNMENT IMMEDIATELY NEGOTIATE THE RETURN OF HAWAIIAN HOME LANDS AT LUALUALEI, ISLAND OF OAHU, STATE OF HAWAII, TO THE JURISDICTION OF THE HAWAIIAN HOMES COMMISSION," was adopted.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 738-84) recommending that Senate Concurrent Resolution No. 64 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. 64, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY INTO THE FEASIBILITY OF PROVIDING ALTERNATIVE MEANS OF FINANCING THE CONSTRUCTION OF DWELLINGS AND OTHER IMPROVEMENTS ON HAWAIIAN HOME LANDS," was adopted.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 739-84) recommending that Senate Concurrent Resolution No. 74, 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. 74, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF RENT CONTROL IN HAWAII," was adopted.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM APRIL 13, 1984

Standing Committee Report No. 712-84 (H.B. No. 1754-84, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 712-84 was adopted and H.B. No. 1754-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was

placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 713-84 (H.B. No. 2568-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 713-84 was adopted and H.B. No. 2568-84, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 714-84 (H.B. No. 1755-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 714 was adopted and H.B. No. 1755-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 715-84 (H.B. No. 1984-84, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 715-84 was adopted and H.B. No. 1984-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 716-84 (H.B. No. 1764-84, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 716-84 was adopted and H.B. No. 1764-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 717-84 (H.B. No. 1765-84, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 717-84 was adopted and H.B. No. 1765-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on

Tuesday, April 17, 1984.

Standing Committee Report No. 718-84  
(H.B. No. 1766-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 718-84 was adopted and H.B. No. 1766-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 719-84  
(H.B. No. 1786-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 719-84 was adopted and H.B. No. 1786-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 720-84  
(H.B. No. 2160-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 720-84 was adopted and H.B. No. 2160-84, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 721-84  
(H.B. No. 2497-84, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 721-84 was adopted and H.B. No. 2497-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," passed Second Reading and was placed on the for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 722-84  
(Gov. Msg. Nos. 94, 95, 126, 127, 128, 130, 131, and 132):

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 722-84 and Gov. Msg. Nos. 94, 95, 126, 127, 128, 130, 131, and 132 was deferred until Tuesday, April 17, 1984.

Standing Committee Report No. 723-84  
(Gov. Ms. No. 133, 134, 135, 136, 137, 203, and 204):

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 723-84 and Gov. Msg. No. 133, 134, 135, 136, 137, 203, and 204 was deferred until Tuesday, April 17, 1984.

Standing Committee Report No. 724-84  
(Gov. Msg. Nos. 205, 206, 207, 218, 231, 232, 234, 235, and 236):

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 724-84 and Gov. Msg. Nos. 205, 206, 207, 218, 231, 232, 234, 235, and 236 was deferred until Tuesday, April 17, 1984.

Standing Committee Report No. 725-84  
(Gov. Msg. No. 296):

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 725-84 and Gov. Msg. No. 296 was deferred until Tuesday, April 17, 1984.

Standing Committee Report No. 726-84  
(Gov. Msg. No. 313):

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 726-84 and Gov. Msg. No. 313 was deferred until Tuesday, April 17, 1984.

Standing Committee Report No. 727-84  
(Gov. Msg. No. 309):

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 727-84 and Gov. Msg. No. 309 was deferred until Tuesday, April 17, 1984.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

#### FINAL READING

#### MATTERS DEFERRED FROM APRIL 4, 1984

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 Wednesday, April 18, 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 Wednesday, April 18, 1984.

### THIRD READING

House Bill No. 2332-84, H.D. 1:

By unanimous consent, action on H.B. No. 2332-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE TO KEEP FIREARMS," was deferred until Tuesday, April 17, 1984.

House Bill No. 1678-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1678-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and Solomon).

House Bill No. 1947-84:

Senator Abercrombie then rose to speak on the measure as follows:

"Mr. President, with relation to the Third Reading of House Bill 1947, remarks have already been made on this floor and I think further discussions are continuing. I would appreciate it very much if that could be deferred one day with the idea of having a caucus on it...unless you want to debate it on the floor."

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

The Chair then stated as follows:

"House Bill 1947-84 will be deferred until tomorrow.

"The Chair would like to inform everyone that we will vote on this matter tomorrow. This bill has been

deferred for the third time.

"The only reason the Chair is allowing the bill to be deferred one more day is because, although we did have a caucus this morning, perhaps communication to all the members of the Majority about this bill was not clear.

"Tomorrow, be prepared to vote on this measure."

Senator Abercrombie then responded as follows:

"Mr. President, apropos of your remarks on deferral of this bill, there's just been logistical difficulties in dealing with this. It hasn't been anything purposeful in the sense of trying to delay this situation. It's simply a question of logistics between the chairman and some of us who have some concerns which we have just made arrangements to take care of."

By unanimous consent, action on H.B. No. 1947-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12, OF THE HAWAII CONSTITUTION TO ALLOW GREATER FLEXIBILITY IN SCHEDULING THE DEADLINE FOR INTRODUCING BILLS," was deferred until Tuesday, April 17, 1984.

House Bill No. 1466:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1466, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES TO RELATIVES OF DECEASED EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and Solomon).

House Bill No. 1851-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1851-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and Solomon).

ADVISE AND CONSENT

Standing Committee Report No. 706-84  
(Gov. Msg. No. 182):

Senator Cobb moved that Stand. Com. Rep. No. 706-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Hiroshi Sakai to the Commission to Promote Uniform Legislation, term to expire December 31, 1987, seconded by Senator Soares.

Senator Abercrombie then rose to speak against the confirmation of the nominee as follows:

"Mr. President, I believe that the record that Mr. Sakai has put forward with respect to condominium legislation has been such that we have had to review, alter, repeal section after section, act after act, area after area in which he is ostensibly an expert. I believe he is an expert but I believe he is an expert on the side of the developers, as opposed to the side of the consumer.

"I also have objections and I want to be straightforward about this because my long-standing opposition to time sharing is well known.

"Mr. Sakai represents, in effect, the sum and substance of pro-time sharing forces and has been instrumental, in my judgment, in the drafting of legislation, promotion of legislation, uniform or otherwise, with respect to time sharing which has not been in the best interest of this state. I, therefore, feel that his representation with respect to uniform legislation, while on the surface is apparently in order, obviously, he is an attorney with long experience, does not warrant, however, because of the instances that I have cited...his continuation on the commission with respect to the promotion of uniform legislation.

"I have seen other bills and have bills myself, put in bills with respect to reference to uniform legislation, and I've never had the assistance of Mr. Sakai or any comment from him.

"On that basis, Mr. President, I think it would be inappropriate for his name to move forward from this body. Thank you."

Senator Chang rose to speak in support of the nominee as follows:

"Mr. President, I feel that I need to acquaint this body with the qualifications that this particular appointee brings to the position.

"As the previous speaker indicated, this person does have a wide range of experience. Among other items in his personal history and resume -- he served as chief clerk of the House Finance Committee and chief clerk of the Senate Ways and Means Committee and is very well acquainted with the operation of government and the operation of laws in this state.

"Furthermore, the appointee has served on the Special Committee on Uniform Land Transactions Act, the Supreme Court of Hawaii Standing Committee of Rules and Practice Procedure and the Supreme Court of Hawaii Committee on Uniform Probate Code, as well as practicing in areas as the previous speaker mentioned, condominium law.

"The range of this person's interest and practice is tremendous, and his interests are diverse. He has served well in those positions to which he has been appointed.

"The testimonies we received on his appointment were uniformly favorable, and I commend his appointment to the Senate."

Senator Abercrombie then added as follows:

"Mr. President, not so much in rebuttal, but by way of perspective to the previous speaker's remarks.

"I did not dispute; I thought I made clear; I did not dispute the fact that Mr. Sakai has a wide range of experience. My objection is that that experience has been utilized, I believe, on behalf of those who are developers, those who are in a position to control capital, as opposed to those who are the consumers, those who are the objects of that development.

"And when we come to uniform legislation, I think it's important to have someone who has an objective point of view. I do not believe that the range of experience, properly cited by the previous speaker, speaks well in that instance. I think the range of experience is in but one side rather than on the other.

"As for myself, when it comes to such legislation, I would prefer to see someone, if we have to make a choice

in terms of experience, someone whose causes have been those of the people as a whole, rather than special groups of a particular kind and order.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Abercrombie).  
Excused, 2 (Holt and Solomon).

Senator Cobb then moved that the Senate advise and consent to the nomination of Robert S. Toyofuku to the Commission to Promote Uniform Legislation, 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, 23. Noes, none. Excused,  
2 (Holt and Solomon).

#### RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 1835-84, S.D. 1,  
H.D. 1:

Senator Kawasaki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 1835-84, S.D. 1, H.D. 1, seconded by Senator Machida.

Senator Kawasaki then stated as follows:

"Mr. President, the amendments made by the House are acceptable to the committee from which this bill emanated. What they did, in essence, was to combine the provisions of several bills involving liquor. The amendments are perfectly acceptable to the committee."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Kawasaki, seconded by Senator Machida and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1835-84, S.D. 1, and S.B. No. 1835-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS," was placed on the calendar for Final Reading on Tuesday, April 17, 1984.

Senate Bill No. 1516-84, H.D. 1:

Senator Machida then moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 1516-84, H.D. 1, seconded by Senator Fernandes Salling.

Senator Machida then explained that "the amendments made by the House are very minor, non-substantive changes."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Machida, seconded by Senator Fernandes Salling and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1516-84, and S.B. No. 1516-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was placed on the calendar for Final Reading on Tuesday, April 17, 1984.

Senate Bill No. 423, S.D. 2, H.D. 2:

Senator Machida then moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 423, S.D. 2, H.D. 2, seconded by Senator Yamasaki.

Senator Machida explained that "the amendments made by the House were very minor, non-substantive changes."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Machida, seconded by Senator Yamasaki and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 423, S.D. 2, and S.B. No. 423, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE PURCHASE LOAN PROGRAM," was placed on the calendar for Final Reading on Tuesday, April 17, 1984.

At this time, Senator Toguchi, for the chairman of the Committee on Education, requested a waiver of the 48-hour Notice of a Public Hearing for Gov. Msg. Nos. 285 and 286, listed on the agenda of the Senate Education Committee's hearing notice for Tuesday, April 17, 1984, and the President granted the waiver.

Senator Kuroda, chairman of the Committee on Tourism, requested a waiver of the 48-hour Notice of a Public Hearing for Gov. Msg. No. 184, listed on the agenda of the Senate Tourism Committee's hearing notice for Tuesday, April 17, 1984,

and the President granted the waiver.

Senator Mizuguchi, chairman of the Committee on Human Resources, requested a waiver of the 48-hour Notice of a Public Hearing for S.R. No. 123, listed on the agenda of the Senate Human Resources Committee's hearing notice of Monday, April 16, 1984, and the President granted the waiver.

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 of Monday, April 16, 1984, and the President granted the waiver.

At 12:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

#### APPOINTMENT OF CONFEREES

House Bill No. 2108-84, H.D. 1 (S.D. 1):

The President appointed Senator Hagino as Manager and discharged Senator Machida as a Manager on the part of the Senate at the conference to be held for the consideration of amendments made by the Senate to House Bill No. 2108-84, H.D. 1.

The Chair then made the following announcement:

"Members of the Senate are requested to remain in the building for the remainder of the day for the purpose of signing conference committee reports and standing committee reports. Thank you."

At 12:30 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 11:00 o'clock p.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 318 to 320) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov.

Msg. No. 318), submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nomination of John M. Gooch, D.V.M., term to expire December 31, 1987, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 319), informing the Senate that on April 14, 1984, he signed the following bills into law:

S.B. No. 1512-84 as Act 12,  
entitled: "RELATING TO  
HEALTH";

S.B. No. 1517-84 as Act 13,  
entitled: "RELATING TO  
HEALTH";

S.B. No. 1525-84 as Act 14,  
entitled: "RELATING TO  
EMPLOYMENT SECURITY";

S.B. No. 1532-84 as Act 15,  
entitled: "RELATING TO HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY";

S.B. No. 1560-84 as Act 16,  
entitled: "RELATING TO THE  
BOARD OF MEDICAL EXAMINERS";

S.B. No. 1565-84 as Act 17,  
entitled: "RELATING TO  
COLLECTION AGENCIES";

S.B. No. 1675-84 as Act 18,  
entitled: "RELATING TO  
PSYCHOLOGY";

S.B. No. 1707-84 as Act 19,  
entitled: "RELATING TO HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY";

S.B. No. 1809-84 as Act 20,  
entitled: "RELATING TO THE  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY";

S.B. No. 1811-84 as Act 21,  
entitled: "RELATING TO THE  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY";

S.B. No. 1871-84 as Act 22,  
entitled: "RELATING TO  
HORIZONTAL PROPERTY  
REGIMES";

S.B. No. 2182-84 as Act 23,  
entitled: "RELATING TO THE  
EMPLOYEES' RETIREMENT  
SYSTEM";

S.B. No. 2242-84 as Act 24,  
entitled: "RELATING TO THE  
MOORING OF COMMERCIAL  
VESSELS IN SMALL BOAT



HARBORS";

H.B. No. 1895-84 as Act 25,  
entitled: "RELATING TO THE  
DISPENSING OF DRUGS";

H.B. No. 2139-84 as Act 26,  
entitled: "RELATING TO THE  
MOORING OF COMMERCIAL  
CATAMARANS"; and

H.B. No. 2192-84 as Act 27,  
entitled: "RELATING TO THE  
HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED,"

was placed on file.

A message from the Governor (Gov. Msg. No. 320), informing the Senate that on April 16, 1984, he signed the following bills into law:

S.B. No. 285 as Act 28, entitled:  
"RELATING TO STATUTE OF  
LIMITATIONS FOR MOTOR VEHICLE  
REPARATIONS";

S.B. No. 1503-84 as Act 29,  
entitled: "RELATING TO  
GASOHOL";

S.B. No. 1507-84 as Act 30,  
entitled: "RELATING TO STATE  
BONDS";

S.B. No. 1950-84 as Act 31,  
entitled: "RELATING TO SPECIAL  
PURPOSE REVENUE BONDS";

S.B. No. 2183-84 as Act 32,  
entitled: "RELATING TO THE  
EMPLOYEES' RETIREMENT  
SYSTEM";

S.B. No. 2199-84 as Act 33,  
entitled: "RELATING TO THE  
PUBLIC EMPLOYEES HEALTH  
FUND";

H.B. No. 1432 as Act 34, entitled:  
"RELATING TO FACTORY-BUILT  
HOUSING";

H.B. No. 1788-84 as Act 35,  
entitled: "RELATING TO  
ITINERANT VENDORS";

H.B. No. 2193-84 as Act 36,  
entitled: "RELATING TO THE  
HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED"; and

H.B. No. 2195-84 as Act 37,  
entitled: "RELATING TO THE  
HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED,"

was placed on file.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 475 to 477) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 475), informing the Senate that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2072-84, S.D. 1, was adopted by the House; and S.B. No. 2072-84, S.D. 1, H.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 16, 1984, by not less two-thirds vote of all the members to which the House is entitled, was placed on file.

A communication from the House (Hse. Com. No. 476), transmitting House Concurrent Resolution No. 115, which was adopted by the House of Representatives on April 16, 1984, was placed on file.

By unanimous consent, H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF," was referred to the Committee on Human Resources.

A communication from the House (Hse. Com. No. 477), transmitting House Concurrent Resolution No. 144, which was adopted by the House of Representatives on April 16, 1984, was placed on file.

By unanimous consent, 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 referred to the Committee on Tourism.

#### CONFERENCE COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2337-84, H.D. 1, presented a report (Conf. Com. Rep. No. 4-84) recommending that H.B. No. 2337-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 788, H.D. 1, presented a report (Conf. Com. Rep. No. 5-84) recommending that H.B. No. 788, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-84 and H.B. No. 788, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1983-84, H.D. 1, presented a report (Conf. Com. Rep. No. 6-84) recommending that H.B. No. 1983-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-84 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," was deferred for a period of 48 hours.

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1828-84, H.D. 1, presented a report (Conf. Com. Rep. No. 7-84) recommending that H.B. No. 1828-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, 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 for a period of 48 hours.

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 300, S.D. 1, presented a report (Conf. Com. Rep. No. 8-84) recommending that S.B. No. 300, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-84 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," was deferred for a period of 48 hours.

Senator Machida, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2308-84, H.D. 1, presented a report (Conf. Com. Rep. No. 9-84) recommending that H.B. No. 2308-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-84 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," was deferred for a period of 48 hours.

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2275-84, H.D. 1, presented a report (Conf. Com. Rep. No. 10-84) recommending that H.B. No. 2275-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2224-84, H.D. 1, presented a report (Conf. Com. Rep. No. 11-84) recommending that H.B. No. 2224-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on

Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1790-84, H.D. 1, presented a report (Conf. Com. Rep. No. 12-84) recommending that H.B. No. 1790-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2281-84, H.D. 1, presented a report (Conf. Com. Rep. No. 13-84) recommending that H.B. No. 2281-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2012-84, H.D. 1, presented a report (Conf. Com. Rep. No. 14-84) recommending that H.B. No. 2012-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14-84 and H.B. No. 2012-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was deferred for a period of 48 hours.

Senator Kawasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1311, H.D. 1, presented a report (Conf. Com. Rep. No. 15-84) recommending that H.B. No. 1311, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com.

Rep. No. 15-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1220, H.D. 1, presented a report (Conf. Com. Rep. No. 16-84) recommending that H.B. No. 1220, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1852-84, H.D. 1, presented a report (Conf. Com. Rep. No. 17-84) recommending that H.B. No. 1852-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-84 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)," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1863-84, H.D. 1, presented a report (Conf. Com. Rep. No. 18-84) recommending that H.B. No. 1863-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill

No. 1932-84, H.D. 1, presented a report (Conf. Com. Rep. No. 19-84) recommending that H.B. No. 1932-84, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-84 and H.B. No. 1932-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2108-84, H.D. 1, presented a report (Conf. Com. Rep. No. 20-84) recommending that H.B. No. 2108-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 26, S.D. 1, presented a report (Conf. Com. Rep. No. 21-84) recommending that S.B. No. 26, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21-84 and S.B. No. 26, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 29, S.D. 1, presented a report (Conf. Com. Rep. No. 22-84) recommending that S.B. No. 29, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22-84 and S.B. No. 29, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

TIME SHARING," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1740-84, S.D. 1, presented a report (Conf. Com. Rep. No. 23-84) recommending that S.B. No. 1740-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23-84 and S.B. No. 1740-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1872-84, presented a report (Conf. Com. Rep. No. 24-84) recommending that S.B. No. 1872-84, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24-84 and S.B. No. 1872-84, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2049-84, presented a report (Conf. Com. Rep. No. 25-84) recommending that S.B. No. 2049-84, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25-84 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," was deferred for a period of 48 hours.

Senator Machida, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2212-84, S.D. 1, presented a report (Conf. Com. Rep. No. 26-84) recommending that S.B. No. 2212-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26-84 and S.B. No. 2212-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2087-84, S.D. 1, presented a report (Conf. Com. Rep. No. 27-84) recommending that S.B. No. 2087-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27-84 and S.B. No. 2087-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST," was deferred for a period of 48 hours.

Senator B. Kobayashi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2243-84, S.D. 1, presented a report (Conf. Com. Rep. No. 28-84) recommending that S.B. No. 2243-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28-84 and S.B. No. 2243-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2073-84, S.D. 1, presented a report (Conf. Com. Rep. No. 29-84) recommending that S.B. No. 2073-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the Senate to the amendments

proposed by the House to Senate Bill No. 1729-84, S.D. 1, presented a report (Conf. Com. Rep. No. 30-84) recommending that S.B. No. 1729-84, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1816-84, presented a report (Conf. Com. Rep. No. 31-84) recommending that H.B. No. 1816-84, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31-84 and H.B. No. 1816-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1912-84, H.D. 2, presented a report (Conf. Com. Rep. No. 32-84) recommending that H.B. No. 1912-84, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1784-84, H.D. 1, presented a report (Conf. Com. Rep. No. 33-84) recommending that H.B. No. 1784-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33-84 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," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1821-84, H.D. 1, presented a report (Conf. Com. Rep. No. 34-84) recommending that H.B. No. 1821-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34-84 and H.B. No. 1821-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2028-84, H.D. 1, presented a report (Conf. Com. Rep. No. 35-84) recommending that H.B. No. 2028-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35-84 and H.B. No. 2028-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," was deferred for a period of 48 hours.

Senator Cobb, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2418-84, H.D. 1, presented a report (Conf. Com. Rep. No. 36-84) recommending that H.B. No. 2418-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36-84 and H.B. No. 2418-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTORS," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1629-84, H.D. 1, presented a report (Conf. Com. Rep. No. 37-84) recommending that H.B. No. 1629-84, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1989-84, presented a report (Conf. Com. Rep. No. 38-84) recommending that H.B. No. 1989-84, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38-84 and H.B. No. 1989-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1729-84, H.D. 1, presented a report (Conf. Com. Rep. No. 39-84) recommending that H.B. No. 1729-84, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2163-84, H.D. 1, presented a report (Conf. Com. Rep. No. 40-84) recommending that H.B. No. 2163-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee

on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2142-84, H.D. 1, presented a report (Conf. Com. Rep. No. 41-84) recommending that H.B. No. 2142-84, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41-84 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," was deferred for a period of 48 hours.

Senator Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 538, H.D. 1, presented a report (Conf. Com. Rep. No. 42-84) recommending that H.B. No. 538, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42-84 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," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 740-84) recommending that Senate Resolution No. 32, 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. 32, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO PROVIDE RELOCATION ASSISTANCE TO BUSINESSES ABOUT TO BE DISPLACED FROM THE SITE OF THE HONOLULU IRON WORKS, AND TO PROVIDE INFORMATION CONCERNING ITS COMMITMENT TO HELP DISPLACED BUSINESSES IN KAKAAKO," was adopted.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 741-84) recommending that Senate Resolution No. 86, 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. 86, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A MORATORIUM ON LEASE RENT INCREASES FOR RESIDENTIAL HOUSELOTS AND AN INTERIM STUDY," was referred to the Committee on Legislative Management.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 742-84) recommending that Senate Resolution No. 81, 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. 81, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF RENT CONTROL IN HAWAII," was referred to the Committee on Legislative Management.

Senator Young, for the majority of the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 743-84) recommending that Senate Concurrent Resolution No. 62 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and S.C.R. No. 62, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY OF THE PUBLIC AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 744-84) recommending that the Senate advise and consent to the nominations of Melvin D. Kalahiki and Eleanor K. Ahuna to the Hawaiian Homes Commission, in accordance with Governor's Message No. 167.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 744-84 and Gov. Msg. No. 167 was deferred until Tuesday, April 17, 1984.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 745-84) recommending that

the Senate advise and consent to the nomination of Walter S.S. Zane to the Advisory Council for Housing and Construction Industry, in accordance with Governor's Message No. 261.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 745-84 and Gov. Msg. No. 261 was deferred until Tuesday, April 17, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 746-84) recommending that Senate Resolution No. 27 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 27, entitled: "SENATE RESOLUTION REQUESTING THAT THE GOVERNOR OF THE STATE OF HAWAII IMMEDIATELY ESTABLISH AND FUND A STATE COMMISSION FOR THE PRESERVATION OF FORT DERUSSY," was adopted.

Senator Kuroda, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 747-84) recommending that House Concurrent Resolution No. 110, H.D. 1, be adopted.

By unanimous consent, action Stand. Com. Rep. No. 747-84 and H.C.R. No. 110, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was deferred until Tuesday, April 17, 1984.

Senator Kuroda for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 748-84) recommending that House Concurrent Resolution No. 35, 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. 35, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE BIG ISLAND OCEAN RECREATION AND TOURISM PROJECT," was adopted.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 749-84)

recommending that the Senate advise and consent to the nominations of the following:

Hallet Hammatt, Ph.D., and Pauline King, Ph.D., to the Hawaii Historic Places Review Board, in accordance with Gov. Msg. No. 183; and

Fred Cachola, Jr., and Linda Nishigaya to the Hawaii Historic Places Review Board, in accordance with Gov. Msg. No. 213.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 749-84 and Gov. Msg. Nos. 183 and 213 was deferred until Tuesday, April 17, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 750-84) recommending that the Senate advise and consent to the nomination of Richard B.F. Choy to the Land Use Commission, in accordance with Governor's Message No. 141.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 750-84 and Gov. Msg. No. 141 was deferred until Tuesday, April 17, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 751-84) recommending that the Senate advise and consent to the nomination of Toru Suzuki to the Land Use Commission, in accordance with Governor's Message No. 246.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 751-84 and Gov. Msg. No. 246 was deferred until Tuesday, April 17, 1984.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 752-84) recommending that the Senate advise and consent to the nomination of Leonard H. Zalopany to the Board of Land and Natural Resources, in accordance with Governor's Message No. 303.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 752-84 and Gov. Msg. No. 303 was deferred until Tuesday, April 17, 1984.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 753-84) recommending that the Senate advise and consent to the nomination of



Stella L.T. Asahara to the Western Interstate Commission for Higher Education, in accordance with Governor's Message No. 308.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 753-84 and Gov. Msg. No. 308 was deferred until Tuesday, April 17, 1984.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 754-84) recommending that the Senate advise and consent to the nomination of Robin K. Campaniano to the Board of Regents, University of Hawaii, in accordance with Governor's Message No. 307.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 754-84 and Gov. Msg. No. 307 was deferred until Tuesday, April 17, 1984.

Senator Aki, for the majority of the Committee on Economic Development, presented a report (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 Governor's Message No. 208.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 755-84 and Gov. Msg. No. 208 was deferred until Tuesday, April 17, 1984.

Senator Kawasaki, for the Committee on Government Operations and County, presented a report (Stand. Com. Rep. No. 756-84) recommending that House Bill No. 1723-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 1723-84, entitled: "A BILL FOR AN ACT RELATING TO BILLS ACCOMPANYING VOUCHERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 757-84) recommending that House Bill No. 2093-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and H.B. No. 2093-84, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 758-84) recommending that House Bill No. 2103-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2103-84, entitled: "A BILL FOR AN ACT RELATING TO LICENSEES UNDER THE INTOXICATING LIQUOR LAW," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 759-84) recommending that House Bill No. 2187-84, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2187-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 760-84) recommending that House Concurrent Resolution No. 17 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. 17, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPEDITING OF CUSTOMS AND IMMIGRATION PROCESSING FOR FOREIGN VISITORS TO HAWAII," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 761-84) recommending that Senate Resolution No. 114 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.R. No. 114, entitled: "SENATE RESOLUTION IN SUPPORT OF NON-PROFIT PUBLIC INTEREST LAW PROGRAMS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 762-84) recommending that Senate Concurrent Resolution No. 100 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. 100, entitled: "SENATE CONCURRENT RESOLUTION IN SUPPORT OF NON-PROFIT PUBLIC INTEREST LAW PROGRAMS," was adopted.

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 763-84) recommending that Senate Resolution No. 69, 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. 69, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW PROPOSED HARBOR IMPROVEMENT PROJECTS WITHIN METROPOLITAN HONOLULU AND TO STUDY, DESIGNATE, AND PLAN FOR APPROPRIATE YACHT CHARTER OPERATION FACILITIES," was adopted.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 764-84) recommending that Senate Resolution No. 170 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. 170, entitled: "SENATE 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 Legislative Management.

Senator Machida, for the Committee on Health, presented a report (Stand. Com. Rep. No. 765-84) recommending that Senate Concurrent Resolution No. 135 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. 135, entitled: "SENATE 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 adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 766-84) recommending that Senate Concurrent Resolution No. 84 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. 84, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR CONGRESSIONAL ACTION TO INCREASE THE DOLLAR LIMITATION ON THE INFORMAL ENTRY OF IMPORTED GOODS," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 767-84) recommending that Senate Resolution No. 94 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 94, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR CONGRESSIONAL ACTION TO INCREASE THE DOLLAR LIMITATION ON THE INFORMAL ENTRY OF IMPORTED GOODS," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 768-84) recommending that Senate Concurrent Resolution No. 37, 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. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ANALYSIS OF CURRENT FISHERY POLICIES AND LONG-TERM IMPACT OF FISHING," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 769-84) recommending that Senate Resolution No. 43, 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. 43, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ANALYSIS OF CURRENT FISHERY POLICIES AND LONG-TERM IMPACT OF FISHING," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 770-84) recommending that the Senate advise and consent to the nominations of the following:

Lucille B. Cooper to the State Foundation on Culture and the Arts, in accordance with Gov. Msg. No. 143;

Willa F. Tanaka to the Board of Public Broadcasting, in accordance with Gov. Msg. No. 148;

Katharine T. Cannon Eger to the Library Advisory Commission, County of Maui, in accordance with Gov. Msg. No. 248;

Rochelle Lee Gregson, Al Harrington, and Teruo Ihara, Ph.D., to the Board of Public Broadcasting, in accordance with Gov. Msg. No. 249;

Masaru Yokouchi, Nancy Kennedy, and Harry A. Mattson to the State Foundation on Culture and the Arts, in accordance with Gov. Msg. No. 304; and

Danette K. Rayford and Helen K. Matthews to the Library Advisory Commission, City and County of Honolulu, in accordance with Gov. Msg. No. 305.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 770-84 and Gov. Msg. No. 143, 148, 248, 249, 304, and 305 was deferred until Tuesday, April 17, 1984.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 771-84) recommending that the Senate advise and consent to the nominations of Robert A. McFarlane and Henry S. Kibota to the Stadium Authority, in accordance with Governor's Message No. 310.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 771-84 and Gov. Msg. No. 310 was deferred until Tuesday, April 17,

1984.

Senator Chang for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 772-84) recommending that House Bill No. 789, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 789, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 773-84) recommending that Senate Resolution No. 135, 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. 135, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF AND WORKSHOP ON TORT LAWS," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 774-84) recommending that Senate Concurrent Resolution No. 114, 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. 114, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF AND WORKSHOP ON TORT LAWS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 775-84) recommending that Senate Resolution No. 118 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 118, entitled: "SENATE RESOLUTION RELATING TO THE DESIGNATION OF A 'HAWAII CORRECTIONAL OFFICERS' WEEK,'" was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 776-84)

recommending that Senate Concurrent Resolution No. 95 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. 95, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DESIGNATION OF A 'HAWAII CORRECTIONAL OFFICERS' WEEK,'" was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 777-84) recommending that Senate Resolution No. 117 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. 117, entitled: "SENATE RESOLUTION ENCOURAGING BETTER AND MORE COORDINATED AND COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS STATE, COUNTY, AND PRIVATE PROGRAMS AND AGENCIES ESTABLISHED TO RESPOND TO THE NEEDS OF VICTIMS AND WITNESSES OF CRIME," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 778-84) recommending that Senate Concurrent Resolution No. 94 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. 94, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING BETTER AND MORE COORDINATED AND COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS STATE, COUNTY, AND PRIVATE PROGRAMS AND AGENCIES ESTABLISHED TO RESPOND TO THE NEEDS OF VICTIMS AND WITNESSES OF CRIME," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 779-84) recommending that the Senate advise and consent to the nominations of the following:

Howard K. Tamashiro, George Kimata, M.D., and Carolyn U. Canubida to the Board of Hearing Aid Dealers and Fitters, in accordance with Gov. Msg. No. 237;

William Neil Rapozo to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No.

238;

Adrian P. Awai and Will E. Miyake to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 239;

Tomi S. Haehnlen and Robert B. Desuacido to the State Board of Nursing, in accordance with Gov. Msg. No. 240;

Sylvia Karen Shimonishi to the Board of Pharmacy, in accordance with Gov. Msg. No. 241;

Peter N. Yanagawa and Douglas R. Sodemani to the Real Estate Commission, in accordance with Gov. Msg. No. 243;

Roger M. Kondo, D.V.M., to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 244; and

Donald D. Chapman, to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 779-84 and Gov. Msg. Nos. 237, 238, 239, 240, 241, 243, 244, and 274 was deferred until Tuesday, April 17, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 780-84) recommending that the Senate advise and consent to the nominations of the following:

Harvey T. Sato, D.C., to the Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 233;

Francis R. Borges to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 280;

Edwin H. Nakano to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, in accordance with Gov. Msg. No. 281;

Christian L. Gulbrandsen, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 282;

Edward Aiko Tanaka, Sr., to the Pest Control Board, in accordance with Gov. Msg. No. 283; and

Kenneth A. Bohlin to the Board of Pilot Commissioners, in accordance

with Gov. Msg. No. 284.

In accordance with Senate Rule 33, action on Stand. Com. Rep. No. 780-84 and Gov. Msg. Nos. 233, 280, 281, 282, 283, and 284 was deferred until Tuesday, April 17, 1984.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 781-84) recommending that Senate Resolution No. 24, 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. 24, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF HAWAII INSURANCE LAWS," was referred to the Committee on Legislative Management.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 782-84) recommending that Senate Concurrent Resolution No. 14, 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. 14, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF HAWAII INSURANCE LAWS," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 783-84) recommending that Senate 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.R. No. 61, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL AND CONTRACTORS LICENSE BOARD TO SEEK JUDICIAL DETERMINATION OF THE CONSTITUTIONALITY OF ACT 274, SESSION LAWS OF HAWAII 1983," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 784-84) recommending that Senate Concurrent Resolution No. 53, 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. 53, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL AND CONTRACTORS LICENSE BOARD TO SEEK JUDICIAL DETERMINATION OF THE CONSTITUTIONALITY OF ACT 274, SESSION LAWS OF HAWAII 1983," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 785-84) recommending that Senate Resolution No. 70, 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. 70, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW ITS ADMINISTRATIVE SUPPORT FOR BOARDS AND COMMISSIONS WHICH ARE SUBJECT TO THE SUNSET LAW," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 786-84) recommending that Senate Concurrent Resolution No. 59, 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. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW ITS ADMINISTRATIVE SUPPORT FOR BOARDS AND COMMISSIONS WHICH ARE SUBJECT TO THE SUNSET LAW," was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 787-84) recommending that House Bill No. 2053-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and H.B. No. 2053-84, entitled: "A BILL FOR AN ACT RELATING TO THE REAL ESTATE RECOVERY FUND," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Senator Chang, for the Committee

on Judiciary, presented a report (Stand. Com. Rep. No. 788-84) recommending that Senate Resolution No. 119, 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. 119, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF DUTIES AND OBLIGATIONS OF STEPPARENTS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 789-84) recommending that Senate Concurrent 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.C.R. No. 96, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF DUTIES AND OBLIGATIONS OF STEPPARENTS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 790-84) recommending that Senate Resolution No. 120, 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. 120, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 791-84) recommending that Senate Concurrent Resolution No. 97, 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. 97, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE INTERSTATE TRANSMISSION OF CRIMINAL JUSTICE DATA AND INFORMATION," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 792-84) recommending that Senate Resolution

No. 84, 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. 84, S.D. 1, entitled: "SENATE RESOLUTION URGING THE TERMINATION OF THE PRACTICE OF HOLDING NON-CRIMINAL IMMIGRANT DETAINEES IN STATE CORRECTIONAL FACILITIES," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 793-84) recommending that Senate Concurrent Resolution No. 76, 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. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE TERMINATION OF THE PRACTICE OF HOLDING NON-CRIMINAL IMMIGRANT DETAINEES IN STATE CORRECTIONAL FACILITIES," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 794-84) recommending that Senate Resolution No. 142 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. 142, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF LAWS BASED ON AGE," was referred to the Committee on Legislative Management.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 795-84) recommending that Senate Concurrent Resolution No. 117 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. 117, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF LAWS BASED ON AGE," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 796-84) recommending that Senate 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.R. No. 107, entitled: "SENATE RESOLUTION REQUESTING CONGRESSIONAL ACTION TO CORRECT ABUSE OF CHAPTER 11 BANKRUPTCY PETITIONS AND TO RESTORE THE INTENT OF THE BANKRUPTCY REFORM ACT OF 1978," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 797-84) recommending that Senate Resolution No. 115 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 115, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF AND NEED FOR A STATE CRIME LABORATORY," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 798-84) recommending that Senate Concurrent Resolution No. 92 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. 92, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF AND NEED FOR A STATE CRIME LABORATORY," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 799-84) recommending that Senate Resolution No. 127, 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. 127, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE STUDY ON THE FEASIBILITY AND IMPLEMENTATION OF HOME DETENTION AS AN ALTERNATIVE TO INCARCERATION FOR CONVICTED PERSONS," was adopted.

Senator Chang, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 800-84) recommending that Senate Concurrent Resolution No. 106, 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. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY ON THE FEASIBILITY AND IMPLEMENTATION OF HOME DETENTION AS AN ALTERNATIVE TO INCARCERATION FOR CONVICTED PERSONS," was adopted.

At this time, Senator Machida, chairman of the Committee on Health, requested a waiver of the 48-hour Notice of a Public Hearing for Gov. Msg. No. 318 listed on the agenda of the Senate Health Committee's hearing notice for Tuesday, April 17, 1984, and the President granted the waiver.

#### STANDING COMMITTEE REPORTS

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 801-84) recommending that House Concurrent Resolution No. 19, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 19, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 802-84) recommending that House Concurrent Resolution No. 20, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 20, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 803-84) recommending that House Concurrent Resolution No. 21, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 21,

H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HEALTH FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 804-84) recommending that House Concurrent Resolution No. 22, 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. 22, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE WATER RESOURCES DEVELOPMENT FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 805-84) recommending that House Concurrent Resolution No. 23, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 23, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE RECREATION FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 506-84) recommending that House Concurrent Resolution No. 24, 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. 24, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE CONSERVATION LANDS FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 807-84) recommending that House Concurrent Resolution No. 25, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 25, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HISTORIC PRESERVATION FUNCTIONAL PLAN,"

was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 808-84) recommending that House Concurrent Resolution No. 26, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 26, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TOURISM FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 809-84) recommending that House Concurrent Resolution No. 27, 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. 27, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE ENERGY FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 810-84) recommending that House Concurrent Resolution No. 28, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 28, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HOUSING FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 811-84) recommending that House Concurrent Resolution No. 29, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 29, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TRANSPORTATION FUNCTIONAL PLAN," was adopted.

Senator Aki, for the Committee on Economic Development, presented a



report (Stand. Com. Rep. No. 812-84) recommending that House Concurrent Resolution No. 30, H.D. 1, S.D. 1, as amended in S.D. 2, 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. 30, H.D. 1, S.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HIGHER EDUCATION FUNCTIONAL PLAN," was adopted.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the Senate Clerk to receive conference committee reports prior to midnight. In consequence thereof, subsequent to its recessing at 11:05 o'clock p.m., and, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on the following bills and conference committee reports was deferred for a period of 48 hours:

Conf. Com. Rep. No. 43-84 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";

Conf. Com. Rep. No. 44-84 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";

Conf. Com. Rep. No. 45-84 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";

Conf. Com. Rep. No. 46-84 and H.B. No. 1799-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS";

Conf. Com. Rep. No. 47-84 and H.B. No. 2597-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING";

Conf. Com. Rep. No. 48-84 and S.B. No. 1450, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE";

Conf. Com. Rep. No. 49-84 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";

Conf. Com. Rep. No. 50-84 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";

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";

Conf. Com. Rep. No. 52-84 and H.B. No. 2203-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES";

Conf. Com. Rep. No. 53-84 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";

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";

Conf. Com. Rep. No. 55-84 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";

Conf. Com. Rep. No. 56-84 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";

Conf. Com. Rep. No. 57-84 and S.B. No. 2249-84, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING";

Conf. Com. Rep. No. 58-84 and S.B. No. 761, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES";

Conf. Com. Rep. No. 59-84 and S.B. No. 934, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS";

Conf. Com. Rep. No. 60-84 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";

Conf. Com. Rep. No. 61-84 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";

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";

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";

Conf. Com. Rep. No. 64-84 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";

Conf. Com. Rep. No. 65-84 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";

Conf. Com. Rep. No. 66-84 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";

Conf. Com. Rep. No. 67-84 and S.B. No. 1745-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE";

Conf. Com. Rep. No. 68-84 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";

Conf. Com. Rep. No. 69-84 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";

Conf. Com. Rep. No. 70-84 and S.B. No. 2056-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE";

Conf. Com. Rep. No. 71-84 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";

Conf. Com. Rep. No. 72-84 and S.B. No. 1744-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE";

Conf. Com. Rep. No. 73-84 and H.B. No. 1940-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND";

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";

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"; and

Conf. Com. Rep. No. 76-84 and S.B. No. 1115, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."

#### STANDING COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the adoption/receipt of committee reports received by the Senate Clerk prior to midnight. In consequence thereof, and subsequent to its recessing at 11:05 o'clock p.m., the Senate took the following action on the following bills, resolutions, Governor's messages on appointments to boards and commissions, and standing committee reports:

Standing Committee Report No. 813-84 was adopted and House Bill No. 79, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 17, 1984.

Standing Committee Report No. 814-84 was received and S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ALLOWING CORPORATIONS TO REPRESENT THEMSELVES IN COURT," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 815-84 and Senate Resolution No. 121, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ALLOWING CORPORATIONS TO REPRESENT THEMSELVES IN COURT," was deferred until Tuesday, April 17, 1984.

Standing Committee Report No. 816-84 and Senate Concurrent Resolution No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF USING MEDIATION IN CHILD CUSTODY CASES," was placed on the calendar for further consideration on Tuesday,

April 17, 1984.

Standing Committee Report No. 817-84 and Senate Resolution No. 113, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF USING MEDIATION IN CHILD CUSTODY CASES," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 818-84 and Senate Resolution No. 165, entitled: "SENATE RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO REVIEW THE FORESTRY AND WILDLIFE ORGANIZATION IN COOPERATION WITH THE WILDLIFE MANAGEMENT INSTITUTE," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 819-84 and Senate Concurrent Resolution No. 130, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO REVIEW THE FORESTRY AND WILDLIFE ORGANIZATION IN COOPERATION WITH THE WILDLIFE MANAGEMENT INSTITUTE," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 820-84 and Senate Resolution No. 160, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE USE OF ALCOHOL BY YOUNG PEOPLE," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 821-84 and Senate Resolution No. 161, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO REVIEW AND EVALUATE HAWAII'S JUDICIAL SELECTION AND RETENTION SYSTEM," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 822-84 and Senate Concurrent Resolution No. 125, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO REVIEW AND EVALUATE HAWAII'S JUDICIAL SELECTION AND RETENTION SYSTEM," was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No. 823-84 recommending that the Senate advise and consent to the nominations

of the following:

Nora L. Tejero to the East Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 99;

Erika Eberly and Rose Ann Poyzer to the Board of Health, in accordance with Gov. Msg. No. 150;

Leonard P. Paresa, Sr., Marvin B. Hall, and Shaina V. Caporoz to the Statewide Health Coordinating Council, in accordance with Gov. Msg. No. 151;

John A. Imoto to the East Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 152;

Harry H. Imy and Herita Agmata to the West Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 153;

Melvin Y. Nishimoto to the Central Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 154;

David H. Luehr and Edward Tsukasa to the Windward Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 155;

John J. Volanti to the Waianae Coast Subarea Health Planning Council, in accordance with Gov. Msg. No. 156;

Richard Johnston to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 157;

Jack H. Houtz to the County Hospital Management Advisory Committee, City and County of Honolulu System, in accordance with Gov. Msg. No. 158;

Roy A. Forbes to the County Hospital Management Advisory Committee, Hawaii County Hospital System, in accordance with Gov. Msg. No. 159;

Franklin Sunn to the State Planning Council on Developmental Disabilities, in accordance with Gov. Msg. No. 160;

Robert Sing Jung Hu and Eugene R. Uemura to the Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 161;

James K. Asato to the Drug Product Selection Board, in accordance with Gov. Msg. No. 162;

Kenneth Ishizaki, R. Chris Jansen, Bert Y. Kimura, Ph.D., Wally Miyahira, John Bose II, George Krasnick, Wayne P. Law, James W. Morrow, Cynthia H.H. Thielen, Royce S. Fukunaga, Noboru Iwami, Jack Kellner, Leonard K.P. Leong, and Jacob M. Manegdeg to the Environmental Council, in accordance with Gov. Msg. No. 163;

Charlotte L. Townsend to the Commission on the Handicapped, in accordance with Gov. Msg. No. 164;

Curt T. Tagawa to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 165;

Elizabeth Kuulei Bell to the Board of Health, in accordance with Gov. Msg. No. 209;

Alice L. Deppe to the Board of Radiologic Technologists, in accordance with Gov. Msg. No. 210;

Zecil Kaplan and Samuel E. Meyer to the County Hospital Management Advisory Committee, Kauai County Hospital System, in accordance with Gov. Msg. No. 220;

John P. O'Brien and Theodore I. Sakai to the Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 251;

Mark Sperry, Joseph A. Grote, M.D., Eleanor L. Nelson, and Theodore T. Inouye to the State Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 252;

Jack Tadashi Matsui, Lydia Sumiko Ranger, and Sidney Jane Berg to the Commission on the Handicapped, in accordance with Gov. Msg. No. 253;

Tomoe Komata, Rix Maurer, III, and Dean M. Matsushima to the East Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 254;

Bonnie-Jay Sanchez, Merlyn E. Raco, William Thomas Takaba, Katherine Grace Takehiro, and Robert M. Kawakone to the Hawaii County Subarea Health Planning Council, in accordance with Gov. Msg. No. 255;

Mark Onaka to the Hawaii County Subarea Health Planning Council, in accordance with Gov. Msg. No. 256;

Rizalino R. Vincente to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, in accordance with Gov. Msg. No. 258;

Fred J. Koehnen and Viola M. Watson to the County Hospital Management Advisory Committee, Hawaii County Hospital system, in accordance with Gov. Msg. No. 259;

Joseph Pontanilla to the County Hospital Management Advisory Committee, Maui County Hospital System, in accordance with Gov. Msg. No. 260;

Steven H. Muranaka, Carolyn H. Bockhaut, Helen Alexina Dye, Lura L. O'Connell, Betsy A. Cotter, Amy Higuchi, Masayoshi Fujita, Edith Dung, Leslie S. Matsubara, Mark Yasuo Yabui, Patricia D.G. Otake, Elaine Wilson, Katherine Anne O'Reilly, Camille Hansen Almy, and Amy M. Sakihama to the State Planning Council on Developmental Disabilities, in accordance with Gov. Msg. No. 270;

Charles K. Fu to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 275;

Erica C. Jones to the State Planning Council on Developmental Disabilities, in accordance with Gov. Msg. No. 287;

Nadine C. Bruce, M.D., and Ernesto M. Espaldon, M.D., to the Drug Product Selection Board, in accordance with Gov. Msg. No. 288;

Harold S.Y. Hee, Glenn M. Lovejoy, Masao Watanabe, Minoru Inaba, Richard S. Higashi, Albert P. Moniz, Eugene Yamamoto, and Peter A. Sybinsky, Ph.D., to the Statewide Health Coordinating Council, in accordance with Gov. Msg. No. 289;

Sue Carpenter Quinn, Leilani T. Nishimura, David Edward Gire, Chiseno Eleanor Miyasaki, and Ronald H. Takata to the Central Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 290;

Mark J. O'Donnell, Armand Richaud Hernandez, M.D., Joyce E. Allosada, and Victor G. Romley to the Waianae Coast Subarea Health Planning Council, in accordance with Gov. Msg. No. 291;

Joseph V. Scazzola, M.D., to the

Hawaii County Subarea Health Planning Council, in accordance with Gov. Msg. No. 292;

Barbara Centeio Yamashita, Warren K. Orikasa, and Clarence S. Cravalho to the Maui County Subarea Health Planning Council, in accordance with Gov. Msg. No. 293;

Sally Britton, Claire Ueno, and Richard K. Nii to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 294;

Winifred H. Ishimoto and Kathleen K. Yoshitomi to the West Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 306; and

Phil Palmer to the Kauai Subarea Health Planning Council, in accordance with Gov. Msg. No. 312,

was placed on the calendar for further consideration on Tuesday, April 17, 1984.

Standing Committee Report No.

824-84 recommending that the Senate advise and consent to the nominations of the following:

Abe Sakai and Marilyn E. Miller to the Board of Examiners of Nursing Home Administrators, in accordance with Gov. Msg. No. 300;

Roy M. Shimotsukasa to the Pest Control Board, in accordance with Gov. Msg. No. 301;

Joseph F. Blanco to the Real Estate Commission, in accordance with Gov. Msg. No. 302; and

Randy Kook Do Chun to the Board of Acupuncture, in accordance with Gov. Msg. No. 311.

was placed on the calendar for further consideration on Tuesday, April 17, 1984.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 17, 1984.

## FIFTY-EIGHTH DAY

Tuesday, April 17, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 10:20 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Joseph Sanders of the Nuuanu Baptist Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-Seventh Day.

Senator Kuroda introduced Mr. Kent Keith to the members of the Senate as follows:

"Mr. President, fellow members of the Senate, ladies and gentlemen, we have with us on the floor a distinguished gentleman from our community of Honolulu and the State of Hawaii, someone who is recognized for being selected one of the ten outstanding young men by the United States Jaycees in 1984. Before I introduce this gentleman and the two young ladies who accompany him, I would like to give you a little background on this outstanding individual, a graduate of Roosevelt High School, Harvard University, Oxford University and the University of Hawaii Law School.

"There are fourteen categories from which one must qualify to be selected, and he must qualify by three. Mr. Kent Keith who was nominated by Governor George Ariyoshi, occupies a high post in state government, is successful financially, and is of high moral and religious character.

"Mr. Kent Keith, when first appointed to be the director of the Department of Planning and Economic Development and confirmed by us in the 1983 session, was described by a quote by the then chairman of the Committee on Economic Development, Senator Ben Cayetano, that the only reservation he had was that 'the new director was rather young.' That was a compliment to this gentleman.

"Mr. Kent Keith attended Waseda University and is fluent in the Japanese language. At the time that he was honored by the Jaycees, he didn't miss the chance in promoting Hawaii. He and his wife took with them macadamia nuts, leis, flowers

and this program was televised nationally. Just to name some people who were selected by the Jaycees over the years, Mr. Kent Keith is in good company: President John F. Kennedy, Gerald Ford, Elvis Presley, Gayle Sayers, Clark Gable. In 1959, another outstanding citizen was selected by the Jaycees. This was Senator Dan Inouye, so Mr. Kent Keith has the honor of being selected among good company.

"At this time, Mr. President and members, I would like to introduce to you the director of the Department of Planning and Economic Development, Mr. Kent Keith, his charming wife, Elizabeth, and her mother, Mrs. Misao Carlson."

Senator Kuroda presented the Senate certificate to Mr. Keith and leis were presented by Senators Solomon, Cayetano and Cobb.

At 10:25 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:35 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

A message from the Governor (Gov. Msg. No. 321), transmitting the interim report of the Governor's Ad Hoc Committee on the Criminal Justice Information System, was read by the Clerk and was filed.

At 10:36 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:39 o'clock a.m.

## ORDER OF THE DAY

MATTERS DEFERRED FROM  
APRIL 16, 1984

## FINAL READING

Senate Bill No. 1835-84, S.D.1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1835-84, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Senate Bill No. 1516-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 1516-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Senate Bill No. 423, S.D. 2, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 423, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

### THIRD READING

House Bill No. 2332-84, H.D. 1:

Senator Cobb moved that H.B. No. 2332-84, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano rose and inquired: "Mr. President, will the chairman yield to a question?"

The Chair posed the question to the chairman and Senator Chang having asked to hear the question, Senator Cayetano continued: "Mr. President, I've asked the chairman this question in private, but I'd just like to have him state the answer again for the record. Mr. President, would you ask the chairman if this bill becomes law, whether a person who owns a firearm would be able to keep in his automobile an unloaded firearm and ammunition in an enclosed container?"

Senator Chang replied: "That is correct, Mr. President," and Senator Cayetano thanked him.

Senator Cobb then rose and queried: "Mr. President, in follow-up to that question, does the container have to be a rigid container, as specified in the bill, or any container?"

Senator Chang responded: "The

firearm, unloaded, must be in an enclosed container, which means either a rigidly constructed receptacle or a commercially manufactured gun case."

The motion was put by the Chair and carried, and H.B. No. 2332-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACE TO KEEP FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Cobb and Kawasaki). Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1947-84:

By unanimous consent, action on H.B. No. 1947-84 was deferred to the end of the calendar.

House Bill No. 2383-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2383-84, entitled: "A BILL FOR AN ACT RELATING TO JOURNALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1800-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1800-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1754-84, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1754-84, H.D. 2, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 2568-84:

On motion by Senator Cobb,

seconded by Senator Soares and carried, H.B. No. 2568-84, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1755-84:

By unanimous consent, action on H.B. No. 1755-84 was deferred to the end of the calendar.

House Bill No. 1984-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1984-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1764-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1764-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1765-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1765-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1766-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1766-84, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 1786-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1786-84, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 2160-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2160-84, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Cayetano, Fernandes Salling and Kawasaki). Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 2497-84, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2497-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

At 10:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:51 o'clock a.m.

House Bill No. 1723-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1723-84, entitled: "A BILL FOR AN ACT RELATING TO BILLS ACCOMPANYING VOUCHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused,



3 (Aki, Toguchi and Henderson).

House Bill No. 2093-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2093-84, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 2103-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2103-84, entitled: "A BILL FOR AN ACT RELATING TO LICENSEES UNDER THE INTOXICATING LIQUOR LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 2187-84, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2187-84, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 789, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 789, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

House Bill No. 2053-84:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 2053-84, entitled: "A BILL FOR AN ACT RELATING TO THE REAL ESTATE RECOVERY FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused,

3 (Aki, Toguchi and Henderson).

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 Wednesday, April 18, 1984.

#### ADVISE AND CONSENT

Standing Committee Report No. 728-84 (Gov. Msg. Nos. 224, 265, 266 and 267):

Senator Cobb moved that Stand. Com. Rep. No. 728-84 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:

Harold Aiu to the Board of Taxation Review, Fourth Taxation District, term to expire December 31, 1987;

Roy K. Amemiya, Jr. to the Board of Taxation Review, First Taxation District, term to expire December 31, 1987;

Hideo Matsushita and Joseph A. Frye to the Board of Taxation Review, Second Taxation District, terms to expire December 31, 1987; and

Antone De Morales to the Board of Taxation Review, Third Taxation District, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 734-84 (Gov. Msg. No. 100):

Senator Cobb moved that Stand. Com. Rep. No. 734-84 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 to the Hawaii Community Development Authority of the following:

Eric S. Fukunaga, term to expire December 31, 1986; and

Helen M. Wiegert, term to expire December 31, 1985,

seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 735-84 (Gov. Msg. No. 168):

Senator Cobb moved that Stand. Com. Rep. No. 735-84 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 John Spierling and William A. Knutson to the Hawaii Housing Authority, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 736-84 (Gov. Msg. No. 295):

Senator Cobb moved that Stand. Com. Rep. No. 736-84 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 Ivan M. Lui-Kwan and Kenneth K. Takenaka to the Hawaii Community Development Authority, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 722-84 (Gov. Msg. Nos. 94, 95, 126, 127, 128, 130, 131 and 132):

Senator Cobb moved that Stand. Com. Rep. No. 722-84 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:

John Lopes to the Elevator

Mechanics Licensing Board, term to expire December 31, 1985;

Lawrence S. Sakamoto to the Elevator Mechanics Licensing Board, term to expire December 31, 1986;

Roy Yasukochi to the Elevator Mechanics Licensing Board, term to expire December 31, 1984;

Josephine C. Duvauchelle to the Board of Nursing, term to expire December 31, 1985;

Gary T. Taogoshi to the Board of Barbers, term to expire December 31, 1987;

Edwin N. Fujimoto, D.D.S., to the Board of Dental Examiners, term to expire December 31, 1987;

Howard L. Farwell to the Elevator Mechanics Licensing Board, term to expire December 1987;

June Uyehara-Isono to the Board of Hearing Aid Dealers and Fitters, term to expire December 31, 1987;

Rex R. Ball to the Board of Massage, term to expire December 31, 1987; and

John K. Uyetake to the Motor Vehicle Industry Licensing Board, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 723-84 (Gov. Msg. Nos. 133, 134, 135, 136, 137, 203 and 204):

Senator Cobb moved that Stand. Com. Rep. No. 723-84 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:

Richard Rovin, N.D. to the Board of Examiners in Naturopathy, term to expire December 31, 1987;

Gloria M. Mayer to the Board of Dispensing Opticians, term to expire December 31, 1987;

Douglas P. Hagen, D.O. to the Board of Osteopathic Examiners, term to expire December 31, 1987;

Herbert B. Weaver to the Board of Certification of Practicing Psychologists, term to expire December 31, 1987;

Dorothy D. Craven, Roland F.S. Tam, M.D. and Vickie M.I. Peiler to the Board of Speech Pathology and Audiology, terms to expire December 31, 1986;

Perfecto L. Cortez to the Board of Public Accountancy, term to expire December 31, 1987; and

Nicholas W. Teves, Jr., Wallace M. Miura and George R. Rodrigues, Jr. to the Contractors License 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 724-84 (Gov. Msg. Nos. 205, 206, 207, 218, 231, 232, 234, 235 and 236):

Senator Cobb moved that Stand. Com. Rep. No. 724-84 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:

Thomas F. Seu to the Credit Union Review Board, term to expire December 31, 1986;

Herbert K. Endo to the Board of Electricians and Plumbers, term to expire December 31, 1985;

Elizabeth J. Waite to the Board of Nursing, term to expire December 31, 1986;

Patrick H. Nam, O.D. to the Board of Examiners in Optometry, term to expire December 31, 1987;

John E. Knight, D.D.S. to the Board of Dental Examiners, term to expire December 31, 1987;

Marion F. Oki to the Board of Barbers, term to expire December 31, 1987;

Rick Hoo to the Board of Cosmetology, term to expire December 31, 1987;

Warren M. La France to the Board of Electricians and Plumbers, term to expire December 31, 1984; and

Thomas P. Papandrew and Rodney M. Kawamura to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 725-84 (Gov. Msg. No. 296):

Senator Cobb moved that Stand. Com. Rep. No. 725-84 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 to the Policy Advisory Board for Elderly Affairs of the following:

George K. Kawelo, Sr., term to expire December 1986; and

Raymond M. Hightower, Jaime Vergara, Shimeji Kanazawa and Diana McKeague, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 726-84 (Gov. Msg. No. 313):

Senator Cobb moved that Stand. Com. Rep. No. 726-84 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 to the Commission on Manpower and Full Employment, of the following:

Rodney E. Husted, term to expire June 30, 1986; and

Doris K. Nakayama, term to expire

June 30, 1985,

seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 727-84 (Gov. Msg. No. 309):

Senator Cobb moved that Stand. Com. Rep. No. 727-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Geraldine Ah Sam to the Board of Vocational Rehabilitation, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 744-84 (Gov. Msg. No. 167):

Senator Cobb moved that Stand. Com. Rep. No. 744-84 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 Melvin D. Kalahiki and Eleanor K. Ahuna to the Hawaiian Homes Commission, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 745-84 (Gov. Msg. No. 261):

Senator Cobb moved that Stand. Com. Rep. No. 745-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Walter S. Zane to the Advisory Council for Housing and Construction Industry, term to expire December 31, 1986, seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 749-84 (Gov. Msg. Nos. 183 and 213):

Senator Cobb moved that Stand. Com. Rep. No. 749-84 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:

Hallet Hammatt, Ph.D. and Pauline King, Ph.D. to the Hawaii Historic Places Review Board, terms to expire January 1, 1988; and

Fred G. Cachola, Jr. and Linda Nishigaya to the Hawaii Historic Places Review Board, terms to expire January 1, 1988,

seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 750-84 (Gov. Msg. No. 141):

Senator Cobb moved that Stand. Com. Rep. No. 750-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Richard B.F. Choy to the Land Use Commission, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 751-84 (Gov. Msg. No. 246):

Senator Cobb moved that Stand. Com. Rep. No. 751-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Toru Suzuki to the

Land Use Commission, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 752-84 (Gov. Msg. No. 303):

Senator Cobb moved that Stand. Com. Rep. No. 752-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Leonard H. Zalopany to the Board of Land and Natural Resources, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 753-84 (Gov. Msg. No. 308):

Senator Cobb moved that Stand. Com. Rep. No. 753-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Stella L. T. Asahara to the Western Interstate Commission for Higher Education, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 754-84 (Gov. Msg. No. 307):

Senator Cobb moved that Stand. Com. Rep. No. 754-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of Robin K. Campaniano to the Board of Regents, University of Hawaii, term to expire December 31, 1987, seconded by Senator Soares.

The motion was put by the Chair

and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

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 Wednesday, April 18, 1984.

Standing Committee Report No. 770-84 (Gov. Msg. Nos. 143, 148, 248, 249, 304 and 305):

Senator Cobb moved that Stand. Com. Rep. No. 770-84 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:

Lucille B. Cooper to the State Foundation on Culture and the Arts, term to expire December 31, 1987;

Willa F. Tanaka to the Board of Public Broadcasting, term to expire December 31, 1989;

Katharine T. Cannon Eger to the Library Advisory Commission, County of Maui, term to expire December 31, 1987;

Rochelle Lee Gregson to the Board of Public Broadcasting, term to expire December 31, 1984;

Al Harrington and Teruo Ihara, Ph.D. to the Board of Public Broadcasting, terms to expire December 31, 1989;

Masaru Yokouchi and Nancy Kennedy to the State Foundation on Culture and the Arts, terms to expire December 31, 1987;

Harry A. Mattson to the State Foundation on Culture and the Arts, term to expire December 31, 1985; and

Danette K. Rayford and Helen K. Matthews to the Library Advisory Commission, City and County of Honolulu, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 771-84 (Gov. Msg. No. 310):

Senator Cobb moved that Stand. Com. Rep. No. 771-84 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 Robert A. McFarlane and Henry S. Kibota to the Stadium Authority, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 779-84 (Gov. Msg. Nos. 237, 238, 239, 240, 2341, 243, 244 and 274):

Senator Cobb moved that Stand. Com. Rep. No. 779-84 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:

Howard K. Tamashiro to the Board of Hearing Aid Dealers and Fitters, term to expire December 31, 1987;

George Kimata, M.D. to the Board of Hearing Aid Dealers and Fitters, term to expire December 31, 1984;

Carolyn U. Canubida to the Board of Hearing Aid Dealers and Fitters, term to expire December 31, 1986;

William Neil Rapozo to the Motor Vehicle Industry Licensing Board, term to expire December 31, 1987;

Adrian P. Awai and Will E. Miyake to the Motor Vehicle Repair Industry Board, terms to expire December 31, 1987;

Tomi S. Haehnlen and Robert B. Desuacido to the Board of Nursing, terms to expire December 1986;

Sylvia Karen Shimonishi to the Board of Pharmacy, term to expire December 31, 1987;

Peter N. Yanagawa and Douglas R. Sodetani to the Real Estate Commission, terms to expire December 31, 1987;

Roger M. Kondo, D.V.M. to the Board of Veterinary Examiners, term to expire December 31, 1987; and

Donald D. Chapman to the Board of Registration of Professional Engineers, Architects, Land Surveyors, and Landscape Architects, 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, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 780-84 (Gov. Msg. Nos. 233, 280, 281, 282, 283 and 284):

Senator Cobb moved that Stand. Com. Rep. No. 780-84 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:

Harvey T. Sato, D.C. to the Board of Chiropractic Examiners, term to expire December 31, 1987;

Francis R. Borges to the Elevator Mechanics Licensing Board, term to expire December 31, 1987;

Edwin H. Nakano to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, term to expire December 31, 1987;

Christian L. Gulbrandsen, M.D. to the Board of Medical Examiners, term to expire December 31, 1987;

Edward Aiko Tanaka, Sr. to the Pest Control Board, term to expire December 31, 1987; and

Kenneth A. Bohlin to the Board of Pilot Commissioners, term to expire December 31, 1985,

seconded by Senator Soares.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Toguchi and Henderson).

Standing Committee Report No. 823-84 (Gov. Msg. Nos. 99, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 209, 210, 220, 251, 252, 253, 254, 255, 256, 258, 259, 260, 270, 275, 287, 288, 289, 290, 291, 292, 293, 294, 306, and 312)):

Senator Cobb moved that Stand. Com. Rep. No. 823-84 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:

Nora L. Tejero to the East Honolulu Subarea Health Planning Council, term to expire December 31, 1986;

Erika Eberly and Rose Ann Poyzer to the Board of Health, terms to expire December 31, 1987;

Leonard P. Paresa, Sr., Marvin B. Hall, and Shaina V. Caporoz to the Statewide Health Coordinating Council, terms to expire December 31, 1987;

John A. Imoto to the East Honolulu Subarea Health Planning Council, term to expire December 31, 1987;

Harry H. Imy and Herita Agmata to the West Honolulu Subarea Health Planning Council, terms to expire December 31, 1987;

Melvin Y. Nishimoto to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1987;

David H. Luehr and Edward Tsukasa to the Windward Oahu Subarea Health Planning Council, terms to expire December 31, 1987;

John J. Volanti to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1987;

Richard Johnston to the Kauai County Subarea Health Planning Council, term to expire December 31, 1987;

Jack H. Houtz to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, term to expire December 31, 1987;

Roy A. Forbes to the County

Hospital Management Advisory Committee, Hawaii County Hospital System, term to expire December 31, 1987;

Franklin Sunn to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;

Robert Sing Jung Hu and Eugene R. Uemura to the Advisory Commission on Drug Abuse and Controlled Substances, terms to expire December 31, 1987;

James K. Asato to the Drug Product Selection Board, term to expire December 31, 1987;

John Bose II to the Environmental Council, term to expire December 31, 1986;

Royce S. Fukunaga to the Environmental Council, term to expire December 31, 1987;

Kenneth Ishizaki to the Environmental Council, term to expire December 31, 1985;

Noboru Iwami to the Environmental Council, term to expire December 31, 1987;

R. Chris Jansen to the Environmental Council, term to expire December 31, 1985;

Jack Kellner to the Environmental Council, term to expire December 31, 1987;

Bert Y. Kimura, Ph.D., to the Environmental Council, term to expire December 31, 1985;

George Krasnick to the Environmental Council, term to expire December 31, 1986;

Wayne P. Law to the Environmental Council, term to expire December 31, 1986;

Leonard K.P. Leong to the Environmental Council, term to expire December 31, 1987;

Jacob M. Manegdeg to the Environmental Council, term to expire December 31, 1987;

Wally Miyahira to the Environmental Council, term to expire December 31, 1985;

James W. Morrow to the Environmental Council, term to expire December 31, 1986;

Cynthia H.H. Thielen to the Environmental Council, term to expire December 31, 1986;

Charlotte L. Townsend to the Commission on the Handicapped, term to expire December 31, 1987;

Curt T. Tagawa to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, term to expire December 31, 1987;

Elizabeth Kuulei Bell to the Board of Health, term to expire December 31, 1987;

Alice L. Deppe to the Board of Radiologic Technologists, term to expire December 31, 1987;

Zecil Kaplan and Samuel E. Meyer to the County Hospital Management Advisory Committee, Kauai County Hospital System, terms to expire December 31, 1987;

John P. O'Brien and Theodore I. Sakai to the Advisory Commission on Drug Abuse and Controlled Substances, terms to expire December 31, 1987;

Mark Sperry, Joseph A. Grote, M.D., Eleanor L. Nelson, and Theodore T. Inouye to the State Emergency Medical Services Advisory Committee, terms to expire December 31, 1987;

Jack Tadashi Matsui, Lydia Sumiko Ranger, and Sidney Jane Berg to the Commission on the Handicapped, terms to expire December 31, 1987;

Tomoe Komata, Rix Maurer, III, and Dean M. Matsushima to the East Honolulu Subarea Health Planning Council, terms to expire December 31, 1987;

Bonnie-Jay Sanchez, Merlyn E. Raco, William Thomas Takaba, Katherine Grace Takehiro, and Robert M. Kawakone to the Hawaii County Subarea Health Planning Council, terms to expire December 31, 1987;

Mark Onaka to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1987;

Rizalino R. Vicente to the County Hospital Management Advisory Committee, City and County of Honolulu Hospital System, term to expire December 31, 1987;

Fred J. Koehnen to the County Hospital Management Advisory

Committee, Hawaii County Hospital System, term to expire December 31, 1987;

Viola M. Watson to the County Hospital Management Advisory Committee, Hawaii County Hospital System, term to expire December 31, 1986;

Joseph Pontanilla to the County Hospital Management Advisory Committee, Maui County Hospital System, term to expire December 31, 1987;

Amy Higuchi to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Masayoshi Fujita to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Edith Dung to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Leslie S. Matsubara to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Mark Yasuo Yabui to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Steven H. Muranaka to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;

Patricia D.G. Otake to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Elaine Wilson to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Carolyn H. Bockhaut to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;

Helen Alexina Dye to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;

Lura L. O'Connell to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;



Katherine Anne O'Reilly to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Camille Hansen Almy to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Betsy A. Cotter to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;

Amy M. Sakihama to the State Planning Council on Developmental Disabilities, term to expire December 31, 1987;

Charles K. Fu to the Kauai County Subarea Health Planning Council, term to expire December 31, 1984;

Erica C. Jones to the State Planning Council on Developmental Disabilities, term to expire December 31, 1986;

Nadine C. Bruce, M.D., and Ernesto M. Espaldon, M.D., to the Drug Product Selection Board, term to expire December 31, 1987;

Harold S.Y. Hee to the Statewide Health Coordinating Council, term to expire December 31, 1985;

Glenn M. Lovejoy to the Statewide Health Coordinating Council, term to expire December 31, 1986;

Masao Watanabe to the Statewide Health Coordinating Council, term to expire December 31, 1986;

Minoru Inaba to the Statewide Health Coordinating Council, term to expire December 31, 1987;

Richard S. Higashi to the Statewide Health Coordinating Council, term to expire December 31, 1987;

Albert P. Moniz to the Statewide Health Coordinating Council, term to expire December 31, 1987;

Eugene Yamamoto to the Statewide Health Coordinating Council, term to expire December 31, 1987;

Peter A. Sybinsky, Ph.D., to the Statewide Health Coordinating Council, term to expire December 31, 1987;

Sue Carpenter Quinn to the Central Oahu Subarea Health Planning Council, term to expire December 1986;

Leilani T. Nishimura to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1987;

David Edward Gire to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1987;

Chiseno Eleanor Miyasaki to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1987;

Ronald H. Takata to the Central Oahu Subarea Health Planning Council, term to expire December 31, 1987;

Mark J. O'Donnell to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1985;

Armand Richaud Hernandez, M.D., to the Waianae Coast Subarea Health Planning Council, term to December 31, 1986;

Joyce E. Allosada to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1987;

Victor G. Romley to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1987;

Joseph V. Scazzola, M.D., to the Hawaii County Subarea Health Planning Council, term to expire December 31, 1986;

Barbara Centeio Yamashita, Warren K. Orikasa, and Clarence S. Cravalho to the Maui County Subarea Health Planning Council, terms to expire December 31, 1987;

Sally Britton, Claire Ueno, and Richard K. Nii to the Kauai County Subarea Health Planning Council, terms to expire December 31, 1987;

Winifred H. Ishimoto and Kathleen K. Yoshitomi to the West Honolulu Subarea Health Planning Council, terms to expire December 31, 1987; and

Phil Palmer to the Kauai Subarea Health Planning 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, 22. Noes, none. Excused, 3 (Aki, Henderson and Toguchi).

Standing Committee Report No. 824-84 (Gov. Msg. Nos. 300, 301, 302, and 311):

Senator Cobb moved that Stand. Com. Rep. No. 824-84 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:

Abe Sakai to the Board of Examiners of Nursing Home Administrators, term to expire December 31, 1984;

Marilyn E. Miller to the Board of Examiners of Nursing Home Administrators, term to expire December 31, 1987;

Roy M. Shimotsukasa to the Pest Control Board, term to expire December 31, 1987;

Joseph F. Blanco to the Real Estate Commission, term to expire December 31, 1987; and

Randy Kook Do Chun to the Board of Acupuncture, 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, 22. Noes, none. Excused, 3 (Aki, Henderson and Toguchi).

At 10:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:01 o'clock a.m.

Standing Committee Report No. 747-84 (H.C.R. No. 110, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 747-84 and H.C.R. No. 110, H.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 814-84 (S.C.R. No. 98, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 814-84 was adopted and S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

A STUDY ON THE FEASIBILITY OF ALLOWING CORPORATIONS TO REPRESENT THEMSELVES IN COURT," was adopted.

Standing Committee Report No. 815-84 (S.R. No. 121, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 815-84 was adopted and S.R. No. 121, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ALLOWING CORPORATIONS TO REPRESENT THEMSELVES IN COURT," was adopted.

Standing Committee Report No. 816-84 (S.C.R. No. 99):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 816-84 was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF USING MEDIATION IN CHILD CUSTODY CASES," was adopted.

Standing Committee Report No. 817-84 (S.R. No. 113):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 817-84 was adopted and S.R. No. 113, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF USING MEDIATION IN CHILD CUSTODY CASES," was adopted.

Standing Committee Report No. 818-84 (S.R. No. 165)

On motion by Senator Aki, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 165, entitled: "SENATE RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO REVIEW THE FORESTRY AND WILDLIFE ORGANIZATION IN COOPERATION WITH THE WILDLIFE MANAGEMENT INSTITUTE," was referred to the Committee on Legislative Management.

Standing Committee Report No. 819-84 (S.C.R. No. 130):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 819-84 was adopted and S.C.R. No. 130, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO REVIEW THE FORESTRY AND WILDLIFE ORGANIZATION IN

COOPERATION WITH THE WILDLIFE MANAGEMENT INSTITUTE," was adopted.

Standing Committee Report No. 820-84 (S.R. 160, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.R. No. 160, S.D. 1, entitled: "SENATE RESOLUTION RELATING TO THE USE OF ALCOHOL BY YOUNG PEOPLE," was referred to the Committee on Legislative Management.

Standing Committee Report No. 821-84 (S.R. 161, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.R. No. 161, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO REVIEW AND EVALUATE HAWAII'S JUDICIAL SELECTION AND RETENTION SYSTEM," was referred to the Committee on Legislative Management.

Standing Committee Report No. 822-84 (S.C.R. 125, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, the report of the Committee was adopted and S.C.R. No. 125, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON JUDICIARY TO REVIEW AND EVALUATE HAWAII'S JUDICIAL SELECTION AND RETENTION SYSTEM," was referred to the Committee on Legislative Management.

At 11:05 o'clock a.m., the Senate stood in recess subject to the all of the Chair.

The Senate reconvened at 11:08 o'clock a.m.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

#### THIRD READING

House Bill No. 1947-84:

At this time, the Chair stated: "There is a one-day deferment on this bill. The Chair would like to apologize for this deferral because the Chair had stated yesterday that it was time to vote. However, I did move the session back this morning from 11:30 to 10:00 a.m. and it was not possible for everyone to get

prepared to discuss the matter. Therefore, with your indulgence, we will defer it for the last time until tomorrow."

By unanimous consent, action on 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," was deferred until Wednesday, April 18, 1984.

House Bill No. 1755-84:

By unanimous consent, action on H.B. No. 1755-84, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Wednesday, April 18, 1984.

Standing Committee Report No. 747-84 (H.C.R. 110, H.D. 1):

Senator Kuroda moved that Stand. Com. Rep. No. 747-84 be adopted and H.C.R. 110, H.D. 1, be adopted, seconded by Senator Aki.

Senator Abercrombie then offered the following amendment:

Floor Amendment No. 1 to H.C.R. 110, H.D. 1 reads as follows:

"SECTION 1. House Concurrent Resolution No. 110, H.D. 1, is amended as follows:

1. By inserting two WHEREAS clauses on page 1 after the sixth WHEREAS clause to read:

'WHEREAS, Section 171-43.1, Hawaii Revised Statutes, allows the Board of Land and Natural Resources to lease without recourse to public auction to any eleemosynary organization for charitable, religious, or educational purposes; and

WHEREAS, Section 171-44, Hawaii Revised Statutes, allows the Board of Land and Natural Resources to directly lease without recourse to public auction lands set aside under executive orders for recreation-residence use for a period not to exceed twenty years; and'

2. By deleting the seventh WHEREAS clause on page 1 and inserting two WHEREAS clauses to read:

'WHEREAS, the Legislature finds that the utilization of the former Hale Mohalu site for mixed uses, including youth athletic and other recreational activities along with a residential facility for Hansen's Disease patients, is in the public's best interest and in accord with past legislative findings and appropriations; and

WHEREAS, testimony indicates that both Hansen's Disease patients and people in the surrounding community are willing to share the land and that the Sisters of St. Francis and other eleemosynary groups are willing to provide the organizational structure for lease of a residential facility; now, therefore,'

3. By deleting the eighth WHEREAS clause.
4. By adding at the end of the BE IT RESOLVED clause after the words 'to lease the former Hale Mohalu site' the following: 'eleemosynary organizations for the purpose of providing 1) youth athletic and other recreational activities, and 2) residential care to Hansen's Disease patients; and', and delete the original language."

At 11:10 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

Senator Abercrombie moved that the amendment be adopted, seconded by Senator Carpenter.

Senator Abercrombie spoke in favor of the amendment as follows:

"Mr. President, and members, we have before us today what constitutes yet another chapter in the continuing struggle to see to it that some measure of justice and equity can exist for the patients of Hale Mohalu, Hansen's disease patients, leprosy patients.

"Mr. President, in order to establish a context for the purpose of public record, I need to go into just a bit of history for perspective's sake in the hopes that when I am through and perhaps other speakers are through, that those of you who have

an open mind on this subject will conclude that this is a reasonable and prudent approach. I want to additionally preface what I have to say, Mr. President, by indicating that I'm not trying to obviate in any way the sense of the resolution as it appears with respect to utilization of a portion of the land in question for youth recreational activities. On the contrary, I think the amendments to the resolution are entirely compatible with that worthy goal; nor are my remarks intended to be a commentary in any way derogatory or negative with respect to the desire of the people and groups and individuals associated with these youth activities, principally sports activities, in any way to indicate other than to indicate that their motives are those which reflect strong community spirit.

"I think it's unfortunate, Mr. President, that we're being put in a position that by rejecting this amendment, if one was to vote to reject it, that the resolution comes out in an all or nothing position, and that's what you'll be asked to vote for. If we reject the amendment and vote for the resolution in its original form, it will be saying that the sense of the Legislature is that there is one solution and one solution only to this one view and one view only; one avenue and one avenue only.

"It is to say in addition, Mr. President, and I find this particularly unfortunate in the context of the remarks that I have just made...we will be saying that the decision in effect is already made; that we already know what government bodies are going to do; what commissions and boards are going to do; so our duty is to simply acquiesce to that. I think this will be put in the form probably of talking about the realities. If this is in fact the reality, what is the message that the people of this state will be getting? What is the message that these children who will play on these fields be getting?

"It said that if you can wire it up inside, the decision is already made regardless of whether someone comes to petition before the board, regardless of whether someone has a point of view.

"And I ask any of you, put yourselves in the position of coming before a board or commission in this state, thinking that you have a case to make, and asking merely to have the opportunity to do it, to contend with other individuals and groups

with their views and their propositions, to have the best proposition win out, or, as so often happens in the halls of this Legislature and in other community organizations, you work out a compromise. You have an opportunity, once you hear the other person's point of view, to say, 'Well, look, I didn't realize necessarily that that's what you wanted. I think I can accommodate that. How about if we try to combine what we want to do in some fashion.' And they're given the opportunity to do it. That's why we have public hearings.

"Mr. President, how many of us have gone into hearings, gone into an issue, thinking that we already knew what we wanted to do, and as a result of the discussion that took place, as a result of the propositions that came back and forth, decided either to change our minds about what we wanted to do or found out that our position and someone else's position was not all that incompatible; that it was in fact possible to come to a mutually satisfactory conclusion (I almost said collusion; it's probably on my mind), but come to a mutually satisfactory conclusion, mutually satisfactory, not maybe the best possible thing that you think could ever have occurred, but nonetheless something that you can live with and advances the public purpose, and something that you can defend on that basis. That's all we're asking to do in terms of the bottom line with respect to this amendment...these series of amendments...I should say additions, really, that is what it amounts to, to the resolution. It gives the opportunity to the patients and their supporters which covers a pretty broad range of individuals, including members on this floor who might up until the time of this vote, feel and vote positively on the original amendment is all that was available to them.

"I think that if you read the amendment carefully, you will see that there is nothing that obviates in any way the opportunity or the desirability in terms of a vote and what it means for this youth group to have its recreational facilities there. Now, why is it then that I think, and I'm sure others on the floor think, it's so important to include that opportunity to make their case for the patients. Mr. President, I've had occasion, as I think you know and many of the members know, but some who are just recently in the Legislature may not be as familiar with, I've had occasion to go over the

history in detail of the land there at Hale Mohalu. I do not want to recite all of it. I want to recite simply a couple of pertinent historical instances, fact, if you will, that I think will bring perspective.

"The review of the acquisition of Hale Mohalu, then, goes back to 1949 when the Department of Health first began operating Hale Mohalu which, by the way, is known as the 'house of comfort', as a leprosy facility in Pearl City. In 1946 the United States Navy optioned, if you will, this approximately 11.2 acres of land, to the Territory of Hawaii; and it has since then been a treatment center for patients both at Hale Mohalu itself, a small number of patients, and for those who are living at Kalaupapa who come to Oahu, either for medical treatment or for respite activities visiting families, etc., holiday get-togethers, and so on. As you can well imagine, it's much more difficult to get an entire family together and fly to Molokai than it is if someone is physically capable at Kalaupapa to come to Oahu; and Hale Mohalu has provided that.

"Now, in June of 1955 the Board of Health formally applied for the purchase of the property for it to use as a leprosy hospital. The application for the purchase of real property stated specifically and I'm quoting, 'The Legislature of the Territory had been very reluctant about making any substantial appropriation for permanent improvements or construction because the facility is operated by the Territory on a tenant-at-will basis. Our long-range plan, after acquiring title to this property is to seek an appropriation from the Legislature of the Territory of Hawaii to put up a permanent hospital plan. This site is eminently suitable for a Hansen's Disease isolation facility in accordance with modern day thinking regarding isolation technique for a leprosarium.'

"The reason I cite that in detail, Mr. President, is that people can say, and quite rightly, the circumstances with respect to leprosy at that time and today are quite different. We no longer have an isolation policy for leprosy patients. We no longer have the necessity of a permanent leprosarium hospital at Hale Mohalu. The interesting part to me of this whole question has been that the leprosy patients have constantly recognized that there have been changes and they have adjusted to that. They haven't said, 'No, no, the original deed said that we were

supposed to have the whole 11 acres for a hospital and that's what we want, and we don't want to recognize any changes that have taken place, either in our own care or in the way we're regarded by society, or in medical advances,' including, when I say medical advances, those instances of outpatient care and residential facilities and care facilities, changes in the manner in which the disease, as well as other diseases, are handled. On the contrary, patients have over and over again tried to recognize the contemporary circumstances. It's kind of a really savage irony, Mr. President, that we don't seem to recognize that there's any flexibility on our part towards the patients. They've been flexible. They have reduced, if you will, from what is an historical point of view, full-fledged claim to the land, as such. I won't go into further detail with respect to that.

"I hope that the members will take my word for it that I could cite at some length from the quitclaim deed and all the rest of it, what the history of Hale Mohalu is and why it is eminently suitable for the kind of residential care proposal, which is the contemporary 1980's approach.

"Suffice it to say, Mr. President, that the present operation of the Health Department, with respect to patient care, is inefficient. It is inefficient particularly from the fiscal point of view. We are spending far too much money, money which need not get spent. And I want to point this out too in asking you to vote favorably in terms of the amendment.

"The patients have been leading the fight to reduce the cost of their care. All over the country, we find people...you can see it on '60 Minutes,' you can see it on national reports, we see it on reports that are done in our own committees about inefficiencies, about fraud taking place, people taking advantage, arguments about welfare and all the rest of it, that it costs too much, that people take advantage...and here's a group of people who probably, if they kept quiet about it, could have virtually anything in terms of expenditures made because people feel a tremendous sense of obligation toward them, especially in the State of Hawaii. But, they have been in the forefront and actually arguing that you do not need to spend as much money on us in terms of care as is being spent. They're the ones that's been pushing the efficiency side of it. I think that deserves

recognition. That's why they want this facility. It's not simply that they'd like to have some house of comfort that suits them. What they're saying is that they can make a case in medical terms and in fiscal terms associated with it that can show any objective person that the kind of proposal they're making benefits the state, benefits them, benefits the taxpayers. Now that seems to me they deserve recognition. That's what they're asking for the opportunity to do.

"Again, I place it before you that all the amendments do is ask for the opportunity to be able to make a presentation before the DLNR on the assumption that the fix is not in; that everybody already knows what's going to happen, so why bother. If that's the case, as I say, what kind of a message is it that's being given to the children who will ostensibly benefit from the recreational facilities that will be provided for them. Mr. President, I again will hope that the members will take my word that I do have before me, and I think those who were at the committee hearings, both in Health and Tourism, are aware that there are very specific plans, very specific details with respect to a proposal for the residential care facility that have had an examination of personnel services, operating expenses, including utilities, of contracted services; and I might say, by the way, Mr. President, that's more than the Department of Health can say. The Department of Health has professionals which we pay, and again I point out to members on the floor, we have people that are civil service employees, we have people that are public employees, we have directors, assistant directors, deputies, we have consultants. The patients and their supporters come up with detailed expenditure plans, detailed construction plans, and yet the Department of Health, going back, if I'm trying to be kind, just to 1978 when they first tried to remove the people, 1978 to 1984, six years, and we're still being promised by our Health Director that plans are in the works, that somehow, someday, someday, they're going to come up with a solution to all of this...after six years.

"My own view is, probably, I want to state parenthetically, we should turn the whole leprosy program over to leprosy patients. They all seem to be the only ones that are interested in doing it efficiently and getting the plan done. The Department of Health

hasn't done anything. They've complained about the leprosy patients. One of the ways that they could have obviated these complaints, by the way, is to have actually had something put down on paper and in detail...they certainly have the personnel and the funds for it. So, I beg the members' indulgence that they will accept the fact that such plans do exist and that people have indicated that they would like merely the opportunity to make a presentation to the board to indicate that they too will come up with their eleemosynary organization, they too will come up with their plan.

"I ask the members, then, to look at the additional whereas's because what is cited in the original resolution is 171-43, lease of camp sites or sites for youth athletic and/or educational activities. All of that is quite correct. I do not dispute any of that. I've indicated as much to the chairman of the Tourism Committee. What I want to ask you to do, Senators, is take a look at what comes next, 171-43.1, lease to eleemosynary organizations', and it states that the board may lease by direct negotiation and without recourse to public auction to any public lands to be used for charitable, religious or educational purpose to an eleemosynary organization which has been certified by the Director of Taxation, etc.

"All I'm saying here is that there are organizations and individuals in this state who stand ready, if given the opportunity, to try to put together a plan in terms of support for this proposal before the land board. They merely ask the opportunity, and that's what this resolution would do. Again, people at the hearing realize that they are willing to make this opportunity. I want to point out parenthetically, as well, that the eleemosynary organization which is referred to in the resolution is also in the process of being formed and put together, and I think that's only proper. I understand that. So, they're merely asking for equal time, if you will, to do the same kind of thing.

"Then, one further point which is in the amendment, Senators, 171-44. And this is very important to my case that I'm presenting to you...the 'lease for recreation-resident use.' I want you to pay particular point to the emphasis that I'm making on the first few words. 'Notwithstanding any limitations to the contrary'...I will repeat, 'Notwithstanding any

limitations to the contrary, the Board of Land and Natural Resources may lease by direct negotiation and without recourse to public auction, lands within a state park or forest service or other lands set aside under executive orders' (as Hale Mohalu is), 'for recreation-residence use for a period not to exceed twenty years on such terms and conditions as may be prescribed by the board.'

"I ask you, is not then the amendment that is before you a reasonable one? Because indications have been made to you that the board can do only one thing, that mixed use is somehow either incompatible, organizationally speaking, planning-wise or legally. I want to point out to you that it is quite clear in the law that a mixed use orientation is not only entirely legal, but it is entirely proper in terms of policy of this state as embodied in the law. That's what the law says. If the law says that a mixed use is possible, if it says notwithstanding any other limitations...now that refers to legal limitations, as well as policy. Notwithstanding, that can be done. In other words, a mixed use is entirely possible if it's deemed in the public interest by the Board of Land and Natural Resources. Don't these folks deserve the opportunity to make that application? Should any citizen or any group be precluded from the opportunity to make it? Would you like that to happen to you? Would you like that to happen to your family or any of your constituents or organizations of which you are a part? I don't think so.

"So, I cite that, again, not in the spirit of trying to overcome or obviate or neutralize the resolution as put forth by the chairman of the Tourism Committee, but rather in the spirit of saying, let these people have the opportunity to also make their case, and perhaps even come to some kind of conclusion with those who would make up part of the youth group which is mutually beneficial and acceptable to them.

"I want to indicate just one or two more points, Mr. President, in favor of the amendment as it exists. There are other resolutions. One of the resolutions is being held at the present time by the chairman of the Health Committee because he would like to see what the sentiment is on the floor on this resolution because this resolution came out first. I think that it is clear to those of you who were at the Health Committee meeting that the sense of the Health

Committee resolution, should it come forth, would be to support a mixed use application in the sense that it would ask for a master plan. I have not already pointed out in my remarks that a master plan did, in fact, exist, I will do so now.

"Again, one of the ironies as pointed out earlier today and at other times by Senator Carpenter who has had experience in this area, is that a master plan in fact did exist in the past. I have a draft copy of it, Mr. President, and again I ask the members' indulgence that it in fact exists and I have it here on my desk at the bottom of my rather thick folder here. And that this draft plan, properly known as the Aotani Report, paid for at a cost of some \$55,000 at the time. I'm sure if we look back in those days, it is a real bargain compared to these days, but that recommended mixed use. So the state asked for a plan, got a consultant; the consultant came in and said, mixed use...mixed health use, including recreational little league field. In fact, I even have drawings. I know where the little league field is supposed to be, or fields, rather, more than one.

"The patients were looking forward to that. That's why there's nothing incompatible in the original resolution with the citation of the appropriation for \$50,000, I believe approximately \$50,000, for the operation of this little league facility. The patients were looking forward to that coming about. We already had a master plan. We had in the Health Committee testimony that this would be a useful approach and that mixed use approach...there's nothing exotic about it; there's nothing unique about it; it in fact has been up until the advent of this resolution the probability as to what usage would be.

"I ask you to remember, Senators, that if the Health Department had not given over the land to DLNR we would have a mixed use plan before us this very day. We would have before us a mixed use plan, everything from dealing with handicapped and retarded children to respite care to youth recreational activities, etc.

"Now, the last thing I want to cite to you in terms of the resolution is the resolution from OHA. OHA has also made a resolution which states in part, 'Therefore be it resolved, the Office of Hawaiian Affairs endorse and support joint use of health related programs with Hansen's Disease patients at Hale Mohalu,' and I will

not read the whole resolution, just to point, I think, that it is pertinent for purposes of our discussion, and indicate as well one of the whereas's: 'Whereas the proposed plan will require only a small portion of the 11 acres of Hale Mohalu land, while the rest of the land could be used for appropriate health care and community services.' Isn't it in the spirit of what we try to do here to say, 'Look, let's share.'

"I can't believe, ladies and gentlemen, I cannot believe that the children who will use that 11 acres really want to prevent the leprosy patients of the state from having a little house on a little portion of that land, to be able to come over. I don't believe that. I don't believe that for a second. I really don't believe that the adults involved have any such intention. What they want is an opportunity for those children to have recreational opportunity. And I cannot believe in this state, in this day and age, under these circumstances, that anybody would want to deny the opportunity to someone else to share that land, especially those who have been associated with it historically and all the rest.

"Mr. President, I want to conclude with a few remarks just indicating that on this floor, already this year, we've passed legislation about mixed use already. We have live-in parks. There are difficulties associated with it. Yes, I really don't think the patients and the little league first basemen and women are going to have a battle over where the base pad should be, or what time the games should take place. We all know that we've passed mixed use legislation this year. We all know that there are parks now that have people who can camp out and who can go hiking, who can have picnics, where there's environmental centers like Makiki Tantalus State Park. Mixed use is nothing in terms of unusual or unique. So, if we look at what we've already done this time, if we look at what we've done in the past, if we look at what's the right thing to do in terms of giving people an opportunity to make their case, it seems to me that passage of this amendment will accomplish all those goals and no harm whatsoever to the goals that are embodied in the original resolution.

"Thank you."

Senator Cayetano rose to speak against the amendment as follows:

"Mr. President, I can sympathize



with much of the statements made by the previous speaker. I don't think anyone in this Senate, Mr. President, or any member of this Senate who was a member of this house in 1979 need apologize for supporting the resolution and need apologize for voting against this amendment.

"In 1979, Mr. President, this Senate led the fight in the Legislature for Hale Mohalu. This Senate supported the patients of Hale Mohalu, and that could not have come about but for the efforts of the former chairman of the Health Committee, Senator Carpenter, and Senator Abercrombie who probably, I think, is the patients' most foremost advocate. But all of us here supported that position. We put \$600,000 into the budget. Our actions spoke louder than our words. That was our response to the pleas of the patients of Hale Mohalu. What was the administration's response? The Governor's response was to veto the line item appropriation. There was no pressure or sympathy here to try and override the Governor's veto. The Governor's response was not only a veto, but bulldozers.

"And since 1979 there has been a terrible and very painful battle between the patients of Hale Mohalu and the administration. It has gone to the courts, and the courts have ruled against the patients. What we have to separate here is, I think, the emotional aspect of the Hale Mohalu argument, and compare it or weigh it against what we are trying to do in terms of the resolution, unamended, in terms of getting the Department of Land and Natural Resources to lease that facility to a group, a community group, which would provide services of great benefit to hundreds, if not thousands, of children who engage in sports, whether it be little league baseball, football, soccer or whatever kind of sport little league engages in.

"The point I'm trying to make is that, as far as I am concerned, and I name Senators Abercrombie and Carpenter as being foremost in this battle for the support of Hale Mohalu, as far as I'm concerned, I was right up there with them. But I feel, at this particular point, that this matter has ended and as far as I'm concerned, the battle has ended, that we must go on to other matters and try to find a beneficial way to use that particular property.

"I see this amendment as being an extension of that battle. I do not want to get into it anymore. That is

the point that I'm trying to make. Any resolution that we pass is an expression of legislative intent. The resolution, authored by Senator Kuroda, myself, and supported by Senator Mizuguchi, speaks for itself in that respect. I might add, Mr. President, that Hale Mohalu is not in my district. My district is really adjoining the area; my constituents probably would not, or not many of them would, use this facility if it is ever built.

"But the time has come to go on to other things; the time has come for us to decide whether this battle has ended. And I think that this resolution should bring matters to a head and I hope that it does. Now, it is difficult to argue against the moral and emotional arguments made by Senator Abercrombie. I think that the patients, certainly, have a moral argument to their side of the story, but that has nothing to do with what the resolution speaks of.

"Mr. President, if the state administration today were to provide the patients at Hale Mohalu with the kind of facilities that the patients wanted, run it in the way that the patients want, but propose to put it on land other than Hale Mohalu, the matter will not be settled because I've concluded that, with the patients, the core of their argument is an emotional tie to the land itself. And therein lies the problem.

"So, I'm asking the members of the Senate, and it's not an easy decision for me because I supported Hale Mohalu all these years, I'm asking the members of the Senate to put this matter to rest once and for all. And we can do that by voting against this amendment, not extending this battle of futility anymore.

"Thank you."

Senator Kuroda also rose to speak against the amendment as follows:

"Mr. President, in response to the previous speaker who spoke in support of the amendment on the subject of the Health Department's attitude toward this particular land -- it is true that the Health Department representing the state administration has taken a position to provide health care services for Hansen's Disease patients at a hospital-like institution. It is true that the patients desire a more residential type atmosphere. What has not been mentioned, and I mention it now, is that although the previous speaker has criticized the

Health Department's procrastination and delay with regard to taking action, I believe the Health Department is now ready to take such action, which is to look for residential clusters to provide a residential atmosphere for those Hansen's Disease patients who do come to Oahu from Kalaupapa and who are now being cared for at Leahi.

"This proposal is seriously under consideration and I am satisfied in response to the question I asked, what is being done, because I do also care for the welfare of the Hale Mohalu patients. The proposal in this amendment is for mixed use of this land. The mixed use proposal will result in no action for the use of this land for several years. It has been laying unused for five or more years. If this land becomes available for recreational use, most of this area will be used for youngsters 6 to 12 years old. One generation of these youngsters already has been denied the use of this land. Will there be another generation or more than another? And I say this because if the state administration continues to take the position that the care for Hale Mohalu patients will be provided at a site other than the Hale Mohalu land, the delay will continue.

"Mr. President, I ask the Senators to vote against this amendment.

"Thank you."

Senator Carpenter then spoke in favor of the amendment as follows:

"Mr. President, I recognize the arguments that have been made by the previous speakers. Mr. President, I guess the decision is really one of, do you support the original resolution which really limits the use of the 11.2 acre parcel or property, or do we allow a mixed-use as was originally proposed through the Aotani Associates study, proposed by the administration of the State of Hawaii, the same administration that is in office today. The property abuts a major highway in the Pearl City area, which comprises some 11.2 acres, is rectangular in shape, and is cut into two parcels by a fairly large flood control channel which snakes through approximately the upper third. It would be physically impossible to accommodate the entire area into ball or playing fields, and will obviously require a certain amount of grading to be utilized for the sole purpose of recreational activities.

"Senate Resolution 77 in its 'Be it

resolved' clause states that the Board of Land and Natural Resources is requested to lease the former Hale Mohalu site to an eleemosynary organization for youth athletic and recreational activities, thereby giving the direction that, that and only that, use is the direction suggested, not suggested, but demanded by the Legislature.

"Mr. President, if that is the only use, then all of that 11.2 acres, presumably referred to as the former Hale Mohalu site, is to be used for that singular purpose. Mr. President, I suggest that a single eleemosynary organization having custody of some 11.2 acres will have a difficult, if not impossible, chance of raising the money to turn those areas into active pursuits in regards to recreation and athletic activities. At the most, the very most, that would be required for a fairly large athletic complex will be approximately five to seven acres, which means that a balance of some four acres, plus, will certainly be allowed to be used for other kinds of activities, and that's exactly what the Aotani Associates' study showed when they came up with a mixed use for that particular area.

"Every major organization, even minor organizations, was consulted relating to the concerns of various community groups in the general vicinity, and almost all agreed that the mixed-use concept had its purpose and could serve the purpose of the Pearl City and surrounding communities to good ends. Mr. President, we have not had any study between that time, the late 70's and today, other than the flat-out statements from the administration representatives, who have indicated that they would only allow certain kinds of uses in that area.

"Mr. President, I think what we are showing here and what is proposed here in the amendment is merely the allowance of mixed-use, with the decision to be made by the Board of Land and Natural Resources as to whether it conceptually agrees with a limited-use of that particular area or a larger array of use to serve the greater needs of the community.

"Thank you very much."

Senator Kawasaki also rose to speak in favor of the amendment and stated:

"Mr. President, I think Senators Abercrombie and Carpenter have very eloquently and competently outlined the case for the adoption of the

amendment. I'm a little regretful of the fact that the frame of reference is beginning to be very narrow. The argument seems to be Hale Mohalu versus recreation, and what the amendment actually does is to just maintain a semblance of flexibility so the decision-making body, the Board of Land and Natural Resources, can in their judgment on the basis of all data and information submitted to them, on the basis of all implementation programs and the concepts presented to them, decide how they are going to allocate this land, in what amounts, to what types of activities. This is all the amendment asks, that we maintain a semblance of flexibility.

"Perhaps some of the concepts outlined in the Aotani report for which the state's taxpayers have paid \$55,000...perhaps, some of that could be adopted. The amendment just wants a little flexibility. Just to say that we are going to keep this specifically for recreational purposes, I think, is retrogression back into the bread and circuses mentality. You know in ancient Rome, the great civilization deteriorated primarily because they, as I said, retrogressed into this bread and circuses mentality...let's keep the people entertained, not keep them apprised of really what was the festering problems in ancient Rome at that time.

"I think we may have to pay some attention to the possible use of that property at that site for some of these human services programs that some of the anxious applicants want to develop. Purely to say 11 acres should be exclusively set aside for recreational purposes, perhaps, isn't going to be the wisest thing for us to do when we look back decades later.

"And I don't know that the Leeward side is completely lacking of areas or facilities to entertain kids from six to ten years old or whatever. It seems to me there is a good-sized parcel of public park that is available -- Waimalu Park, I think they call it, opposite the shopping center there -- that perhaps might be even thought of as being set aside for purely recreational purposes envisioned by these young youth recreation groups.

"It seems to me, adopting this amendment here and to maintain the flexibility to enable the decision-making body, the Board of Land and Natural Resources, on the basis of information and plan submitted to them, to give them the re-

sponsibility of making decisions as to how, who, and how much of that land is going to be used, I think, is the most logical one. And for that reason I ask this Senate to consider the adoption of this amendment."

Senator Mizuguchi then rose to speak against the amendment as follows:

"Mr. President, I think the most painful thing that a Legislator has to go through is to take action or to vote on an issue that separates a group of individuals from their particular place in which they call home. And this is the case of the Hale Mohalu issue.

"We understand the patients' affinity for Hale Mohalu, but the actions of the administration, the courts, have already decided on this issue, and the Senators from the Pearl City area have already given you a historic perspective of this particular problem. It is now time for this Legislature to move on and to take action on House Concurrent Resolution 110, H.D. 1.

"I support the resolution because it keeps the Hale Mohalu site in open space. I would be against the resolution if the request was for housing developments or other kinds of public use on the land in question. We are just giving the Pearl City community an opportunity to utilize this land for recreational purposes and it keeps it in open space. And with this policy, if there's ever a change in policy from the Health Department, the Department of Land and Natural Resources or the next administration, then this particular issue can then be subsequently reviewed and addressed.

"It is for this reason, Mr. President, that I am voting against the amendment and supporting the original resolution. Thank you."

Senator Aki then stated: "Mr. President, I just want to say that I'm in favor of the amendment and ask that the remarks made by the proposer of the amendment be those of mine."

Senator Machida then rose and stated:

"Mr. President, I feel compelled to make a few remarks since the resolution and also a bill were before my committee, addressing this particular problem. I am not an advocate of building a residential care facility at

this point. That's the reason why I decided to hold the bill in my committee. I am, at this point, in a quandary. I would like to see, before any commitment is made by DLNR, a master plan be brought about.

"What the 11.2 acres...the configuration of that parcel...I'm not sure at this point whether it can accommodate a full recreational facility, and at the same time still provide a residential care facility for the Hansen's Disease patients. I'm not sure whether these two projects can be accommodated. And that's the reason why I supported a master planning of that parcel first.

"All I'm saying is that I'm supporting this amendment simply because if we pass the resolution in its present form, it precludes the consideration of a residential care facility for Hansen's Disease patients. I'd like to see this thoroughly investigated before we pass the resolution setting aside the full 11.2 acres for a recreational facility, so I'm supporting the amendment."

Senator Cayetano then remarked:

"Mr. President, just so there's no confusion as to what the board can and cannot do, the resolution is an expression of intent. This will not preclude, it is my understanding, any other applications from being considered by the board. The board will still have to make its own decision, consider the facts, weigh the facts, take into account the intent of the Legislature if this resolution passes. I see nothing in the law that will preclude the board, for example, from leasing only part of this facility to the present organizations spoken for in the resolution.

"So, what we're passing here is a resolution; what we're passing here is a resolution which states some intent; it is not legislation which precludes the board from acting in the manner in which it feels it must, after consideration of all of the facts."

Senator Abercrombie rose and stated:

"Just a final commentary then with respect to the last speaker's remarks. Mr. President, I think what he says is on the surface true if you refer only to the resolution, but if you refer to the committee report accompanying the resolution, which I think will be utilized by the board and if it remains without the

amendment, it is quite clear from the committee report what is intended, that the others will be set aside, and as indicated by the chairman of the Health Committee will preclude, for all intents and purposes, the Board of Land and Natural Resources' considering that the Legislature has any other intent or would ask the Board of Land and Natural Resources to entertain any other possibility.

"I think just a glance at the committee report makes that clear. That's why I think that the argument made by the Health chairman, over and above the other situation about preclusion, is the one which holds the most sway in terms of the logic of voting for the amendment."

The motion to adopt the amendment was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Ajifu, Cayetano, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Mizuguchi, Soares, Solomon, Uwayne, Yamasaki and Wong).

Senator Kawasaki rose on a point of personal privilege and stated: "Mr. President, this is the first time I've seen this body really vote independently."

Senator Kuroda then remarked: "Mr. President, just a passing remark. This area used to be in the Senatorial District of Senators Young, Cayetano, Kuroda and Mizuguchi. It is now in mine. Under the new redistricting plan, it becomes Senator Mizuguchi's. Thank you."

Senator Abercrombie further stated:

"Mr. President, I'll speak against this resolution and indicate that this land belongs to the people of this state; it doesn't belong to any Senator. And maybe this is indicative of what's involved in the passage of this resolution. A case has been made previously with respect to the amendment that perhaps needs restatement at this time.

"I, for one, have been involved in discussions, whether as a member of a committee or as a vice chairman or chairman of a committee, where before we make decisions as to what to do about land and what kind of expenses are involved that we like to have, at least, a modicum of an understanding as to what the costs are going to be.

I cited in my previous remarks a study; I have architectural drawings; I have estimations from consulting engineers, hospital administrators, as to what the expenses will be. And you want to pass a resolution now; you don't know how much the land's going to cost to take care of it; you don't know what the operating expenses are going to be; you don't have a clue; but, I suppose, politically it'll sound real terrific.

"So, I'll really be interested to come back to the Legislature and find out how much in the end we're going to pay. We tried, those of us who supported the opposite position, to come up with facts and figures. We always had to do it. We were always the one who had to on our own come up with it, and we tried to do it in good faith, and did present it.

"But as far as this resolution is concerned, it doesn't make any difference. So, what we're going to do is turn over the land, and I presume I have to fill in the channel...I don't know what that's going to cost...otherwise somebody might trip and fall catching a fly ball. We don't know any of those things, but we're going to pass it anyway, apparently. That's the desire. I just want to indicate I do not see the passage of this resolution as any triumph of planning, any triumph of logic, any triumph of good legislative sense for such political capital as may be made out of it; carry on, and all, well and good. But under other circumstances, Mr. President, I do not think that you would find people in this Legislature acquiescing so complacently to a sense of the Legislature in terms of its policy directions without a much more clear understanding of the cost and the benefits involved. I will, however, try to remember in the future, if I have something that appeals to me, and I hope others will remember the same, if I don't quite happen to understand how much it's going to cost, if I don't quite happen to know exactly how it's going to work, I hope no one will hold it against me, and vote for it as well."

Senator Cayetano then remarked: "Mr. President, I don't know whether I should rise on a point of personal privilege because I feel aggrieved. I guess I'll just make my statements in support of the resolution. I find it offensive that the previous speaker with whom I've had a long relationship..."

At 1:05 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.

Senator Cayetano rose again and stated:

"Mr. President, I take exception to the remarks of the previous speaker. I'm rising to speak in favor of the resolution. It's too darn bad, you know, that we have short memories here. I may not have shed as much blood on this issue as the previous speaker, but I supported him throughout most of the time that blood was being shed, and some of it was mine. For him now to come and impugn the motives of the authors of this resolution...or those who support the resolution...you talk about political capitalism, that's the height of it, if you ask me.

"The resolution was introduced in good faith. The motive of the resolution was to provide benefits to a certain segment of the community. That was the motivation. An amendment was offered; it was defeated. Arguments were made in good faith. All of us here have been on the other side of issues; we've opposed each other on different kinds of issues. I realize that this is an emotional issue for the previous speaker. I shared many nights with him, long hours with him, discussing this particular issue. I know how it cuts into him. But there is no justification for his remarks.

"Don't question my motives or the motives of the authors of this resolution. I've stated in my remarks on this floor that no one in this Senate has to apologize for the position that they have taken pro or con on this bill because it was this Senate which fought the fight of the Hale Mohalu patients. We don't have to apologize for this. I just want to see things come to an end. And if the previous speaker doesn't understand that, then, it's unfortunate."

Senator Abercrombie replied: "Mr. President, I take exception to those remarks. The previous speaker should know quite well, if he cared to listen to them, it had nothing to do with the question of motivation. It has everything to do with the question of content. Can that resolution stand up on the question of content, and the contents..."

Senator Cayetano interjected: "Ah, baloney, I can understand the English

language..."

At this time, Senator Toguchi requested a recess and the Chair remarked: "Can we allow the speaker to continue. The Chair will make the determination on his remarks. Senator Abercrombie, will you continue?"

Senator Abercrombie continued: "Mr. President, the previous speaker can make up his own mind about motives. The question is of content. The previous speaker can make up his mind about position. I understand quite well what the position is. I said it and I'll say it again. You can justify it politically, fine, go ahead and do it. But in terms of whether or not this resolution contains the kind of information that is routinely expected in any kind of decision with respect to expenditures in the state, routinely expected in committees which the previous speaker has held, whether as a chairman or member, I would like to see it. It doesn't exist in this resolution. That's not my fault. I didn't put the resolution together.

"I don't apologize, either, for anybody's position that was taken here, and I don't think that has to take place. But I most certainly will question whether or not this resolution can stand any kind of scrutiny with respect to the points that I made about it. I've got every right to say it; I don't apologize for it. I've had to withstand that kind of scrutiny...the previous speaker has...on virtually every other kind of bill or resolutions that come here, we have to do the same thing.

"To take a position is not the same thing as to be able to explain why you're doing it and how you're doing it and what the implications are going to be. Even Governor Burns said that at one time. It's not taking a position; it's the question of whether it can be justified on the basis upon which the position is being voted. That's the argument being made against voting for the resolution. You want to put it on another basis, you can do that. It still won't change the fact that there's not an iota of substance in terms of being able to turn into any kind of reality the sentiments that are expressed in the resolution."

At 1:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:14

o'clock p.m.

Senator Cayetano rose and stated: "Mr. President, I think in the next session we should make an appropriation for instant replay so that we can, when we have doubts about what we said, turn the tape back so we can see and hear what we said, because sometimes I think some of us say things that we don't really...we may not listen to what we say. I'm going to bring this thing to a head. Senator Soares has invited us, Senator Toguchi and myself, to run today, so we'll be there, Buddy. Thank you."

The Chair inquired: "Any further discussion on the resolution?"

On motion by Senator Kuroda, seconded by Senator Aki and carried, Stand. Com. Rep. No. 747-84 was adopted, and Roll Call vote having been requested, H.C.R. 110, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES," was adopted on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Abercrombie, Aki, Carpenter, Fernandes Salling, Kawasaki, Machida and Toguchi).

#### RECONSIDERATION OF ACTIONS TAKEN

Conference Committee Report No. 52-84 (House Bill No. 2203-84, H.D. 2, S.D. 1, C.D. 1):

Senator Cobb moved that the Senate reconsider its action taken on April 16, 1984 on Conf. Com. Rep. No. 52-84 on House Bill No. 2203-84, H.D. 2, S.D. 1, C.D. 1, seconded by Senator Soares and carried.

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 52-84 and H.B. No. 2203-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," were recommitted to the Committee on Conference.

Senate Bill No. 1841-84, S.D. 2, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 1841-84, S.D. 2, H.D. 2, seconded by Senator B. Kobayashi.

Senator Yamasaki then explained as follows: "Mr. President, the House amendments to the retirement system requires the Board of Trustees to submit their report on the comparison of the investment performance and funded ratio of the state system with other jurisdictions. And this is covered in Chapter 88-103."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1841-84, S.D. 2, and S.B. No. 1841-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Final Reading on Wednesday, April 18, 1984.

Senate Bill No. 2209-84, S.D. 2, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 2209-84, S.D. 2, H.D. 2, seconded by Senator B. Kobayashi.

Senator Yamasaki explained as follows: "Mr. President, the House made some amendments which are minor. However, there's one section which does not permit the use of state funds for salary increases unless approved by the director of the expending agencies."

The motion to consider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2209-84, S.D. 2, and 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," was placed on the calendar for Final Reading on Wednesday, April 18, 1984.

Senate Bill No. 2119-84, S.D. 2, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 2119-84, S.D. 2, H.D. 2, seconded by Senator B. Kobayashi.

Senator Yamasaki explained as follows: "Mr. President, the House merely provided for a study commission on the issue of comparable

worth. Also, it added to the composition of the commission the administrative director of the courts and also the affirmative action director, and it also provides for a preliminary report in 1985 and a final report in 1986."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. 2119-84, S.D. 2, and S.B. No. 2119-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH," was placed on the calendar for Final Reading on Wednesday, April 18, 1984.

Senate Bill No. 2180-84, H.D. 1:

Senator Aki moved that the Senate reconsider its action taken on April 5, 1984 on S.B. No. 2180-84, H.D. 1, seconded by Senator Hagino.

Senator Aki explained as follows: "Mr. President, the House made two amendments. The first amendment was to clarify that when we subdivide lots, we will do it only one time; and secondly, the House amendment dropped the \$100,000 exemption to \$65,000."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Aki, seconded by Senator Hagino and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2180-84 and S.B. No. 2180-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was placed on the calendar for Final Reading on Wednesday, April 18, 1984.

At this time, Senator Yamasaki stated as follows:

"Mr. President, I'd like to state that because we have the operating budget back now, the Ways and Means Committee will have available for review by the Senators a copy of the worksheet display during the 48-hour period."

Senator Kuroda, chairman of the Committee on Tourism, then requested a waiver of the 48-hour Notice of a Public Hearing for House Concurrent Resolution No. 144 on the agenda of the Senate Tourism Committee's hearing notice for Tuesday, April 17, 1984, and the President granted the

waiver.

Senator Chang, chairman of the Committee on Judiciary, then requested a waiver of the 48-hour Notice of a Public Hearing for House Concurrent Resolution No. 7 on the agenda of the Senate Judiciary Committee's hearing notice for Wednesday, April 18, 1984, and the President granted the waiver.

At 1:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:26 o'clock p.m.

#### CONFERENCE COMMITTEE REPORT

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1640-84, H.D. 1, presented a report (Conf. Com. Rep. No. 77-84) recommending that H.B. No. 1640-84, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-84 and H.B. No. 1640-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1983 TO JUNE 30, 1985," was deferred for a period of 48 hours.

At this time, the Chair made the following announcement:

"The Chair would like to inform the members of the Senate that the budget bill was officially received by the Senate Clerk at 11:16 o'clock a.m., and copies have been, as I am told, placed on your desks.

"Secondly, the Chair has been advised that the House may disagree on three of the function plan resolutions. In anticipation of such disagreement, the Chair will appoint conferees on behalf of the Senate and would like to request that members stand by, subject to call."

#### APPOINTMENT OF CONFEREES

House Concurrent Resolution No. 19, H.D. 1 (S.D. 2):

The President appointed Senators Aki, Chairman, Hagino, Fernandes Salling, Solomon, Chang, A. Kobayashi and Henderson as Managers on the part of the Senate at such conference to be held for the

consideration of amendments made by the Senate to H.C.R. No. 19, H.D. 1.

At 1:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:30 o'clock p.m.

House Concurrent Resolution No. 20, H.D. 1 (S.D. 2):

The President appointed Senators Aki, Chairman, Solomon, Abercrombie, Toguchi and A. Kobayashi as Managers on the part of the Senate at such conference to be held for the consideration of amendments made by the Senate to H.C.R. No. 20, H.D. 1.

House Concurrent Resolution No. 26, H.D. 1 (S.D. 2):

The President appointed Senators Aki, Chairman, Kuroda and A. Kobayashi as Managers on the part of the Senate at such conference to be held for the consideration of amendments made by the Senate to H.C.R. No. 26, H.D. 1.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soares and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the Senate Clerk to receive conference committee reports prior to midnight. In consequence thereof, subsequent to its recessing at 1:32 o'clock p.m., and, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on the following bills and conference committee reports was deferred for a period of 48 hours:

Conf. Com. Rep. No. 78-84 and House Bill No. 1751-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION";

Conf. Com. Rep. No. 79-84 and House Bill No. 654, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS";

Conf. Com. Rep. No. 80-84 and H.B. No. 2203-84, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES";

Conf. Com. Rep. No. 81-84 and



S.B. No. 1846-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS";

Conf. Com. Rep. No. 82-84 and H.B. No. 2092-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY";

Conf. Com. Rep. No. 83-84 and H.B. No. 2320-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION";

Conf. Com. Rep. No. 84-84 and H.B. No. 1956-84, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND";

Conf. Com. Rep. No. 85-84 and H.B. No. 2402-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC";

Conf. Com. Rep. No. 86-84 and H.B. No. 1906-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL ACTIVITIES";

Conf. Com. Rep. No. 87-84 and S.B. No. 20, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES";

Conf. Com. Rep. No. 88-84 and S.B. No. 2125-84, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS";

Conf. Com. Rep. No. 89-84 and S.B. No. 878, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND";

Conf. Com. Rep. No. 90-84 and S.B. No. 1709-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

Conf. Com. Rep. No. 91-84 and H.B. No. 1874, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS";

Conf. Com. Rep. No. 92-84 and S.B. No. 1788-84, S.D. 1, H.D. 1,

C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING"; and

Conf. Com. Rep. No. 93-84 and H.B. No. 2151, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND."

#### STANDING COMMITTEE REPORTS

On motion by Senator Cobb, seconded by Senator Soars and carried unanimously, the Senate suspended Rule 30 of the Senate Rules to authorize the Senate Clerk to receive standing committee reports prior to midnight. In consequence thereof, and subsequent to its recessing at 1:32 o'clock p.m., the Senate took the following action on the following bills, resolutions, Governor's messages on appointments to boards and commissions, and standing committee reports:

Standing Committee Report No. 825-84 recommending that the Senate advise and consent to the nominations of Victor K. Punua and Gabe K. Kilakalua, Jr. to the Civil Defense Advisory Council, in accordance with Governor's Message No. 149 and 250 was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 826-84 and Senate Resolution 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 placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 827-84 recommending that the Senate consent to the nomination of Richard R. Komo, as Judge to the Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 316, was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 828-84 recommending that the Senate advise and consent to the nomination of Allan R. Kunimoto, M.D. and Quinton L. Uy, M.D. to the Medical Advisory Board, in accordance with

Governor's Message No. 298, was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 829-84 recommending that the Senate advise and consent to the nomination of Edwin K. Hayashi to the Stadium Authority, in accordance with Governor's Message No. 184, was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 830-84 recommending that the Senate advise and consent to the nominations of the following:

George S. Fujii to the Advisory Committee on Agricultural Products, in accordance with Governor's Message No. 123;

Michael Goldstein to the Advisory Committee on Flowers and Foliage, in accordance with Governor's Message No. 124;

Asher K. Ota and Melvin Miranda to the Advisory Committee on Pesticides, in accordance with Governor's Message No. 125;

Ralph S. Yagi to the Board of Agriculture, in accordance with Governor's Message No. 201;

Mamoru Shimizu to the Advisory Committee on Agricultural Products, in accordance with Governor's Message No. 202; and

James Philip Barr and Calvin H. Oda to the Advisory Committee on Pesticides, in accordance with Governor's Message No. 217,

was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 831-84 was received and House Bill No. 1702-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF DEALERS IN FARM PRODUCE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 18, 1984.

Standing Committee Report No. 832-84 was received and House Bill No. 1760-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was placed on the calendar for Third

Reading on Wednesday, April 18, 1984.

Standing Committee Report No. 833-84 and House Bill No. 2021-84, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," was placed on the calendar for Third Reading on Wednesday, April 18, 1984.

Standing Committee Report No. 834-84 and House Bill No. 2230-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was placed on the calendar for Third Reading on Wednesday, April 18, 1984.

Standing Committee Report No. 835-84 and House Bill 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 placed on the calendar for Third Reading on Wednesday, April 18, 1984.

Stand Com. Rep. No. 836-84 and Senate Resolution 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 APPERTAINING TO HANSEN'S DISEASE," was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 837-84 and Senate Resolution 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 placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 838-84 and House Concurrent Resolution 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 placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 839-84 and Senate Concurrent Resolution No. 108, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ASSESSMENT OF IMPLEMENTING PROPOSED ADMINISTRATIVE RULES ON UNDERGROUND INJECTION CONTROL," was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 840-84 and Senate Resolution No. 129, S.D. 1, entitled: "SENATE RESOLUTION URGING THE ASSESSMENT OF IMPLEMENTING PROPOSED ADMINISTRATIVE RULES ON UNDERGROUND INJECTION CONTROL," was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 841-84 and Senate Concurrent Resolution 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, RESOURCE ALLOCATION, IMPLEMENTATION, AND EVALUATION," was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 842-84 and Senate Resolution 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, RESOURCE ALLOCATION, IMPLEMENTATION, AND EVALUATION," was placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 843-84 and Senate Concurrent Resolution 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 placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 844-84 and Senate Resolution 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 placed on the calendar for further consideration on Wednesday, April 18, 1984.

Standing Committee Report No. 845-84 and Senate Concurrent Resolution No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ESTABLISHMENT OF SENIOR CASE MANAGEMENT COORDINATION PROJECTS FOR THE ISLAND OF MAUI," was placed on the calendar for further consideration on Wednesday, April 18, 1984.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 18, 1984.

## 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 Rierson, 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 sleezy 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.

## SIXTIETH DAY

Thursday, April 19, 1984

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:22 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend Arlie McDaniel, Jr., Director of the Resort Missions and Special Missions Ministries, Hawaii Baptist Convention, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-Ninth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Kuroda introduced Mr. Joseph A. Pelletier of Pacific Resources, Inc., as follows:

"Mr. President, this year one of our prominent companies in Hawaii is celebrating its 80th birthday. Pacific Resources is this organization and PRI's predecessor company, Honolulu Gas Company, started business with twelve customers and six miles of main. Today the company is listed on the Fortune 500 and is the largest manufacturing enterprise in the State of Hawaii.

"PRI provides energy products to consumers in Hawaii and throughout the Pacific Basin and is a major supplier to the military establishments in this region. In addition, PRI is a good citizen in our community and we wish them continued success. Representing PRI today is its president, Mr. Joseph A. Pelletier.

Mr. Pelletier rose to be recognized and was presented a lei by Senator Young and the Senate Certificate by Senator Kuroda.

Senator Young then introduced Mrs. Marjorie Shimosaki and her son, Troy, from Waipahu who were sitting in the gallery. Senator Young added that "Troy is a student at Kamehameha School and is also an intern in Senator Milton Holt's office."

Senator Cobb then made the following introduction:

"Mr. President, I'd like to make a special introduction. This session we have acted on a measure involving

comparable worth for the equality of pay and recognizing the quality of talent of women. We had an outstanding recognition of that kind of talent when this Senate passed several bills involving dental hygienists.

"I can think of no better example of equality of women's work than to have seen these women coming around this Capitol pushing for something they deeply believed in. More importantly, they did it because they thought they were right, and a lot of us in the Senate agreed with them. They didn't get very well past the conference committee this year, but I predict next year in addition to its being the session of work-comp and tax review, it's going to be the session of dental hygiene.

"I've been all over the country in the army having receiving a lot of dental work, some of which was the result of my wounds in Vietnam. I'd like to introduce to you two people in the gallery whom I consider to be among the best dental hygienists I've ever met in the country, but more importantly, they represent over 300 dental hygienists in this state who are among the best that we can find anywhere in the nation. Karen Billman and Cheryl Oyama, please stand and be recognized. Thank you."

Senator Machida then introduced Mrs. Carol Ebeling and stated as follows:

"Mr. President, members of the Senate and members in the gallery, this being the 60th and final day of the legislative session, I don't know if it's coincidental or premeditated but it is certainly appropriate that we honor an organization for its efforts in providing a service that some of us seem to be needing here on the 60th day. And I am referring to the Mental Health Association of Hawaii.

"We have a certificate to present to that organization, and I'd like to just read briefly part of the contents of that certificate. (Senator Machida then read portions of the certificate).

"May I at this time, Mr. President, introduce Mrs. Carol Ebeling, the executive director for seven years, representing 30 board members and 1,000 members of the Mental Health Association."

Senator Machida presented the certificate and Senator Mizuguchi presented a lei to Mrs. Ebeling.

At 11:30 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:34 o'clock a.m.

Senator Kawasaki then rose to honor Senator Dante Carpenter as follows:

"Mr. President, it has been my privilege for the past 18 years to have served here, in the Hawaii Senate, with a total of 74 individuals, men and women of diverse characters with their individual strengths, their individual weaknesses, and their idiosyncrasies.

"Mr. President, among the very few that perceptive observers of the Hawaii Senate have come to regard with deep admiration, respect and warm affection, is the recipient of the certificate that we are about to present today.

"I know that the female occupants of this chamber and the Capitol will most certainly be hard put to find a replacement for this very urbane gentleman, one so very easy on their eyes. I trust that these ladies will somehow endure their unfortunate circumstance and make do with the other homely individuals and mortals remaining in this body.

"We all know of the many contributions made by Senator Carpenter to the achievements of this Senate. It was our pleasure and privilege to have known this man and have counted him as one of us for all of these years. It was this Senate's good fortune to have had Senator Carpenter work on many, many difficult propositions, issues and controversies, and Hawaii has benefited because Dante was here.

"We wish him well in his future endeavors and wish him Godspeed. Mr. President, before we have the presentation, may I take the liberty of reading this certificate. (Senator Kawasaki read the Senate Certificate honoring Senator Carpenter, in its entirety.) This certificate is signed by every member of this Senate with great affection and, on behalf of this body, I would like to present Senator Carpenter with this certificate."

Senator Soares, on behalf of the Republicans, added his remarks as

follows:

"Mr. President, before I ask for deferment of one day, I think that I'd be remiss as the Republican Floor Leader not to have said a few words about this honorable gentleman, and I was rather surprised that we were going to be doing it now instead of about five minutes to twelve so we could say, 'Mr. President, we're in a new day.'

"But, on a more serious note, all of us who have had the opportunity to serve with Senator Carpenter certainly have enjoyed his wit, his humor, and his compassion for his fellow men. This is Dante's hallmark -- the fact that he's always respected the opportunity to debate or discuss issues with his fellow men or women (I should say women and men so I wouldn't get banged around by my girls back here).

"I think that years come and years go and many of us will be here next year ... I know I will even though somebody announced yesterday he's going to run against me. I can't run for mayor of Hawaii Kai but I can run for the Senate from Hawaii Kai.

"But in all fairness to our great friend Dante, I do think that my colleagues here on this side of the aisle certainly have enjoyed our relationship with him over the years. We certainly enjoyed the participation on the Senate floor with him and I'm sure all of us wish him well and Godspeed in his new endeavors. I certainly knew him before he went to the Island of Hawaii and personally, have the highest respect for Dante Carpenter. Your Republican colleagues wish you well, Dante, and God bless you in your endeavors and we certainly look forward to saying 'yes' to your grants-in-aid for the County of Hawaii."

Senator Henderson also added his remarks as follows:

"Mr. President, I would like to say a few words about Dante Carpenter. I know Dante well. We ran in a political contest in 1978 and you know what happened. Although I'm sad to see him leave the Senate, I was even sadder to see him come to the Senate. I had the privilege of working with Dante during the coalition. I have a tremendous amount of respect for him and his abilities. I look forward to his being the Mayor of the County of Hawaii and I also look forward to working with him in the future to further county and state relations.

Thank you very much."

Senator Cayetano then stated as follows:

"Mr. President, I join with my colleagues in their remarks about Dante. I also want to inform this body that we are forming a campaign committee to raise money and support his opposition because we want to defeat him in his race for mayor so that he comes back here. The Big Island's gain, Mr. President, will be the Senate's loss.

"Mr. President, I had the opportunity and privilege to serve as Dante's vice-chairman when he served as chairman of the Judiciary Committee. As you know, Dante is not an attorney and many looked very hard at him to see whether he could do the job. He did, of course, a tremendous job, even though I voted against half of his bills.

"In his first major speech as the Senate Judiciary chairman, he stated to this body that it was his wish to restore the principles of the law of the splintered paddle set forth by King Kamehameha I, who sought to protect the old and young from attack along the roadside. Well, we have today a paddle; it's not splintered, not yet, and this paddle will be presented to Dante on behalf of his staff and his friends here. It is being donated by Mr. Kayo Chung, the former head of the Koolau Boys' Home (Dante was not a resident there, I assure you) and a former football coach of Senator Carpenter. Dante played end, I believe, for the Roosevelt Roughriders while you, Mr. President, were serving as waterboy for Maryknoll. So, with those remarks, I'd like to have the Sergeant-at-Arms bring the paddle."

Senator Soares then responded: "Mr. President, while we're waiting for the paddle, I'd like to correct my colleague. Dante wasn't that nifty, he played center for Roosevelt, all-star center."

The President interjected: "You can hit him now, Ben."

Senator Cayetano presented the paddle to Senator Carpenter and then said, "Mr. President, this is the paddle and, as you can see, it's a beautiful paddle. You're right, it's not splintered so I will do the job right now."

Senator Fernandes Salling, at this time, presented a lei to Senator

Carpenter and then introduced Senator Carpenter's mother, Mrs. Louise Carpenter, members of his family and his staff, all of whom were sitting in the gallery.

At this time, Senator Carpenter rose and addressed the members of the Senate as follows:

"Mr. President, the first thing I did was to step on the document that Duke gave me. Mr. President, if I may respond to the jaundiced and other remarks given in such cavalier fashion. Mr. President, I just remarked earlier when Neil asked me and Charlie asked me, 'You feel good today?' and I said, 'Yes. I feel almost as good as the first day I arrived here in the Capitol.' It's been one heck of an experience in this great hall with this august body, sometimes more august than others.

"Mr. President, for all of the time I've been here, the six years that I've been a part of this experiment in democracy, which we continue to experiment with on a daily basis, I find that I really owe a lot of people. In particular, I want to introduce again to the members of this body the members of my staff who have done a heck of a job in making me look, in spite of myself, look good, sound good on occasion, act reasonably intelligent and try to act as responsible as I could in representing my constituents.

"I want to introduce them and ask them to rise and be recognized as I call their names. First, my secretary, with whom I had the pleasure this morning of having breakfast at the Hilton Hotel, Jane Watanabe. In addition to serving as one of my very distinguished bosses, Jane is married to one of my former classmates, Judge Wilfred Watanabe, a great Roosevelt graduate. To Jane, I owe a great deal and thank you very much for standing by me in my moments of weakness which have been many.

"Mr. George Jenkins who's up in the gallery and who's been a lifelong friend, and a Kamehameha School graduate (I dropped out of Kamehameha) with whom I've been associated for many, many years as a long time friend. As colleagues growing up, we somehow avoided the school from which this unsplintered paddle comes. George has been with my office three times. This is his third year -- having flunked the first two as an intern -- but George this year has made up for all of the differences that we've shared over

the last two, so I wonder George, if you could rise and be recognized. In George's real life he is the production superintendent for Hawaii Electric Light Company and he's the one that's responsible for us having the second highest electrical rate in the nation. However, seriously, Mr. President, George has been a great mainstay in my office.

"I want also to introduce an individual who came with my office initially from the Majority Office, Mrs. Sesnita Brundage, who has been more than my right arm. She has been a secretary, a general researcher/analyst, budget analyst and a whole mess of other things, too numerous to mention, as well as being a crutch in my times of need, and a person to whom I owe a great deal in terms of the kinds of products that have emerged from my participation with this body.

"Mr. Robert Kim -- Bobby was the first renegade from the University of Hawaii Hilo Campus who advocated secession from the Union and who advocated that young people should take over in the future and that all of us 'old farts' ought to stay home and do other things, so I thought this would be a good experience for him to watch some of us older types in action. Bob has become, over the years, I think, a matured young man -- maturing from one with very broad insights and coming down to the narrow perspectives that we now share, very narrow ones, indeed. Bob has been promoted throughout the years from kind of a 'go-fer' clerk and, finally, to become the clerk of the Committee on Judiciary, where he has done a tremendous job in keeping all things going, in addition to possessing a tremendous wit which he fortunately still has.

"Maureen Thibedeaux, will you rise and be recognized. Maureen Thibedeaux, in addition to being part of my staff here, is in real life my boss back at the job at C. Brewer & Company in Hilo, Hawaii, and my other boss happens to be her husband. So, as you can see, Mr. President, I have a lot of bosses.

"Another young man that I have with me today is Joseph Johns who is an intern from the University of Hawaii Hilo Campus. Joseph Johns, you may recognize, is a gentleman who ran for the office of Governor in the last governor's race, and I thought that anybody who runs for the office of governor can't be all that bad. He ran on the Democratic

ticket and I think he gathered up some three or four thousand votes. I think that certainly has to be a signal honor for a young man who really came in from out of the cold and he has been a great asset to our office and we certainly have enjoyed him this session as well.

"Another young man, Bruce Erickson, who has been in my office on a volunteer basis this year and has been a tremendous asset.

"Mr. President, when I first came to the Senate in 1979, I guess I really didn't know a heck of a lot about the procedures and organizational matters and the like. One of the first things I remember was going into the caucus room here with my Democrat colleagues and asking silly questions -- questions like: how do we organize the Senate, do we take the majority of the majority, or do we take 13 votes out of the whole Senate, how do we do it?

"There were various and sundry replies, as I recall, amongst the catcalls and hoots and hollers, and Senator Kuroda said something that has stuck in my mind from the time since I first arrived. He said, 'We do things in the Senate here with class.' That has always stuck with me, and I adopted a philosophy a little bit later on and I used it, I think, in part of my speech a couple of years back in which I quoted from the famous naval hero, Admiral Farragut during the Civil War at the Battle of Mobile Bay when I accepted the challenge of the office and I said, using his words, 'Damn the torpedoes, full speed ahead.' Well, I certainly did damn a lot of torpedoes, and I certainly did feel at least that we were proceeding at full speed ahead. And I thought that was a classy introduction. Nobody else did, but I did.

"Somewhere along the line, in the very beginning there were discussions about sex symbols and I recall distinctly my wife telling me that I ought not to be one, not here, anyway. And I recall other classy things that I thought of that happened over the years that have stuck with me, and one would have been the singing of 'My Wild Irish Rose' led by Senator O'Kuroda, accompanied by Senator O'Connor and Senator O'George, along with the annual battle of the greens and the oranges, or is it the oranges and the greens. I'm not sure.

"I recall very distinctly, again in



that room over here, at one occasion when we were discussing I believe it was the definition of jeans and the costume or the garb that should be worn on the Senate floor, and I believe it was Senator Kawasaki who said, 'We're not going to have any jeans worn on this Senate floor; we're going to have decorum befitting of this chamber.' Thereafter ensued a four hour discussion on what constituted 'jeans' as opposed to 'denims.' We really came to an understanding that day, and I believe right at this moment Neil is wearing denims.

"I also recall, Mr. President, that you participated in what appeared to be, in that room over there, a kind of acrobatic maneuver which I hadn't seen for a couple of years, and that was somewhat in rebuttal to a verbal comment by Senator Abercrombie in which you literally sailed over at least half of the table and was caught by several of our colleagues and somehow the discussion that ensued quieted everybody's feathers, soothed everyone and we came out one happy family.

"I also recall on one of the nights of the first session I was here that I somehow, right here -- you know, I've never moved from this spot; I've never been promoted from this spot since I got here -- I ended up in a discussion with Senator D. G. Anderson, and we nearly ended up in fisticuffs, right here. And I thought, 'God, this is a pretty classy act.'

"I also recall very distinctly, while the Speaker across the way who was not the Speaker then, was wearing a cast on his arm from having struck a table a little too hard. When Senator Anderson and I engaged in this combat, fortunately, Senator Anderson did not break his hand as he walked along the side of there and punched the wall by the Republican caucus room; fortunately for me, he chose to use that as Senator Mizuguchi came to my rescue and took me in another direction.

"I recall one other incident that I thought that was kind of classy, when Senator Holt to my left, in arguing a point which was made on the floor used an analogy and I think he said something like, 'You know, trying to resolve that problem is like drinking a beer the morning after the night before.' And, I believe I stood up and said something like, 'Mr. President, I believe this young man certainly does not have the

experience of some of us who have been in that kind of situation on many an occasion, (and I said) 'that's the best thing; it works for me everytime.' I thought that was a classy rebuttal.

"On another occasion, Senator Henderson's expletives as we were all emerging from the Majority caucus room into the chamber and the chamber was chock-full with people, all waiting apprehensively, and I believe it was on an issue of a very famous nominee for a particular post which has yet to be discussed this afternoon, in which the good Senator used language which I have not heard from Senators in a long time. I shall not repeat it here, but I do recall we all poured out into this hall and everybody's face was red, including yours, Mr. President. And I think the good Senator who will not be defeated after this election, Buddy Soares, whispered in your ear something; someone made a motion to adjourn and, right after we got together, we were fast gaveled, and everybody went, 'what happened?' We all left this hall having learned an important lesson, and I thought that was a class act.

"I recall a young man by the name of Cayetano, who in defense of his barber for having been credited with possessing a Hotel Street hairdo spoke magnificently and even brandished a machete into the face of the enemy Charlie -- not Charlie what's his face, I think he called him Charlie McCarthy that day -- and I thought that was a classy act.

"One of the things I really cannot forget about Senator Cayetano was his first year as the chairman of the Ways and Means Committee. While at a hearing, a young lady by the name of Abbie Shaw spoke to a certain request. Seeming mesmerized, Ben leaned over the end of the table and with a room full of people asked her, 'Are you Filipino?' I thought that was kind of classy. Pure Filipino!

"One of the persons I certainly have got to admire is Senator Yamasaki who has always been, in my estimation, somewhat the rock -- 'The Rock of Gibraltar.' Senator Yamasaki, on one occasion, I recall, produced notes that went back about 23 years -- and his whole drawer and filing cabinet certainly has to have the best notes kept, in the entire State of Hawaii, on any proceedings in this building. He still does that.

"One of the things that I shall

certainly not forget -- I guess there comes a time when one gets caught between a rock and hot spot -- one of the other rocks of this great institution of the Senate here is Senator Patsy Young who, in her tenacious disgust for certain individuals to an appointed post as recommended by the Governor, stood up and basically said, 'I don't like these three guys.' And in support of the chair, I said, 'Stick with it, Patsy.' Then I recall having to stand here in this very same spot vigorously supporting the chair and politely denouncing one of my own Big Island candidates for the position who I didn't know was a Big Islander. So, Patsy, please, if there is a next time, would you please tell me from whence these guys come before you get me to commit.

"That was a hard one. Well, I think that there have been many class acts and class actions and I've certainly enjoyed every moment with my colleagues here in this hall. I've enjoyed the new ones as well as the old ones, and I have enjoyed the newer ones as well as the older ones.

The President, in jest, queried: "Senator Carpenter, are you trying to filibuster?"

Senator Carpenter responded that he was not and continued as follows:

"Mr. President, I shall close very shortly. I thought one of the classiest things I saw happened last night when Senator Ajifu in announcing a late guest introduced Representative Clayton Hee as one who'd soon be one of his constituents. I thought that was the ultimate in class.

"Mr. President, I know there are many more class acts and class distinctions that this great body assembled here will accomplish in the years ahead, hopefully in the next few moments ahead, and it's been a great pleasure, a great thrill, a great honor to have served with this body. I've learned many things. You will hopefully recognize me next year, if I'm fortunate enough to be elected as Mayor of the County of Hawaii, as being perhaps a little shorter than I am now because I'll probably be on my knees to everyone of you asking for a little bit of support for Hilo Hospital subsidy, a little bit of kokua for a reduced real property reaction to some god-awful idea somebody had to save money.

"So, Mr. President, I just want to

plant a few seeds in your minds today in preparation for next year. But I think we can do it all for the Big Island of Hawaii for about 25 million bucks, and I think that's a good deal, Mr. President, because the potential reward of energy and environmental and educational return on that investment is going to be, I would say, no less than a thousand-fold to the people of this State. And that is our just due. I think it's only fair.

"Mr. President, with that I want to conclude my remarks and thank you all very much for the distinct honor and pleasure of serving with each and everyone of you, irrespective of party, irrespective of personality, and I thank all of you very much for letting me participate with each of you. Aloha and thank you very much."

Senator Carpenter then received a standing ovation from the members of the Senate and the audience in the gallery.

The President then stated:

"Dante, on behalf of all of us, we just want to say, we love you, good luck and Godspeed."

Senator Abercrombie then rose and stated:

"Mr. President, I can't let this moment go by without indicating there is generally a phrase that people know that someone's loss is someone else's gain. You may have noticed that when Senator Fernandes Salling was trying to put the lei around Senator Carpenter's magnificent mane of hair that when he leaves I will be reminded not only of his loss, but what I have also lost."

Senator Cobb then stated:

"Mr. President, Dante gave us, I think, a small part of the wit we know him by. I can't forget in 1980 when he was passing out calendars and he gave you a calendar -- I think it's still in your office -- your smiling picture in the year 1980 and the caption in between, it said 'Keystone Traffic Cop.' Then he gave me one that said 'Midnight Waiver' and waiver was spelled like I waive a bill in committee instead of wave a sign in traffic. I just want to say, Dante I look forward to coming to the Big Island this year to do some midnight waving on your behalf and then I expect an invitation to the inauguration. Thank you."

Senator Kuroda then rose and stated:

"Dante, we do have class and class dictates that we shouldn't make any more introductions after you've been introduced, but I'm going to make a classy introduction. Before I do, speaking of class, when I met Dante in 1976 when we were both candidates, he for mayor and I for Congress, we were so classy that we both lost.

"Mr. President, Senator Kawasaki in describing the attraction of the younger and prettier gender for Senator Carpenter talked about young ladies who see Senator Carpenter in awe. I want to introduce one of these charming women whose gaze and stares have fallen upon Senator Carpenter and it's my pleasure to introduce her.

"Senator Carpenter and I were at breakfast this morning along with our secretaries, his secretary Jane and my secretary Sharon, because this is National Secretaries Week. Today we recognize all the secretaries here in the Senate by recognizing one who represents all. And I'd like to read the certificate before I introduce this person who represents all secretaries here. It reads, 'Senate Certificate on the occasion of National Secretaries Week, the Senate recognizes Mrs. Joseph as the representative of all the secretaries here in the Senate.' (Senator Kuroda read portions of the Senate Certificate)

"Mr. President, today, on behalf of the Senate, this presentation is made to the person, who represents all secretaries, who has served our Senate President for 18 years, Mrs. Gwen Joseph. Mr. President, I'd like to call for a recess so that you can present a lei to someone who's faithfully served you for 18 years and on behalf of all of us in thanking our secretaries."

Mrs. Joseph rose to be recognized and was presented with the Senate Certificate by Senator Kuroda and the lei by the President of the Senate.

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

#### HOUSE COMMUNICATIONS

The following communications from

the House (Hse. Com. Nos. 514 to 532) were read by the Clerk and, by unanimous consent, were deferred to the end of the calendar:

Hse. Com. No. 514, transmitting House Concurrent Resolution No. 36, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 515, transmitting House Concurrent Resolution No. 83, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 516, transmitting House Concurrent Resolution No. 84, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 517, transmitting House Concurrent Resolution No. 92, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 518, transmitting House Concurrent Resolution No. 97, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 519, transmitting House Concurrent Resolution No. 121, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 520, transmitting House Concurrent Resolution No. 124, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 521, transmitting House Concurrent Resolution No. 125, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 522, transmitting House Concurrent Resolution No. 128, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 523, transmitting House Concurrent Resolution No. 140, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 524, transmitting House Concurrent Resolution No. 141, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 525, transmitting House Concurrent Resolution No. 148, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 526, transmitting House Concurrent Resolution No. 62, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 527, returning Senate Concurrent Resolution No. 39, S.D. 1, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 528, transmitting Senate Concurrent Resolution No. 51, S.D. 1, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 529, transmitting Senate Concurrent Resolution No. 71, S.D. 1, H.D. 1, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 530, returning Senate Concurrent Resolution No. 72, which was adopted by the House of Representatives on April 18, 1984;

Hse. Com. No. 531, returning Senate Concurrent Resolution No. 31, S.D. 1, H.D. 1, which was adopted by the House of Representatives on April 18, 1984; and

Hse. Com. No. 532, returning Senate Bill No. 1918-84, S.D. 1, which passed Third Reading in the House of Representatives on April 19, 1984.

#### STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 923-84) recommending that Senate Resolution No. 72, as amended in S.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 72, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PORT AUTHORITY FOR HAWAII," was referred to the Committee on Legislative Management.

Senator Aki, for the Committee on Economic Development, presented a

report (Stand. Com. Rep. No. 924-84) recommending that House Concurrent Resolution No. 78 be referred to the Committee on Legislative Management.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and 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 Legislative Management.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 925-84) recommending that House Concurrent Resolution No. 138, H.D. 1 be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and 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 adopted.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 926-84) recommending that Senate Resolution No. 123 be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 123, entitled: "SENATE RESOLUTION REQUESTING A STUDY FOR SHARING THE COST OF PROVIDING HANDICAPPED SPECIAL TRANSIT SERVICE FOR THE HANDICAPPED," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 927-84) recommending that Senate Resolution No. 172 be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and

carried, the report of the Committee was adopted and S.R. No. 172, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF RESEARCH IN ENVIRONMENTALLY SOUND MEANS OF CONTROLLING PESTS WITHOUT THE USE OF DANGEROUS CHEMICALS," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 928-84) recommending that Senate Concurrent Resolution No. 137 be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF RESEARCH IN ENVIRONMENTALLY SOUND MEANS OF CONTROLLING PESTS WITHOUT THE USE OF DANGEROUS CHEMICALS," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 929-84) recommending that Senate Resolution No. 100, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 100, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE TO DEVELOP A SYSTEMATIC AND COMPREHENSIVE ACTION PLAN TO PROMOTE HAWAII'S BEEF CATTLE INDUSTRY," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 930-84) recommending that Senate Resolution No. 132 be referred to the Committee on Legislative Management.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 132, entitled: "SENATE RESOLUTION REQUESTING THE SENATE AGRICULTURE COMMITTEE TO MONITOR AND, AS NECESSARY, CONDUCT OVERSIGHT HEARINGS ON THE NEGOTIATIONS BETWEEN THE LULUKU BANANA GROWERS ASSOCIATION AND IOLANI SCHOOL," was referred to the Committee on Legislative Management.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 931-84) recommending that Senate Resolution

No. 167, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 167, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE USE OF BIOTECHNOLOGY FOR FRUIT FLY ERADICATION TO REDUCE COSTS AND CURB ADVERSE IMPACT," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 932-84) recommending that Senate Concurrent Resolution No. 132, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 132, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE USE OF BIOTECHNOLOGY FOR FRUIT FLY ERADICATION TO REDUCE COSTS AND CURB ADVERSE IMPACT," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 933-84) recommending that Senate Resolution No. 74, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 74, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE TO CONDUCT A FEASIBILITY STUDY REGARDING THE POSSIBLE ACQUISITION OF THE KOHALA DITCH SYSTEM," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 934-84) recommending that Senate Concurrent Resolution No. 12 be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A JOINT INTERIM COMMITTEE TO OVERSEE THE PROGRESS OF THE STATE OF HAWAII LAND EVALUATION AND SITE ASSESSMENT COMMISSION DURING THE 1984 INTERIM PERIOD," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report

(Stand. Com. Rep. No. 935-84) recommending that Senate Concurrent Resolution No. 67, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.C.R. No. 67, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO CONDUCT A FEASIBILITY STUDY REGARDING THE ACQUISITION OF THE KOHALA DITCH SYSTEM," was adopted.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 936-84) recommending that Senate Resolution No. 99 be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 99, entitled: "SENATE RESOLUTION REQUESTING A COMPREHENSIVE CROP PROTECTION ACTION PLAN FOR HAWAII," was adopted.

Senator Solomon, for the Committee on Education, presented a report (Stand. Com. Rep. No. 937-84) recommending that Senate Resolution No. 133, as amended in S.D. 1, be adopted.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the Committee was adopted and S.R. No. 133, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ENCOURAGE THE DEPARTMENT OF EDUCATION TO CONTINUE TO PROMOTE HAWAIIAN STUDIES PROGRAMS IN OUR PUBLIC SCHOOLS AND TO REQUEST THE DEPARTMENT OF EDUCATION TO COMPLETE A STUDY REGARDING ITS HAWAIIAN STUDIES PROGRAM," was adopted.

Senator Young, for the majority of the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 938-84) recommending that House Concurrent Resolution No. 50, H.D. 1, be referred to the Committee on Legislative Management.

On motion by Senator Kuroda, seconded by Senator Soares and carried, the report of the majority of the Committee was adopted and H.C.R. No. 50, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY OF THE PUBLIC AUTHORITY DEVICE

FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Legislative Management.

#### ORDER OF THE DAY

##### FINAL READING

Conference Committee Report No. 77-84 (H.B. No. 1640-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 77-84 be adopted and H.B. No. 1640-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose and stated:

"Mr. President, with respect to the budget, unfortunately, I do not believe we have adequately resolved the issue of the worksheets. The information that was made available was not that which I thought was going to be the information, but that can remain for discussion at another time. I do think it would have been a little more helpful to us had we been able to resolve that issue on a little more satisfactory basis. But, with respect to this budget document, Mr. President, I want to indicate that I feel and I have, as you know, indicated in the caucus already a perspective for the members who were there and I think that it's important for purposes of the record to reiterate that.

"Mr. President, I feel very strongly that we need to have in our negotiation posture with the House in the next session a point of view, if you will, a perspective, a strategy, a consensus of approach, both from committee members and the chairs of the committees, that will serve us well with respect to those negotiations. I feel that, given the present circumstances surrounding the completion of the budget process that I would like to focus on just one or two issues by way of example, one or two areas of the budget by way of example, indicating that I think we could all serve each other better in here and the public as a whole if we were to achieve that kind of unified purpose, unified approach.

"Mr. President, we were given very strict instructions in the subject matter committee in Education as to what we should do, what kind of guidelines would be required of us with respect to expenditures. We tried to follow them. It's no secret, Mr. President, to anyone who has

paid attention to the political process that I was the chairman of the committee until almost the end of the last session and as a result of the conflict which took place, the confrontation on issues, etc., and how to resolve them, that I was removed as chairman of the Education Committee. I think, however, the record will show, Mr. President, that subsequent to the attempted reorganizing of the Senate...I should say, re-reorganizing, I think it'd be more accurate this year...I think the record will show, and I trust that the chair of the committee will corroborate that those of us who remained on the committee who found ourselves in opposition to the restructuring of the organization, those of us who remained on the committee did our very best to be cooperative members to contribute to the very best of our abilities and called upon whatever experience we had to contribute to the work product of the committee and the requests from the Chair that we do so, that we participate. We tried very hard to do that.

"I don't think there is any kind of situation existing on the floor now, nor during this session, which would indicate that there was any kind of an attitude which would indicate other than a sense of cooperation and a sense of trying to do our best. I go into that for purposes of the record because I want to indicate that my remarks are not based on the fact that many of us are carrying taut feelings or carrying an attitude that we did not get to do things the way we wanted to do it and therefore we want to be critical. On the contrary, I think that we lived up to both the letter and the spirit of what we were instructed to do.

"I go into the rather lengthy dissertation prior to my discussion of the education budget side because I think we find ourselves at a disadvantage in a certain sense. We did all the cutting; we did all the hard work for the House in terms of trying to deal with the budget limitations and restrictions we were given in the subject matter committee and yet when the budget comes out in the end there are a great deal of additions and changes made to the budget with education that on paper looked very good. And I don't dispute the necessity or the requirements for the Department of Education and its programs that are manifested in this budget. What bothers me is that whether that budget will be able to stand up later down the line, and that, of course, refers back to my

opening remarks about the worksheets and understanding the financial plan.

"I have yet to be able to fully comprehend exactly what the tactic strategy and basis of the financial plan is. We have to trust in it. We will have to trust in it with respect to the budget. If it works out, Mr. President, that's to everyone's advantage and I'll be very happy to see that take place. But, if it does not, what I fear is that we may find what appears to be a very strong budget in education on paper disappear as fast as it has in the past with respect to restrictions that might be occurring.

"Also, Mr. President, as a general remark, also with respect to the education budget, I'm sorely disappointed that the House of Representatives does not yet recognize that the people of this state in passing the Constitutional Amendments in 1978 gave particular emphasis to Hawaiian studies. I think the Senate recognized exactly what the mandate in the Constitution is with respect to Hawaiian studies and what it means in terms of curriculum. It's recognized in our State Plan; which as you know we are still debating with the House, and I think the chair of the Education Committee would also concur with the view I'm expressing. It has been virtually impossible for us this year, with the exception of obviously some individuals in the House who do recognize it, but in terms of policy, virtually impossible to get them to recognize that Hawaiian studies is not only part and parcel of the curriculum, but a fundamental and vital element in the conduct of the Department of Education's educational business. We do not find the plan for action, if you will, with respect to Hawaiian studies being recognized as a result of the conference posture of the House.

"So, the principal object here of my discussion is that regardless of one's views on the individual items that appear in this budget and in the capital improvements budget yet to be discussed, it is vital that whatever organizational structure emerges after this next election and before the next session, when we come to that point when we will be introducing bills up to the 19th day of the Legislature because this ill-advised bill about reducing it has been defeated by the voters, when we come to that point, I hope that organizationally speaking we will have enunciated to one another and agreed with one another on an approach, on a philosophy, if you

will, of a perspective in terms of programs, in terms of content of that program, in terms of the structure we wish to utilize in not only preparing, but carrying through on that program in such a manner that when we come to the biennium budget negotiations and related issues in next year's session that we will have an operation here that we can all not only participate in, but enthusiastically support.

"Thank you."

Senator Toguchi then stated:

"Mr. President, before I begin, I'd just like to say that I give you my word I will not talk until ten o'clock tonight. Mr. President, I share the comments of the previous speaker. In addition, I'd like to bring up one part of the budget, and I'd like to file a protest for the record. I'd like to refer you to Section 63A, and this is on page 90 in your budget. Section 63A transfers HIMAG from the Budget and Finance to the Department of Personnel Services. This is being done through a budget proviso.

"I just want to point out for the other Senators that there was a bill in the Human Resources Committee, H.B. 1550, H.D. 2. It was killed in that committee and held in that committee. I question the process that's utilized to transfer any agency.

"In addition to my protest about the process, I'd like to also make reference for the record again and direct your attention to HRS 8111 to 8118. This is the section that created the HIMAG, the agency that's being transferred, and I'd like to read to you just one part of that section and this is out of 8115, 'Organization and administration.' It says here in the statutes, 'The institute will be a division within the department of budget and finance. Its affairs will be administered by a director appointed by and responsible to the director of finance.'

"Mr. President, even though we have a proviso in the budget which directs a transfer of the Hawaii Institute for Management and Analysis in Government from Budget and Finance to the Department of Personnel Services, nothing has been done in the statutes. We still have language in the statutes that places HIMAG in Budget and Finance. I think this is something that we have to be aware of, something that we have to be concerned about. I think if we continue with something like

this, we're going to be destroying the committee process that we have here in the Legislature. I'd just like to also point out that I have talked to the chairman of the Ways and Means Committee and it's my understanding that this was a House position and it was the House that insisted on the inclusion of this proviso in the budget.

"I'd like to, Mr. President, at this time, if the chairman of Ways and Means will yield, I'd like to ask several questions of the chairman of Ways and Means."

The Chair posed the question to Senator Yamasaki and Senator Yamasaki having answered in the affirmative, Senator Toguchi inquired: "Mr. President, what I want to know is by what authority is this proviso included in the budget and also does the Ways and Means chairman agree with the process that was utilized to include this proviso in the budget document?"

Senator Yamasaki replied:

"Mr. President, I would like to answer by stating that there was a request by the Finance Committee of the House to have the proviso inserted in the budget document. Knowing full well...I'm not so sure whether they knew, but I knew full well that it has been our position that no statutory change could be inserted in the budget through provisos; that it could not be enforced. So whether we put it in the budget or not, it made no difference.

"Also, we have pointed out in a previous conference subject matter that the House also again, or we suggested to take care of their problem that we might put a proviso; however, it could not stand up because they are making some statutory change, and it was my position that anytime that we make any kind of a statutory change in the budget, it would not stand up. So we have this severability clause in the budget which provides that if any portion is declared invalid, other provisions in the remainder of the Act shall not be affected.

Senator Toguchi further inquired: "Mr. President, I'd just like to direct another question. Can I conclude by that remark that the chairman of the Ways and Means Committee agrees with me that the practice of including this proviso through the process that I discussed earlier is highly questionable?"



Senator Yamasaki responded: "Mr. President, that is my statement that any time we try to make any kind of changes through provisos, to make any kind of statutory change through a proviso is not a proper one."

Senator Toguchi thanked Senator Yamasaki.

Senator Cayetano rose to speak in favor of the budget as follows:

"Mr. President, I speak in favor of the budget but with reservations that I would like to express for the record. Mr. President, as a veteran of this Senate for six years and the other house for four years, one thing that I have learned is that when you go into conference, you'd better have a battle plan ready; you'd better be prepared; and you'd better have some philosophy.

"My concern about the budget, about some of the bills that will be coming up, is that there are many technical errors in these measures; that these have come about primarily because the Senate was imbued with a spirit of accommodation, as you stated last night, instead of seeking compromise and coming up with measures that we can both walk away with and respect.

"The item pointed out by Senator Toguchi and the statement made by the chairman of the Ways and Means Committee illustrate exactly what I mean. I think the chairman's position on this particular issue that you cannot amend the statutes through a budget proviso is well taken. It's supported by ample precedent in both houses of this Legislature. Knowing that, why did we agree to put this proviso in? It has to be, and in the spirit of the chairman's remarks, I have to believe that it was because we wanted to accommodate the House. What was our end purpose in all of this? Should we not have held out and try to convince the House that it would be better to come up with a budget which did not have these kinds of legal problems, or was our objective to come up with a budget and finish on time?

"Mr. President, you and I have had differences on this question. I've never felt that finishing on time should be the objective of the Legislature. If you can finish on time, fine. I've always felt, however, that finishing with a product that we can be proud of in terms of quality, in terms of the

benefits it's going to provide to the people of this state was far more important whether the job took 60 days, 65 days, 70 days, or whatever it took. That is my feeling.

"In the times that I have chaired committees in this body, whether it be in the House or the Senate, I've never agreed to accommodate the other body on an issue like this. I think, Mr. President, that this problem will be found in some of the other bills as we go through the Order of the Day and as we discuss them; for example, the capital improvement bill, the so-called "pork" bill. Each Senator was allotted \$750,000 as compared to \$500,000 for the House. Clearly, if you take our responsibilities in terms of the constituents we represent, in terms of the land area we represent, that proportion is not equitable, and yet we did not, we moved off, we accepted that, we accommodated the House because the House refused to budge from their position of \$500,000. I think the budget contains some good things, Mr. President, but I think for the Senate, this budget...well, you can't go on winning forever...I think in the past, since 1979 through last year, the Senate has come up pretty well in the budget negotiations, including the two years that the present chairman chaired the Committee on Ways and Means.

"But, this year there has been a change in philosophy of the Senate. You used the word last night, Mr. President, 'accommodation'. I thought that was an unfortunate choice of word. I hope, Mr. President, that next year when we organize, we can organize so that the talents of all of our members will be used to the fullest utility, and that we have a revamping, if you will, of the philosophy of the Senate. This Senate is the only body, as far as I'm concerned, in the Legislature which looked, at least in the past, looked to its constitutional duty, under the separation of powers, its constitutional duty to act as a check with the other two branches of government -- the judiciary and executive. I see that eroding very much, especially so this session. So, I offer these remarks in a constructive sense; I hope that next year we can do better, and I hope that next year, in terms of organization, in terms of the attitude of the leadership, that we get back on course -- the old course, I think, that made the Senate a pretty proud place to be in.

"Thank you."

Senator Yamasaki then rose to speak in favor of the bill as follows:

"Mr. President, I believe this supplemental budget for fiscal year 1984-85, as a whole, is a good one which allows the departments to continue to provide necessary services to the people. During this session, there were appropriations to take care of our public employees, and the budget also provides for adequate funds to address the needs of our social and human services agencies.

"In considering the subject, as the previous speakers have said, there were differences between the House and the Senate, there were some decisions that had to be made, and I merely followed the Rules of the Senate, which provides for consultation with subject matter committees and that the final decision rests with the Ways and Means Committee of which I am chairman. For the actions that we have taken, I take full responsibility; there is no question. The budget is the product of the House and Senate in conference, and although it may not contain all that the Senate subject matter committees advocated, it was a compromise to get out of this session in the allotted time-frame. It is true that not all of the items advocated by individuals were considered; however, there were some that were considered not on the basis of individuals, but on the basis of what it means for our public good.

"Before I close, I'd like to read into the record a correction that is necessary due to clerical error. I'd like to call to your attention to page 27 of the budget on item No. 48; page 27, item No. 48, 'Academic Support-Windward Community College Operating, UOH 332,' the first column of 12 positions and \$430,115 in general funds is correct. However, the second column for fiscal year 1984-85 should read 12 positions, and in bracket, \$433,437, and underneath that figure, a new sum of \$444,073 with an underscore; and then in the total column, the sum of \$863,552 should be bracketed, with an insertion of \$874,188 underscored.

"And now I have another request from the House which the House would like to have me read into the record; however, before doing this, I would like to request for a short recess."

At 12:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:02 o'clock p.m.

Senator Yamasaki then stated: "Mr. President, I would like to call to the attention of the members to page 70 of Conference Draft No. 1, Section 30B, the proviso in Section 30B. It refers to 'the sum of \$150,674 (of which not less than \$28,000 shall be for the Hawaii Student Science Training Program located in Hilo)' and the intent of the proviso is that the allocation of \$28,000 for the Hawaii Student Science Training Program shall be expended for the summer 1984 program since this part of the summer program for the Enhancement of Basic Education is already in existence and does not require planning and does not need the money to function in the summer of 1984. That is the statement that the House has requested us to insert into the record."

Senator Cayetano rose and inquired: "Mr. President, for the record, the House has the responsibility for printing the budget, is that correct?"

The Chair replied: "That is correct."

Senator Cayetano then stated: "Then, Mr. President, for the record, I want to make a few comments. Mr. President, during the intermission we find that there are items which had been agreed to by the Senate which were left out of the budget. We find that there are items which were not agreed to by the Senate which were inserted in the budget. Now, the chairman of Ways and Means just read a statement that the House wanted read into the record. Everyone here knows that that statement has absolutely no impact or no effect on the budget. The provisos in the budget speak for themselves. So, I'm at a loss for words as to all of these problems, and really, if these matters were of a greater magnitude, we really should reject and go on for another 48 hours and do the job right."

At 1:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:14 o'clock p.m.

Senator Abercrombie then rose and remarked:

"Mr. President, I asked for a recess because I wanted to clarify

some of the details that were alluded to by the previous speaker, and I think it was very important for in the absence, Mr. President, of a decision to go back and see that this budget is printed correctly and all the agreements or disagreements are accurately stated, which would require the extension of this legislative session, in the absence of that, I would like to direct a question or two to the chairman of the Education Committee for purposes of the record so that the Department of Education can have very clearly in mind what it is that is expected with respect to the budget. That is my purpose in rising now.

"I would like to ask the chairman of the Education Committee to refer to page 74 of the budget, Section 36, and ask the chair if she would give us her view as to the appropriateness of Section 36 as it appears on pages 74 and 75 with respect to the agreement or disagreement of the Senate to that proviso and what the chair's position is with respect to the subject matter addressed in Section 36."

Senator Solomon replied:

"Mr. President, in addressing the concerns of the previous speaker, the proviso in Section 36 is a House position. However, this position was never agreed upon during the budget conference. As a matter of fact, the Senate position advocated that we preserve these resource teachers in the areas of reading, music, art and physical education, and at no time was it discussed that these positions could 'be utilized at the discretion of the district superintendent, where feasible, to lower the pupil-teacher ratio in kindergarten and grades one through three; and provided further that all the remaining resources and other district-level teachers may be utilized at the discretion of the district superintendent for the Gifted and Talented Program.'

"Mr. President, I really don't know what more to say, except that I was very much surprised when I saw this proviso in the budget. I had made inquiries to the staff of Ways and Means and they said that they had sent all the provisos that I had reviewed to the House for consideration, and among them for my review, this proviso was not there.

"However, Mr. President, for the record I just would like to state in support of my subject matter committee that this was a very difficult

situation for us, overall. Subject matter committee took a very strong position which the Senate approved and we appreciated this body's support in the area of deployment. Unfortunately, we were not able to convince the House as to the reasonableness of...as to this position and philosophically the education budget in concurrence with the...let me reiterate, on the education budget, philosophically, we were very, very far apart with the House, and I think this is what the difficulty was in the budget negotiations with the House and the Senate. But, I have to say that when I was approached by the Ways and Means chairman during the recess that I would concur with him in that they do have this portion in here that says 'may be utilized at the discretion of the district superintendent, where feasible,' that I think maybe working with the superintendent we can address our concerns in the matter.

"Thank you."

Senator Abercrombie then remarked: "Mr. President, on the basis of the chair's response I would like to have it made clear for the record that the acting superintendent should understand very clearly that regardless of the appearance of this particular Section 36 in the budget, that to act upon it as if this was agreed upon by the Senate and the House will have dire consequences for the department, should any attempt be made to cite it as a reason for making any changes which otherwise would not be warranted. And while the acting superintendent is, in fact, acting, he should reflect upon the fact that we are not acting as Legislators, with the exception of myself, who might be returning next year."

Senator Soares rose to speak in support of the budget as follows:

"Mr. President, I rise to speak in favor of the budget with reservations and I think I express my concerns for the Republicans here on the Senate floor. We just are not very happy with the product in terms of workmanship. We believe that these kinds of examples of what have been brought before us now with things missing, and sections not being agreed upon, and something not being shown, do not dictate, hopefully, the future of our voting for budgets. We want to be absolutely sure that we, for the record, indicate that these kinds of examples had better not be appearing again on the Senate floor."

Senator Uwaine also rose to speak in support of the budget as follows:

"Mr. President, it's been my pleasure for the past four years to work closely with Senator Yamasaki on four different budgets, and on occasions I had my difficulties with him; I had my difficulties where I had to swallow certain things; and it's quite clear on the record that on one occasion I voted against the budget. But during the four years that I've worked with Senator Yamasaki, he has always been consistent. We've talked about the word 'accommodation.' Senator Yamasaki has always been accommodating, accommodating not to the House, but to the people of this state. We don't have a House budget before us; we don't have a Senate budget before us. We have a budget before us that's going to serve the people of this state.

"Senator Yamasaki, in all good effort, came up with the best package he possibly could have gotten, not for the Senate, again for the people. If you had been able to work with Senator Yamasaki from the beginning when he first became chairman of the Ways and Means Committee back in 1981 till today, four years, you can see a tremendous growth, growth that has been a very positive thing for the state, but also has taken its toll.

"The problem with being Ways and Means chairman, and I think all the people who have served in the same capacity here, know that you can't satisfy everyone. There are going to be some people that just unfortunately, accommodations are going to have to be cut back for them, as well as added on.

"But I think at the end, when we examine this budget and this budget goes forth to operate the state, I think the people in this state are going to realize that they have a good budget. And I think Senator Yamasaki and his staff brought back to the Senate a budget that not all of us can accept but we can live with. And I just want to say to Senator Yamasaki that I think he did a good job."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 77-84 was adopted and H.B. No. 1640-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1983 TO JUNE 30, 1985," having been read throughout, passed Final Reading on the following showing of Ayes and

Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM  
APRIL 18, 1948

FINAL READING

Conference Committee Report No. 7-84 (H.B. No. 1828-84, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 7-84 was adopted and H.B. No. 1828-84, H.D. 1, S.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, 25. Noes, none.

Conference Committee Report No. 51-84 (H.B. No. 1933-84, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 51-84 was adopted and H.B. 1933-84, H.D. 2, S.D. 2, 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.

At 1:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:30 o'clock p.m.

At this time, the Chair made the following observation:

"The Chair stands before you quite embarrassed. We passed the budget and it is my understanding that the messenger that was supposed to deliver the bill to the Governor took a little more time than had been anticipated. Therefore, the two measures that we just passed were done prior to the formal transmittal. We will have to go back and pass them over again."

RECONSIDERATION OF  
ACTIONS TAKEN

Conference Committee Report No. 7-84 (H.B. No. 1828-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that the Senate

reconsider its earlier action on Final Reading of H.B. No. 1828-84, H.D. 1, S.D. 1, C.D. 1, seconded by Senator Soares and carried.

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 7-84 was adopted and H.B. No. 1828-84, H.D. 1, S.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, 25. Noes, none.

Conference Committee Report No. 51-84 (H.B. No. 1933-84, H.D. 2, S.D. 2, C.D. 1):

Senator Cobb moved that the Senate reconsider its earlier action on Final Reading of H.B. No. 1933-84, H.D. 2, S.D. 2, C.D. 1, seconded by Senator Soares and carried.

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 51-84 was adopted and H.B. No. 1933-84, H.D. 2, S.D. 2, 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.

#### FINAL READING

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, was deferred to the end of the calendar.

Conference Committee Report No. 62-84 (H.B. No. 1946-84, S.D. 2, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 62-84 be adopted and H.B. 1946-84, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke against the bill as follows:

"Mr. President, I'm going to vote 'no' on this bill because I believe it is an improper way to deal with an item that properly belongs in the DSSH budget. There's no clear indication that I have been able to discern as to

why the figures were changed from \$175,000 to \$500,000. I think that there has been no evidence before me that DSSH is incapable of dealing with this matter. It's one that's very vital and important to the people who receive their services, and what I fear, Mr. President, is that when we pass this, people would have the assumption that this money will be here and that there's every likelihood, inasmuch as it is my understanding that the amount of money represented here is beyond the restrictions, beyond the ceiling placed there by the Governor, that it will be denied to the people.

"I don't want to get into the position that I've criticized in the past and I want to be consistent with that criticism where we stand around leaving a bill with your name on saying, 'Well, it passed the Legislature; it's not my fault that it got cut.'

"It seems to me that DSSH in its enormous budget should be able to find the amount to take care of the personal care services within its present budget and I disapprove of a process whereby a legislator seeks merely to have a name on a bill for whatever purposes are involved, as I believe is the case here, and at the same time risk the individuals who would ostensibly be the beneficiaries of the bill not getting the services that they think will be forthcoming as a result of the passage of the bill."

Senator Cayetano then rose to speak in favor of the bill as follows:

"Mr. President, I'm going to vote for this bill because I think the subject matter is important, but I just want to express my reservations about the procedure. This was touched on by the previous speaker. We all know that we all have and we submit appropriation bills which are dear to our hearts. The fact of the matter is that the process ends at Ways and Means.

"The appropriations, if accepted, are put in the budget. In this particular case, exception was made and I cannot help but believe that the exception was made because I see no other reason for it, that the exception was made because the author of this particular measure wanted to be able to go around his neighborhood and wave it in the face of his constituents. If an exception is made here, then the consideration should be given to every member of this body in terms of appropriations

bills that they submit for different kinds of subjects. We don't do that because it makes the process very, very cumbersome, and secondly, it dilutes from the ability of the public or whoever to really have a good idea of what the state is spending. So, I hope that this kind of procedure is not allowed to happen again next year."

At 1:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:45 o'clock p.m.

Senator Yamasaki replied as follows:

"Mr. President, in response to the remarks made by the previous speaker that we have acted upon this bill to allow an individual to raise a flag on the roadside what he did in this bill to obtain appropriation for personal care, I'd like to point out that I have been consistently following the examples of the former chairman of the Ways and Means Committee and my record shows that back in 1979 there were several bills that were identical to this type of legislation, and I'd like to point them out to you.

"Senate Bill 1657 which became Act 178 in 1979, Sugar Producers' Crop Loan Fund, \$3,200,000 was made available through a special bill.

"Senate Bill 1611, Act 143, Relating to Premarital Examination to Provide for Rubella Examination, an appropriation of \$50,000 was made by a special bill.

"H.B. 48, Act 144, Relating to Program for the Unemployed, \$3,550,000 for 1979-1980 was appropriated by a special bill.

"Act 218, Relating to the Tax Review Commission, \$40,000 was appropriated to the commission by a special bill.

"These were not considered budget items at that time and I think that what I am doing is consistent, that there are occasions when it's necessary for special bills to be considered with an appropriation. Therefore, I'd like to set the record straight that this is not an unusual action taken by the chairman of the Ways and Means Committee."

Senator Cayetano then responded:

"Mr. President, I'm glad the

chairman had the time to do research on those bills. I'm glad they know how to do research in Ways and Means. Mr. President, I did not say that this has never been done. I know, for example, on the sugar producers' bill it's almost been a tradition that it's done every year because of the importance of sugar, and sometimes these bills are introduced by the administration, etc. I don't know what these other bills are. All I'm saying is that if this practice is expanded, it is not a good practice. That's the only point that I was trying to make."

Senator Kawasaki then spoke against the bill as follows: "Mr. President, I speak against the passage of this bill primarily because this is a bill that comes under the category of human services, which more properly should have been handled through the requirements of Chapter 42, involving grants-in-aid and purchases of service. I think that the passage of this bill at this point, notwithstanding precedents set in prior years, I think is a clear circumvention of our intent in passing and enacting Chapter 42. For this reason I speak against voting for this bill."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 62-84 was adopted 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," 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. 63-84 (H.B. No. 2257-84, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 63-84 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 74-84 (H.B. No. 2044-84, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 74-84 be adopted and H.B. No. 2044-84, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Mizuguchi rose to speak in favor of the bill as follows:

"Mr. President, section 2 of this particular bill simply extends the workmen's compensation moratorium period, whereby, the bill reads that 'no such filing shall be made at any time prior to June 1, 1985.' So, it's simply an extension of the workers' comp moratorium. Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 74-84 was adopted and H.B. No. 2044-84, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

Conference Committee Report No. 75-84 (H.B. No. 2006-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 75-84 was adopted and H.B. No. 2006-84, S.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. 76-84 (S.B. No. 1115, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 76-84 was adopted and S.B. No. 1115, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 78-84 (H.B. No. 1751-84, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb,

seconded by Senator Soares and carried, Conf. Com. Rep. No. 78-84 was adopted and H.B. No. 1751-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARING OCCUPATIONAL AND CAREER INFORMATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 79-84 (H.B. No. 654, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 79-84 was adopted and H.B. No. 654, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### CONFERENCE COMMITTEE REPORTS

By unanimous consent, action on the following conference committee reports and bills was deferred to the end of the calendar:

Conf. Com. Rep. No. 80-84 and H.B. No. 2203-84, H.D. 2, S.D. 1, C.D. 2;

Conf. Com. Rep. No. 81-84 and S.B. No. 1846-84, S.D. 1, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 82-84 and H.B. No. 2092-84, H.D. 1, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 83-84 and H.B. No. 2320-84, H.D. 2, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 84-84 and H.B. No. 1956-84, H.D. 2, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 85-84 and H.B. No. 2402-84, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 86-84 and H.B. No. 1906-84, H.D. 1, S.D. 2, C.D. 1;

Conf. Com. Rep. No. 87-84 and S.B. No. 20, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 88-84 and S.B. No. 2125-84, S.D. 2, H.D. 2,

C.D. 1;

Conf. Com. Rep. No. 89-84 and S.B. No. 878, S.D. 2, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 90-84 and S.B. No. 1709-84, S.D. 1, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 91-84 and H.B. No. 1874-84, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 92-84 and S.B. No. 1788-84, S.D. 1, H.D. 1, C.D. 1; and

Conf. Com. Rep. No. 93-84 and H.B. No. 2151-84, H.D. 2, S.D. 2, C.D. 1.

Senate Bill No. 1509-84, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2213-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2213-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," 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, was deferred to the end of the calendar.

Senate Bill No. 2180-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 2180-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Carpenter).

MATTERS DEFERRED FROM  
APRIL 18, 1984

THIRD READING

Standing Committee Report No. 832-84 (H.B. No. 1760-84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 832-84 was adopted and H.B. No. 1760-84, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF IMPROVEMENT DISTRICT BONDS FOR HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading 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):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 834-84 was adopted and H.B. No. 2230-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 835-84 (H.B. No. 2409-84, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 835-84 was adopted 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 KAHALE HEALTH CARE FACILITY FOR THE ELDERLY," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 1800-84, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1800-84, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Third



Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 79:

By unanimous consent, action on H.B. No. 79 was deferred to the end of calendar.

At 1:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:56 o'clock p.m.

MATTERS DEFERRED FROM  
APRIL 18, 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 to the end of calendar.

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 to the end of calendar.

ADVISE AND CONSENT

Standing Committee Report No. 894-84 (Gov. Msg. No. 318):

Senator Cobb moved that Stand. Com. Rep. No. 894-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of John M. Gooch, D.V.M. to the Windward Oahu Subarea Health Planning 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. 909-84

(Gov. Msg. No. 264):

Senator Cobb moved that Stand. Com. Rep. No. 909-84 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of George K. Sano to the Commission on Transportation, 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. 910-84 (Gov. Msg. Nos. 285 and 286):

Senator Cobb moved that Stand. Com. Rep. No. 910-84 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:

Sam Leong to the Library Advisory Commission, County of Hawaii, term to expire December 31, 1984;

Helen K. Tayamen, Maile Ann Rierison and Lilly Yuriko Inouye to the Library Advisory Commission, County of Hawaii, terms to expire December 31, 1987;

Rufina K. Molaka-Lee to the King Kamehameha Celebration Commission, term to expire December 31, 1985;

Manu Kahaialii and Ramona Teves to the King Kamehameha Celebration Commission, terms to expire December 31, 1986; and

Anne K. Inaina Kaapana, Beatrice H. Rosa and Henry Cho, Sr. to the King Kamehameha Celebration Commission, 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.

MATTERS DEFERRED FROM  
APRIL 18, 1984

Standing Committee Report No. 879-84 (S.C.R. 111):

On motion by Senator Mizuguchi, seconded by Senator Abercrombie and carried, Stand. Com. Rep. No. 879-84 was adopted and, Roll Call vote having been requested, 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 NON-PROFESSIONAL EMPLOYEES OF EDUCATIONAL INSTITUTIONS SOLELY DUE TO THE 'REASONABLE ASSURANCE' THAT THEY WILL BE EMPLOYED DURING THE NEXT ACADEMIC TERM," was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 880-84 (S.R. No. 108):

Senator Kuroda moved that Stand. Com. Rep. No. 880-84 be adopted and Senate Resolution No. 108 be adopted, seconded by Senator Aki.

Senator Kawasaki spoke against the resolution as follows:

"Mr. President, I speak against this resolution primarily because I think the committee report treats the issue in a rather simplistic fashion. First of all, it's one thing to say in this committee report, 'The purpose of this resolution is to request the Department of Land and Natural Resources make all deliberate speed in reinstating the historic sites removed from the Hawaii Register of Historic Places in 1979.'

"Indeed, back in those years the Department of Land and Natural Resources did use deliberate speed. As a matter of fact, they did it so speedily that some 529 private properties owned by private citizens were designated as historic sites without even the courtesy to the owners of these properties being notified that government agencies had intended to designate these properties as historic sites. As a consequence of the designation, many owners could not do what they wanted to do with their properties, either to sell, to renovate, to subdivide it, or whatever.

"My point is that a committee report that says 'to proceed with deliberate speed' may just overlook the fact that we have to perhaps write very specific language, or certainly enter into the record of the Journals of the Senate, our intent that these properties should be designated historic

sites only with the consent of the private property owners, a very important point under our form of government. This is not the Kremlin. That due process not be forgotten; that notices to private owners be duly sent out; due public hearings conducted so that only after the private owner has had his chance to oppose the placing of his private property into the historic sites category, only then decisions would be made that will affect that property forever in the future.

"So, I would like to have that intent of, at least, the Senate, be entered into the record, that when we say, proceed with deliberate haste, due speed, that we do not trample over the private property rights guaranteed under the provisions of the Federal Constitution."

Senator Kuroda then stated as follows:

"Mr. President, the previous speaker is correct with regards to the lightness with which the committee report was made. We wanted to spare the Majority Research from additional work and the chair felt that the explanation was adequate. But inasmuch as the previous speaker has requested more information, I would like to then enter into the Journal the reason why this resolution is brought forward.

"Primarily, the DLNR rather embarrassingly admitted about the procedural error when the question was asked by the chair of DLNR at the public hearing. The testimony supporting this resolution reads in this manner: 'The removal of 579 sites from the Hawaii Register of Historic Places in 1979, because of the procedural error, was a major setback to the protection of our historic cultural resources. Instead of responding quickly to the setback by making a concerted effort to reregister these sites, both DLNR and the Hawaii Historic Places Review Board have been exceedingly slow in getting these sites back on the register.'

"The previous speaker complained of the delay in sale by the private property owner. That's the reason why there is need for immediacy as far as this action is concerned. I read further: 'This task should be made a priority in order to protect adequately our historic resources and this resolution will demonstrate public concern over the slow progress in getting sites back on the register and

to help get things moving. That the threat of destruction to sites formerly on the register is real was recently demonstrated at Kualoa. Formerly the entire Ahupuaa was on the State Register because of its known historic importance and existence of extensive archaeological remains. Since 1979 it has not been so protected and within the last few months extensive bulldozing and grading have taken place in a privately owned area mauka of the highway.'

"I will not read any further, Mr. President, because we need the time to further debate other issues, but I think this clearly explains why the committee has taken this action. Thank you."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 880-84 was adopted and, Roll Call vote having been requested, S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING TIMELY REINSTATEMENT OF SITES TO THE HAWAII REGISTER OF HISTORIC PLACES," was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Standing Committee Report No. 888-84 (S.R. No. 112);

Senator Kuroda moved that Stand. Com. Rep. No. 888-84 be adopted and Senate Resolution No. 112 be adopted, seconded by Senator Aki.

Senator Kawasaki made the following comment on Senate Resolution No. 112:

"Mr. President, while I will vote for this resolution I also would like to enter into the record my concern that the Department of Land and Natural Resources in developing procedures whereby Neighborhood Boards and people generally in the neighborhood of a particular site involved be aware of the fact that the nature of the beast, so to speak, the average human being by nature, doesn't want his property to be affected...don't touch my property, you guys...but where it affects somebody else's property, it's fine to turn that into a public historic site. The Department of Land and Natural Resources, I think, should be very much aware of this tendency on the part of all of us. We're very protective of our own property, but where somebody else's property is concerned, we do not give this matter of private property rights too much concern and we're all in favor of converting it into public

use so all of us can use it, but just don't touch ours."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 888-84 was adopted, and S.R. No. 112, entitled: "SENATE RESOLUTION REQUESTING COMMUNITY PARTICIPATION IN THE PLANNING OF HISTORIC PARKS AND SITES," was adopted on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Standing Committee Report No. 889-84 (H.C.R. No. 144):

On motion by Senator Kuroda, seconded by Senator Aki and carried, Stand. Com. Rep. No. 889-84 was adopted 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 adopted.

Standing Committee Report Nos. 896-84 (S.C.R. No. 89, S.D. 1):

Senator Kawasaki moved that Stand. Com. Rep. No. 896-84 be adopted and S.C.R. No. 89, S.D. 1, be adopted, seconded by Senator Cobb.

Senator Abercrombie rose and stated:

"Mr. President, the resolutions reflect some very important points with respect to the situation in Central America. The reason for the appearance of the resolutions is to have before the Congress and the President of the United States some semblance of feeling as to the approach that would be best inasmuch as it affects all of us throughout the country, that is to say the situation which exists in Central America.

"Mr. President, while there are individual instances of attention which are paid depending on what part of Central America at the present time one is focussing on -- an election at one time, an insurrectional instance in another -- whether one is focussing on any particular nation, among them Nicaragua, El Salvador, Honduras, Guatemala, Costa Rica, Delize, Mexico, we find ourselves more and more evolving a discussion locally and nationally, and internationally for that matter, as to the role that the United States should take with respect to Central America and in

particular the role of military aid in Central America, perhaps in my judgment a misnomer.

"I'm not so sure that military aid aids anything in the way of an effective policy with respect to Central America. That is the basis principally for the 'Be it resolved' clause and its subparts, its subelements as it appears in the resolution and the concurrent resolution. I'd just like to focus very briefly, Mr. President, on the subelements in the 'Be it resolved' clause. The first, 'supporting efforts of Central and Latin American countries to act as mediators where conflict exist;'. Mr. President, I think this is a very positive step. I think one of the things that has harmed our foreign policy, harmed the interest of the United States is when we do not take advantage of those nations' good offices that are available in activities with respect to foreign policy throughout the world, particularly so in Latin America where, Mr. President, as you well know, it is not the Russian Bear or the Chinese Tiger which is the element which is immediately before the people in those countries, rather the American Eagle; that is to say, Mr. President, all rhetoric aside, the plain fact of the matter is, as well, nations...I even hesitate to use the word nations here...certain leadership in nations may not wish us well or wish us ill with respect to our foreign policy. What they can do and what they cannot do about it, and what effect they really do have and do not have is more often with respect to Central America, in particular, a function of what the United States does or does not do, rather than the desires or the actions of other nations, especially some of the so-called big powers. We are the deciding factor in terms of what is a big power too.

"I think to indicate otherwise is to perhaps rhetorically score points but not be very helpful in terms of resolving issues in the area. That's the reason why I think we should utilize and urge the utilization of the good offices of those countries in Central and Latin America which offered to do so and are ready to do so, distinctly to our advantage.

"Number 2, 'urging the Nicaraguan and Honduran governments to sign and implement a treaty of non-aggression and guarantee of borders;'. This is particularly pertinent because as was indicated elsewhere in the resolution, Mr.

President, regardless of the headlines that may or may not appear in the news on a given day with respect to Nicaragua and Honduras, we recognize both of these nations, in fact, we have ambassadors and economic, diplomatic and other kinds of activities taking place in both of these nations, and it is distinctly, I believe, to our advantage to urge these nations...and this is the essence of the resolved clause...urge these nations to implement a treaty of non-aggression with one another and a guarantee of borders. It's obviously like any treaty; it's based on the hope that the elements of a treaty will sustain themselves. But in the absence of it, of course, the diplomatic mission, the emphasis on achieving a peaceful resolution of conflict is scarcely possible.

"Third, 'urging withdrawal of military aid and supplies to all sides in El Salvador in recognition of the need to encourage negotiations to end the civil war;'. This is a policy which has been urged by our neighbors in Central and Latin America who wish to mediate the situation. I think the record...I will not go into a detailed exposition at this time, although I assure you, Mr. President, that if time permitted or was necessary I would be able to explicate in detail for you about the failure of military aid, per se, in El Salvador to achieve anything in the way of a political solution which would be commensurate with the desires of most of the people of the United States, let alone the people in El Salvador.

"In any event, suffice to say for purposes of the resolutions that what is urged here is that there be a cessation of emphasis on military activity in El Salvador so that negotiations by the contending parties might take place in an atmosphere conducive to ending the civil war which now exists. I would make just a brief allusion to our own history where in our own Civil War, I think, the introduction of military aid from outside would hardly have been conducive to the resolution of the political, social and economic problems of the United States at that time. I think the same thing applies here.

"Number 4, 'respect for self-determination of all people in Central America and non-interference in their internal affairs;'. This again is a diplomatic approach in the sense of what we are urging the Congress and the President to try. The reason for it is that on the surface quite simple,

but in terms of the foreign policy history of this country in Central and Latin America, it's quite detailed, complicated and emotional, Mr. President. It would seem, as I said, on its face to be self-evident with respect to determination of all people in Central America. The plain fact of the matter is that throughout Central America, oligarchies, economic and social oligarchies have ruled often with cruel and oppressive forces at their command to a degree that's scarcely imaginable in our everyday experience.

"The battles, if you will, that take place on this floor in our political circumstances may seem to have a quality of extreme passion from our point of view, but compared to the literal life and death circumstances that people face when attempting political reform in much of Central and Latin America, it is very difficult for us, I think, to attain more than an intellectual empathy for what is going on. That's why it's so important for us to recognize that their affairs will be settled in a manner possibly not entirely to our liking, but as is often said on the floor of this Legislature, something that we can live with. After all we do not have to live there any more than we had to live in Yugoslavia or in other countries in areas and regions which solve their own problems, often in bloody fashion, just as the United States did and has done right up until very recently in its history, and unfortunately in some instances still faced with situations of violence and bloodshed in the political context right here in our own country. It hardly does anything for our credibility to think that we can insist then in other nations that their internal affairs be conducted in such a manner as entirely compatible with what we would like in any given moment. In any event, such determination as will occur in those countries is something that in all likelihood we should try to respect in the sense of aiding people than in a way to lead them towards stability, economically and socially and in their personal lives. That we can do as a country.

"Next section, 'ending economic aggression and discrimination against any nation in Central America and an expression of willingness to negotiate economic assistance on a non-ideological basis;'. That's an extension of the previous sub-point, Mr. President. I think it should be obvious to everyone that we do that right now with the Soviet Union, with

the Peoples Republic of China.

"As a matter of fact, the President of the United States, as you well know, will be spending Easter Sunday in the State of Hawaii on his way to the Peoples Republic of China. I do find it a little incongruous that we can maintain trade and diplomatic relations with China and with the Soviet Union, but find difficulty in doing it with nations considerably smaller than ourselves, considerably less powerful in terms of treasure and military and economic might. I think that in such circumstances it is much to our advantage both in Central and Latin America, as well as with respect to our relations with others throughout the world that we not pick and choose so often in terms of ideological purity when it suits us and rather take an approach that we have with socialist governments in France, with communist governments in Middle Europe and elsewhere throughout the world, with kingdoms, in other words, the whole spectrum of political orientation as already represented in our relationships with other nations and areas. And I think that it would serve us well as a policy in the national interest of the United States to continue such an approach in Central America that will rebound to the good credit of this country there and elsewhere.

"And finally, 'no foreign military bases or troops in Central America and an end to foreign military exercises in that area;'. Obviously, Mr. President, that refers to all nations, ours as well as any other nation that are foreign to the area in terms of bases and troop exercises. I know that we are engaged in such exercises at the moment on the Nicaraguan border. It may serve the purposes of CBS evening news to show helicopters flying around or bases being constructed. It ominously reminds me of the same thing that I witnessed in my brief sojourn in Viet Nam in 1969, where we, photographic and other records that we have of the same kind of thing going on, where we built airstrips and bases and troops were there as advisors, and so on.

"I well recall, Mr. President, that one of my colleagues in probation work was one of the first people to go in as an advisor in the early 1950's, 1954 if I'm not mistaken, in Viet Nam in what was then Saigon, one of the very first, I believe 40 or 55 people there, 55 advisors, I believe; he was one of them, and indicating to me as far back as the

early 60's what he foresaw the result would be from that activity, that foreign policy activity, and as you know it was a great tragedy for all concerned. I am not so much trying to draw a parallel to the situation that occurred in Viet Nam so much as I am trying to draw attention to the fact that often one's foreign policy, when it is mixed up with military aid per se, ends up being a barren political policy. It ends up ignoring or obscuring some of the social and economic issues that might be handled in another way. If they were handled in another way, we might not find ourselves in having to rely more and more on military 'solutions' (and I put the word solutions in quotation marks), 'solutions', in other words which are not solutions, but merely the prelude to more problems for us.

"Mr. President, we are the citizens of a proud and mighty nation. In all likelihood, arguably, the mightiest nation that ever existed on earth in terms of the engines of its war capacity and, Mr. President, I would hope the capacity of its people to recognize and nurture the capacity for peace. It takes a great nation and a great people to understand its special responsibility when it has that kind of power. It takes a great nation and a perceptive people to understand that other people's aspirations are not always couched in terms that suit our own, are not always put in a manner that reflects the common considerate attitude, if you will, that exists when one feels comfortable, when one feels in control of a situation.

"In Central America and much of Latin America, today, we are dealing with a situation of strife, a situation of the culmination of hundreds and in some instances, thousands of years of exploitation and oppression, and as a result of that, Mr. President, I believe we have an opportunity, as well as a special responsibility to act in such a manner as to try to win those people not to the side of the United States, but win them to the point of view that the United States is desirous of being good neighbors with them, an able, a big enough country, a country of compassion and understanding that realizes that it is not necessary to have the obeisance of other people, but rather their friendship, and that we stand ready to seek that friendship on the basis of a mutual recognition of interest, which I believe is embodied in the points outlined in the 'Be it resolved' clause. Thank you very much."

Senator Kuroda rose to speak in against the measure as follows:

"Mr. President, I rise to speak against S.C.R.No. 89, S.D. 1 and S.R. No. 103, S.D. 1, which requests 'the President of the United States to stop military aid to Central America.' I would suggest that we leave it to the Defense and State Department experts in Washington to determine to what extent we involve ourselves in Central America.

"These jelly beans that I have here that Senator Hagino's staff has given to me and to other Senators on the floor, remind me of our President. I'll be in the same building with the President this Sunday, one of the rare times I'm going to be in church. If I have a chance to, I'll say to him, 'Mr. President, keep up your good work of protecting our freedom and liberty while you are in the White House.' And if the Republican leader and the Republican Minority leader use their influence, I'll let you use my camera for a picture. Thank you."

Senator Soares also spoke against the resolution as follows:

"Mr. President, we've been here for a long time so I don't want to make it lengthy, but I totally disagree with the entire resolution. I think the sensitivity of the situation in Central America right now is so delicate that I fully feel that it's ill-advised for us to make statements that appear here in the resolution. I recognize...and I've been in the company of my colleague, Senator Abercrombie, and I know how he feels and where he's coming from when it comes to foreign policy.

"I do believe very strongly that this resolution should not pass. I support my President, the foreign policy that he is leading, the State Department of the Department of Defense in this whole effort, and I ask all my colleagues to vote this resolution down."

Senator Cobb also spoke against the resolution as follows:

"Mr. President, I rise to speak against the resolution but in doing so with mixed feelings because when I look at the second 'Be it further resolved' clause, I find myself in agreement with at least five of the six topics or items mentioned in that 'Be it further resolved' clause.

"What I find missing in this

resolution are two elements of reciprocity that I think are critical to a peaceful solution to the situation in Latin America. The first lack of reciprocity is in the first 'Be it resolved' clause when it states 'that the policy of providing military aid to El Salvador, Guatemala, and the Nicaraguan "contras" be abandoned.'. There is no mention about the aid from the Soviet Union and Cuba in Nicaragua also being stopped in that first 'Be it resolved clause.' And I find that a critical omission.

"Secondly, in item 6 of the last paragraph of page 1, that 'no foreign military bases or troops in Central America and an end to foreign military exercises in that area.' That's good insofar as it goes. It does not mention the 2500 to 5,000 Cuban, Czech, East German and Soviet advisors already in Nicaragua already providing direct assistance. It does not mention the huge amounts of money that are being spent, both in terms of direct and indirect aid from the Government of the Soviet Union and the Government of Cuba to Nicaragua. And I think both those items, as a matter of fairness and reciprocity, should have been mentioned because the curtailment of those activities is just as important to a solution to the problems in Central America.

"Finally, Mr. President, the one area that I do disagree with in the 'Be it further resolved' clause, the last paragraph, is 'to negotiate economic assistance on a non-ideological basis.' It is a well established policy in both Democratic and Republican administrations over the last fifteen years that high technology and items involving technology with a military application should not and are not shared with or traded with Communist block countries, and that the embargo of that kind of critical technology is very much in the interest of the defense of the United States, and that in fact a coordinating committee has been established in NATO to insure that such critical technology not be shared. And in dealing with a Communist or Socialist type of government we have found that one of the areas that is most sought after is technology in trade. Even the trade that is being shared with Mainland China does not include the latest of technology or the latest of weapons, even though the present administration has granted China a most-favored-nation status for the purpose of trade. That sharing of technology has not taken place and I

think it has not taken place for a very good reason. If we are to say that their trade will be entirely on a non-ideological basis, then we would be abandoning that policy.

"Mr. President, I, among others in the Reserve in the Armed Forces, do not want any expansion of military activities in this area. I know all too well what a war means, having served in Vietnam, having been wounded four times in Vietnam. I don't ever want to see that experience shared again on my son or the sons of others, but I recognize very clearly that if we are going to achieve a peaceful and political solution, there must be negotiation and reciprocity on all sides, and those very important elements are missing as I have outlined in at least two parts of this resolution.

"Further, Mr. President, when we consider a long history of American intervention that has taken place in Central America, I don't agree with the President's policy that rejected direct negotiation with the Sandanista Government. I think that should have taken place, and I still favor that. There are a number of substantive areas of disagreement that I have personally as a private citizen with the actions of the present administration in Washington, and I would like to see a peaceful solution to the problem. But this resolution ignores two major areas of reciprocity and would contravene a central economic policy of the United States, and we would be asking our Congressional delegation to do it were we to adopt it. Thank you."

Senator Cayetano spoke in favor of the resolution as follows:

"Mr. President, I've never been in the military; I've never been in a war. While I was in law school, I did draft-counseling as I was against the war in Vietnam. When the war in Vietnam was going on, I understand this Senate issued a resolution urging the end of the war. So, something like this resolution is not without precedent.

"I think it's important that we make some expression to the President because ever since he has taken the helm of this country the foreign policy of our nation has taken a decidedly militaristic stance. When Mr. Reagan took office, there was an immediate chill on talks between the Soviets and the United States on disarmament. The history of his foreign policy has been a dramatic

and costly defense buildup to the detriment of social programs which would benefit our people. His record indicates that he has sent our Armed Forces to invade a tiny little island called Grenada. When you talk about a shot-gun approach to kill a little fly, that was a good example. Conservatives and hawks referred to that as a victory for the United States. That kind of thinking, in my view, is incredible...18 American soldiers were killed, if I recall correctly. Then he sent U.S. Marines to Lebanon along with the Battleship New Jersey, and everything I've read about the President's optimism with respect to how the Battleship New Jersey and the U.S. Marines were going to pound a peaceful solution in Lebanon. Of course, all came to a head when our Marines were placed in hopelessly indefensible position and we had 300 Marines killed, and, a retreat to the Battleship New Jersey and out of Lebanon.

"Now, that brings me now to Central America. Anyone who has studied the history of Central America, or South America, for that matter, knows that U.S. gunboat policy in that area has been a sore point in our relationships with those countries...simply put, they hate us. They hate us for the past. And, Mr. Reagan now is attempting to resurrect the past by increasing our activities in Central America. When Mr. Reagan comes to Hawaii, as the Majority Leader pointed out, I hope that I will be able to hand a copy of this resolution to him. I probably will not go to the church for services, but I would like to do so, because I think the foreign policy that he is following only means disaster to the United States.

"The young men of Hawaii have responded magnificently when their country has called them. In Korea, for example, I recall reading that our soldiers performed very well and also Hawaii had the highest percentage of casualties on a per capita population basis; and the same for Vietnam. I think those kinds of considerations make it important that we do get involved, that we do express our opinion to the Congress. The most shameful thing that has recently happened in Central America is that under the Reagan administration the CIA has been mining harbors; mining harbors and blowing up the ships of nations who are friendly to us -- the Japanese, the British, etc. This can only lead to further escalation of our problems there.

"When the Nicaraguan Government attempted to bring the matter before the World Court, the United States under President Reagan took a most shameful position. We refused to submit to the jurisdiction of the World Court. Well, for a country that professes to live by laws and for a country that wants to set an example for other countries, that in my view was the worst bit of foreign policy that I have ever seen. This resolution is not perfect. I don't quite agree with all of it. I think that the points made by Senator Cobb are well taken, but on the whole, they express a point of view -- stop escalating United States military presence in Central America. And that, I think, overrides all the other considerations. Thank you."

Senator George spoke against the resolution in Spanish.

Senator Cobb spoke against the resolution in Russian.

Senator Abercrombie then stated:

"Mr. President, I think it's important to recognize precisely the points raised by the last two speakers, speaking in a different language from that which is generally understood in the United States.

"I think, Mr. President, just in very brief response to the speakers who indicated they would be against the resolution. That was one of the points I was trying to make here, and I had hoped that the resolution made clear. If it has not, I would like to do so at this time. We're dealing with people who have a different perception of the world. We're dealing with people for whom their conversations in English which, of course, is a foreign language to them, have been mostly with people who are telling them what to do, mostly with people who are deciding their fates for them. It may be amusing for us to be able to speak in a language different from that which we are used to, but for the people that I am speaking about it is a language of life and death, as far as they are concerned. And I would hope that we would take a serious attitude toward the points that were raised; and I say that in this context, Mr. President.

"I can recall very well with respect to certain anecdotes which bring us to this point and have been mentioned on the floor today. I recall very well sitting in a room with approximately a



hundred other leaders of a Democratic Party club throughout the State of California at that time in 1964 and being told that we would support ... I beg your pardon, in 1965, after the 1964 election for President of the United States, and being told that it was our duty to support the President of the United States, Lyndon Johnson. I had voted for Lyndon Johnson and tried to get other people to vote for Lyndon Johnson on the basis that he would not take us into a war. I was told in that meeting, which took place in the Secretary to the Governor of California's home, that we were to line up behind the President of the United States and that we were to leave it to the experts in Washington. I am not paraphrasing, I am indicating to exactly what I was told; it was burned in my memory because of all the events that took place subsequent to that time. I remember being among the few people in the room that refused to do that for which I also remember being soundly criticized at the time in no uncertain terms and as a matter of fact some people quite agitated about it.

"Mr. President, we had left our foreign policy in many instances in the past to the experts in Washington, and we have seen the results quite often as to what those experts have done. They remain in Washington and remain experts and the young men and women of our country go off to war to fight battles based on their expertise.

"Mr. President, the object of introducing the resolution is with the idea of protecting our freedom and liberty. I think we ourselves are our best protection of our freedom and liberty, not the experts in Washington, nor even the President of the United States and the Congress of the United States. And it is our duty as free men and women to let those people who are in the position to make decisions with respect to the subject matter of this resolution; it is our duty and obligation to let them know what we think. That is the reason for resolutions at this level.

"This goes back in a historical sense all the way to the town meetings and all the rest of the history that we have in our country of the expression at the local level for what people believe is in their interest and in their country's interest at the national level. So I think it's very important for us to make this move, that is to say, to go on the public record with respect to

what we believe, rather than leaving it to the experts alone.

"I, too, support the President of the United States; I support the Office of the Presidency, Mr. President, just as I support this institution even though I may be in disagreement with you or with others at any given moment during its existence or my privilege to serve in it. I think that the passage of this resolution is an expression of support for the institution of the Presidency and the Congress and the decision-making process because it lets them know that we want them in turn to know what we are thinking and are relying upon them to utilize their good judgment.

"One of the things that happens, Mr. President, in this body, as you well know, and certainly happens to the President of the United States and to the Congress is that you find yourself constantly revolving, if you will, in a rather small world. We spend 60 days during the session with one another, maybe more than we would wish to in some instances, almost, but nonetheless that is the logistical fact of life. And one of the reasons we have public hearings, one of the reasons we try to have contact with constituents is so we get another point of view and make sure that we have the broadest possible input.

"That's why I think it is necessary to pass this resolution so that we try to remove a bit of that isolation, that inevitable isolation that take place, and let the President know and the Congress know that there is a point of view out there that expresses it. That take me to the last part of my remarks which are not a rebuttal, in particular to Senator Cobb, but rather a perspective raised with his comments in the hopes that he might change his mind and those who subscribe to the points that he raised would likewise change their minds as a result of the perspective I would like to present.

"I appreciate the fact that Senator Cobb was generous in his judgment of much of the substance of the resolution and would like him to respond in hopes that this will meet his objections. As to the elements of reciprocity, no mention of...in particular, I believe he mentioned the Soviet Union and the Cuban Government. The reason for that is not that I did not recognize the presence there, but rather it is the nature of the resolution because the object was to get foreign domination and

interference out that, I thought, obviously meant the Cubans, the Soviets, the United States, whatever elements were actively engaged in the military aid process. So for the good Senator's perspective that the resolution does, in fact, refer to those countries as well as the United States very clearly with respect to non-interference in internal affairs and no foreign military bases or troops in Central America. That statement is a flat statement -- 'no foreign military bases or troops in Central America,' no matter what country they come from. No means no.

"And the second point I believe had to do with the non-ideological economic assistance. Mr. President, I believe that the Senator is correct that there are laws already in the books with respect to what can be traded with anybody with respect to high technology unless you are in certain categories of already existing reciprocal agreements. There was no thought in the resolution at all to high technology. In all honesty, I doubt that the people in the areas I've mentioned, in El Salvador, Guatemala, Honduras and so on, are much interested at the moment in high technology. The only high technology they're seeing at the moment is in the form of very advanced weaponry. Many of the people that we're speaking of, if not the overwhelming majority, do well to be able to feed them and clothe and house their families and hope that there will be a time when they will not live in fear of violent death. So, the reference to economic assistance of non-ideological basis is meant to be again just exactly that, that we focus on assistance of an economic nature suitable to the situation and to the degree that that should not involve high technology trading forbidden by law. Obviously we could not do it. And I want to emphasize one last word there. It is negotiate. We would have to negotiate, and if it was not in our particular interest, I believe we would not negotiate anything of that nature. I hope that that answers his questions.

"The intent of the resolution is to end the foreign involvement, and I would conclude by saying that in the absence of doing something along these lines of trying to focus on diplomacy, a couple of things occur. There's literally nothing to lose by taking this approach and a great deal to gain. By not taking this approach and continuing to focus on military aid, I see a situation of continuing degeneration of the issue, continuing

degeneration of the situation where we will indeed have freedom and liberty on the line. It will not be ours; it will be that of the people that we will be in perhaps a war-like situation with. So, we have everything to gain and there's only one other institution or one other element in this picture, I think, which stands to gain if we continue on the present course; and that is, Mr. President, the Soviet Union. The Soviet Union, simply by standing and waiting and watching what's going on now will be succeeding. We will be, in fact, serving the purposes of those political elements in the Soviet Union that do not wish us well by continuing a policy which focusses upon military aid, first, and diplomacy and a political solution such as is advocated here, second.

"So I would ask those of you who were thinking of voting 'no' to consider these final remarks, consider the context and perspective that's been established and the spirit within which these resolutions are offered, and give your support to this approach on the basis that it is one which might possibly bear fruit in terms of peace and progress for all the parties concerned and can do no essential harm to either the military or political posture of the United States.

"Thank you."

The motion was put by the Chair, and Roll Call vote having been requested, 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," failed to be adopted on the following showing of Ayes and Noes:

Ayes, 11. Noes, 14 (Aki, Carpenter, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Uwaine, Yamasaki, Ajifu, George, A. Kobayashi and Soares).

Standing Committee Report No. 897-84 (S.R. No. 103, S.D. 1):

On motion by Senator Kawasaki, seconded by Senator Machida, and Roll Call vote having been requested, 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," failed to be adopted on

the following showing of Ayes and Noes:

Ayes, 11. Noes, 14 (Aki, Carpenter, Cobb, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Uwaine, Yamasaki, Ajifu, George, A. Kobayashi and Soares).

Standing Committee Report Nos. 898-84 (S.C.R. No. 131, S.D. 1):

Senator Kawasaki moved that Stand. Com. Rep. No. 898-84 be adopted and S.C.R. No. 131, S.D. 1, be adopted, seconded by Senator Machida.

Senator Kuroda rose to speak against the resolution as follows:

"Mr. President, I rise to speak against S.C.R. 131 and S.R. 166. I believe the adoption of this resolution, although it calls for a study, could be interpreted as an anti-military measure, which affects as I stated previously the economic health of our state. This type of resolution makes competing states very joyful and pleased.

"The 'Whereas' clauses tend to lean toward a study to establish a nuclear-free zone, and I oppose the resolutions on that basis. Thank you."

Senator A. Kobayashi spoke in favor of the resolution as follows:

"Mr. President, the threat of nuclear war has increasingly become a part of our daily lives due to the buildup and stockpiling of nuclear weapons by the Soviet Union and the United States. The ever-present danger has been the source of great anxiety and distress for many citizens of this state. The concern to protect our citizens and our beautiful state from nuclear disaster or nuclear accidents has been manifested by the adoption of ordinances by the counties of Maui and Hawaii which ban nuclear reactors or devices in these counties and its surrounding waters.

"The City and County of Honolulu voiced its concern by adopting a resolution calling for a bilateral nuclear freeze by the two major powers, the United States and the Soviet Union. Recent actions taken by the counties of Maui and Hawaii have raised questions regarding propriety and legality of such legislation which declares the counties, including the surrounding waters, to be nuclear-free zones. If our county governments are willing to take such extreme stands on this

issue, I feel strongly that we should address their concerns on a statewide level. These resolutions would provide for an objective study to be jointly conducted by the Department of Planning and Economic Development, the Department of Health and the Department of the Attorney General to determine the feasibility of establishing nuclear-free zones in our state.

"The purpose of the study is not meant to be anti-military. Its sole purpose is to clarify the legality and propriety of establishing nuclear-free zones in Hawaii. We as legislators are responsible for protecting the environment and ensuring a Hawaii that is safe for our future generations. And it is my hope that Hawaii will become the leader in the fight to reduce nuclear arms.

"Thank you."

Senator Cayetano then stated: "Mr. President, I want to commend the previous speaker for her well prepared remarks and I'd like to express her sentiments as my own and invite her to join the Democratic Party."

Senator Abercrombie interjected: "Mr. President, after the last vote she may not know which section of the Democratic Party she wants to get in."

Senator Cobb then commented:

"Mr. President, I rise to speak on this resolution with really mixed feelings, and there may be further debate that could change my mind. I'm inclined to vote against, although there may be further debate that could change my mind. I'd like to share a few facts with the members of this Senate, if I may, in terms of both the nuclear reality as well as the deployment of the Pacific Fleet and some of the questions that have bothered me on this and hopefully could be addressed.

"At any given time, Mr. President, anywhere from 20 to 40 percent of the Navy ships, depending upon the type of ship, are nuclear-powered; and as many of you know, most of the submarines in the Navy are nuclear-powered, and most of them have nuclear weapons on board. Are we to then say that any such Navy ship cannot or should not call on Pearl Harbor or use Pearl Harbor as a homeport. That raises some very fundamental questions with the adoption of the resolution that we

took action on yesterday, asking for an expansion of the homeporting facilities at Pearl Harbor both for purposes of jobs, construction, reverberation of economic income to the state and related subjects.

"It's also a well known fact, Mr. President, in nuclear technology that unless a weapon is armed it is incapable of what is called 'pre-initiation' of the premature explosion and that a weapon can only be armed upon direct authority of the National Command Authority of the United States, meaning the President of the United States, that a stored, inert nuclear weapon is not capable of that in nuclear physics is called 'pre-initiation.' As we know, also, from numerous encounters with the Defense Department and the military establishment, those individuals will neither confirm nor deny the presence or storage locations or even existence of nuclear weapons here or anywhere. And that's an ongoing policy.

"My summation, Mr. President, would be that Pearl Harbor or any strategic military facility will be a Class I nuclear target not for the reasons that there may or may not be ships there with nuclear devices, but because of the receiving, staging, repairing and deployment capabilities of that facility. When people look to the strategic reasons for classifications of a target for any reasons, those enter very high on the list of considerations by both sides as to whether an area would be a Class I or Class II nuclear target. I think the reality of nuclear weapons and physics are bad enough without some of the media stories that go into exaggeration or scare tactics. What bothers me the most is that while we are confronting the Soviets as well as some of our own friends of other nations who desire to have nuclear reactors with a capability of producing Plutonium 238, which then has a weapons capability, we are spending precious little time and not enough research money or effort on the alternatives to make such weapons obsolete. Can I refer, in particular, to not only the laser beam, but also particle beam weapons technology which could render nuclear weapons obsolete. So when we are addressing the problem of a freeze, I'd like to see it not only bilateral, but I'd like to see a lot more research done and effort put in to the project of ending this horror.

"This resolution, Mr. President, seems to be a prelude to an overall ban in Hawaii even though it says

report back, even though it says we would like to request the Department of Planning and Economic Development, the Department of Health, and the Department of the Attorney General to conduct a joint study on the feasibility of establishing nuclear-free zones in the State of Hawaii. I hope by these remarks entered into the Journal, they will consider some of the ramifications, alternatives and problems in doing so that we have not only economic but also military problems were we to say for the Island of Oahu that no ship with a nuclear reactor, be it a warship or a peaceful steamship, should call on either Pearl Harbor or Honolulu, or that we would ignore then the ongoing research into nuclear-powered aircraft. Are we then to say that any nuclear-powered aircraft should not land at Honolulu International Airport because of this nuclear-free zone? That's what bothers me about the resolution as it seems to be leading to that conclusion. And I hope that if it is adopted that the departments involved would take cognizance of these remarks.

"Thank you."

Senator Abercrombie then remarked:

"Mr. President, the remarks of the previous speaker seem to me to be more an argument for passage of the bill than against it, and inasmuch as he expressed a willingness to consider that, I just want to posit for him the following.

"I am speaking in favor, I beg your pardon. It says, 'conduct a joint study on the feasibility of establishing nuclear-free zones in the State of Hawaii.' It does not say to make the State of Hawaii a nuclear-free zone. And the reason for saying nuclear-free zones in the State of Hawaii, the reasons are very specific because sub-zones would have to be specified and the reasons for that involve safety factors, among otherwise. It would seem obvious on the face of it when we're speaking about nuclear weapons that safety is a question that does not even need any explication. But that is not the fact because, as the Senator clearly understands and points out, and I think the resolution indicates quite clearly, we're talking about more than ships and/or planes which may carry nuclear weaponry, per se. We are speaking of ships which have nuclear engines; we're speaking of radioactive waste products not just for military activities, per se, but medical

activities, etc.

"So, I think what is necessary here, or the reason behind the resolution obviously is one that takes into consideration the overall problem of nuclear weaponry and accidents and/or situation that presents itself in terms of a nuclear conflict, but to hold that up as being something beyond our capacity to deal with or something that we should not involve ourselves in is not the same thing as saying that we should not be concerned about the safety factors whether it's military, per se, or civilian medical in nature.

It is really a disservice to any nuclear policy, let alone a foreign or military policy, to ignore the safety factors that might otherwise be involved, and I think it would be in answer to say ships can simply come into Pearl Harbor and we don't pay any attention as to whether there's any leaking in the water or whether there's radioactive material or whether proper safeguards are being managed. That kind of thing has literally nothing to do with secrecy from our enemies, supposed or real, and has everything to do with proper management and cooperation between the civilian and the military elements in this state.

"Many, many times, Mr. President, the necessity for cooperation between the military and the civilian sides of life are cited on this floor and elsewhere in this state, and I think this is one instance in which the civilian side and military side can cooperate with one another to determine whether or not there are particular areas that should be set aside for activities which involve nuclear materials, and whether or not it is possible to come to a mutually agreeable solution as to how we can be assured that proper safety precautions are being taken.

"So, I don't see the slightest harm in passing the resolution and possibly a great deal of good to be done in terms of assurances at whatever station in life one is at or whatever pursuit you follow -- military, civilian, or otherwise.

Senator Cobb replied: "If the previous speaker would agree to amend the resolution to provide a copy to the Department of Defense for input on the 'Be it resolved' clauses thereof, I think that would lessen some of my concerns because I agree there has to be some joint discussions going on relative to what areas can and should be nuclear-free zones,

and I would further agree that we have an affirmative responsibility to monitor radioactive leaks from any ship, as well as the conduct of nuclear safety on board any ship, whether it be engine generation or weapon carrying capabilities. But when I see the participants of this study, I don't see any local representative of the Department of Defense at all who should be having discussion or input into the resolution."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 898-84 was adopted, and Roll Call vote having been requested, S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING NUCLEAR-FREE ZONES IN THE STATE OF HAWAII," was adopted on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Aki, Cobb, Kuroda, Machida and George).

Standing Committee Report No. 899-84 (S.R.No. 166, S.D. 1):

On motion by Senator Kawasaki, seconded by Senator Machida and carried, Stand. Com. Rep. No. 899-84 was adopted, and Roll Call vote having been requested, S.R. No. 166, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING NUCLEAR-FREE ZONES IN THE STATE OF HAWAII," was adopted on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Aki, Cobb, Kuroda, Machida and George).

Standing Committee Report No. 900-84 (H.C.R. No. 11, H.D. 1, S.D. 1):

On motion by Senator Aki, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 900-84 was adopted and H.C.R. No. 11, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MORATORIUM ON THE DISPOSAL OF NUCLEAR WASTE MATERIALS IN THE PACIFIC BASIN," was adopted.

Standing Committee Report No. 912-84 (S.R. No. 154):

Senator Machida moved that Stand Com. Rep. No. 912-84 be adopted and S.R. No. 154 be referred to the Committee on Legislative Management, seconded by Senator Mizuguchi.

Senator Kawasaki rose to inquire

about the resolution as follows:

"Mr. President, I rise to speak against passage of this resolution, but before I go into further discussion on the resolution could I direct a question to either chairmen of the joint committees that reported this resolution out. The resolution requests 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 compensation schedule.

"The question I have to either chairmen is, from what fund do we pay for the work to make this study? Is that coming out of the legislative expenses appropriation confined to activities of both the House and the Senate? Do we use the resources of the Department of Health, the Department of Social Services? The financial impact of this resolution's mandate is what I am interested in."

The Chair replied: "I think, Senator Kawasaki, since it is a Senate resolution and does not require approval by the Speaker, it would be at the expense of the Senate."

Senator Kawasaki again inquired: "So that might be taking away from that appropriation we set aside to provide for the Legislative Auditor's office to do other kinds of audits for us. Is that correct? "

The Chair again replied: "This is separate from that appropriation. It will be Senate monies involved if this is adopted, should we do this study."

Senator Kawasaki then stated:

"It seems to me that this is quite a monumental task that we're imposing on both of these committees. I just wonder whether we want to do that in view of our rather limited appropriations set aside for the activities of this Legislature, this Senate specifically.

"Mr. President, I submit that we have no business, no business in the Legislature doing a study to find out or in trying to develop a schedule and classification system for private agencies providing what is generally categorized as purchase of service activities in human services, grants-in-aid as we called it formerly. I think one of the advantages of having some of these purchases of services, human services, provided to us was that these private agencies

would compete among themselves to offer us a package of human services programs that they offer to us to say, 'you apparently at the state level do not have these kinds of services under the aegis either of the Health Department or the Department of Social Services; we have these kinds of services to perform; will you buy these services from us.'

"And generally, I had assumed that we buy the services based on the 'bang that we got for the bucks,' so to speak, how much services can we get for a given price. It just seems to me that we have no business as government entity going into the private agencies and say, 'we're going to try and classify your personnel; we're going to establish the salary schedule and so forth.' I don't think we have any business doing that. If we are going to do that, then I say why not just put them under the civil service system. At least under the civil service system we have some control; we have some semblance of knowing what the classifications are going to be; what is the cost impact; we would at least have some control over the quality of services, the competency of some of these people we're talking about providing these services.

"In effect, I think by going the route of this resolution, we are establishing a fourth branch of service. You know we have the judicial; we have the legislative; and we have the administrative branches under which purview comes all of the Department of Health, Department of Social Services. Now we are creating another branch of service not particularly controlled under civil service regulations, civil services requirements, examinations to be given to make sure that people are promoted from the ranks with qualifying performances.

"I think perhaps we are stepping into very dangerous grounds here. It just seems to me that we are not quite aware of what the end effect of the passage of this resolution is going to be. I ask members of this Senate to very seriously consider the impact of what we're trying to do here. We have no business going into the private area and to tell them 'we're going to do the classifying and establishment of salary schedules for you people.' If we're going to do that, we should just put them under the civil service program that we have. At least this way we have some measure of control and we have some measure of deciding the quality

of the kind of services we're going to provide the taxpayers of this state. For these reasons I urge this Senate body not to vote for this resolution."

Senator Machida then rose and remarked:

"Mr. President, may I just submit some comments in rebuttal. First of all, much of the data has already been gathered. The director of the Department of Personnel Services did testify that much of the classification data for employees of human services and private agencies are already in his office. It's a matter of putting this data together and creating a classification system. The thrust of the Legislature, as indicated from the budgeting process last year and also this year, is to go into a systems approach of financing human service programs. This is quite evident in the mental health and substance abuse area. And this year in the budget negotiations this was the topic of our discussion between the House and Senate.

"The systems approach and the purchase of service approach will be, I think, a lot better for the state in the long run because the human services agencies presently don't have a classification system, which results in a very high turnover rate and high overhead costs. From agency to agency, a similar position is paid differently, and so these agencies have a hard time attracting qualified employees and also retaining these employees.

"Our approach, in this resolution, is to try to have some uniform pricing system for employees in the private agencies. If this comes about, I think in the long run, administrative costs of these agencies will go down, in turn the state will save some money. So, I think this resolution is proper and I think we should proceed with forming such a system. So I urge all my colleagues to support the resolution."

Senator Mizuguchi then rose to speak in support of the resolution as follows:

"In support of the resolution, Mr. President, I just want to remind my colleagues that we just voted on a supplemental budget and in that budget there was about \$8 million appropriated for human services and health, vis a vis purchase of services and grants-in-aid. We do have a concern about pricing, about compensation for these people in

private agencies and we need to find out whether or not these salaries are reasonable and commensurate with the jobs these private agencies do. And to alleviate the fears of interim expenses, what the chairman of Health and I had in mind is that it will be an interim study and we will use permanent staff in the Majority office to assist us in this program. So I urge my colleagues to support the resolution."

Senator Cayetano then inquired: "Mr. President, I'm not opposed to this resolution but I'd like to ask either chairmen a question, if they would yield."

The Chair posed the question to the chairmen and Senator Machida having answered in the affirmative, Senator Cayetano continued:

"Mr. President, will you ask the chairmen if ... let me preface my question by stating that my experience with these private organizations is, one, that they are paid lower wages when compared to their counterparts in the state. But, the other experience that I've had is that the qualifications for these personnel in the private side are not at all comparable to that on the state side, some maybe. For example, you have the Catholic Social Services, you have social workers, and we have social workers in the state and they may require the same kinds of qualifications, education, etc.

"Now as part of this study, will the study then include that particular area? Will you look also at the qualifications, education, training, etc.? If that's the case and you apply that standard to these private organizations today, I would say that my experience has been maybe they would lose one-half to three-quarters of the personnel."

Senator Machida replied:

"Mr. President, in answer to that question, the classification study, when completed will include minimum qualification standards. The point that we are trying to address is that presently because of the lack of a system, you may have some employees that are in positions for which they are not qualified for. A person trying to do a job he is not qualified for, in the long run, I think, hurts the state's ability to provide effective services through the purchase of service system.

"Many of the services that are

provided by these human service agencies are programs that are mandated by the state or federal governments. These are services that the state cannot provide and so we go out to these private agencies to obtain them. If these services are mandated, and are considered important, I think we should have qualified people handling these services. Therefore, I believe that a classification system will bring about more qualified people, and like I said in the long run will be better for the state."

Senator Cayetano then stated:

"Mr. President, I will support this resolution, but I just want to make this observation. The reason we go out into the private sector is that they are able to provide the services cheaper. Certainly, as the chairman pointed out, if the state were to understand these responsibilities, paying employees at state salary levels, the cost will be horrendous. We go out into the private sector because the private sector can or has shown an ability to provide these services at less cost. One of the facts of life is that the reason they can is that they pay the people less."

Senator Machida replied: "Mr. President, one point I'd like to make in reference to the remarks, is that we're not saying in this resolution that the salaries should be similar or same as those in the government sector. We're saying that it should be uniform and come up to some level with the state positions. We're not advocating that they be exactly the same."

Senator Kawasaki again stated:

"Mr. President, the comments just made by the chairman of the Health Committee just assures me that in the end the salaries that we're going to pay the personnel of these private agencies are going to be comparable to what we pay at the state level under the civil service tenure system. My point again is that at least under the civil service tenure system we have entry examinations, we have qualification tests for these people to be promoted to higher levels of responsibility. If we're going to generally classify these private agencies staff people comparable to what is paid in the state then where do you maintain this semblance of competition.

"We have gone to the private agencies because we think the private

agencies competing among themselves and the state not interfering as to what they should pay these people, not interfering, let the private agencies deliver to us a price package, if you will, for human services. We go to them and have them compete among themselves and we contract with the agencies which apparently gives us the best service for the costs involved. We have this responsibility to make this decision on behalf of the taxpayers of the state. This is why we go to the private agencies.

Once you qualify everybody generally, standardize everything, then you eliminate this fact of competition. As I said, just put them under the civil service; that's the easier way to do this. And I just can't see what we're going to accomplish if we're thinking in terms of providing for the taxpayers of the state human services which are not provided today by the state to be provided by the private sector. Leave the private sector alone; it's their business as to how they conduct their affairs. We should only be concerned with the quality of the human services provided us. We should not be interfering with their classification system, etc."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 912-84 was adopted and Roll Call having been requested, 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 referred to the Committee on Legislative Management, on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Carpenter, Kawasaki and Henderson).

At 3:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:30 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Standing Committee Report No. 939-84 (S.R. No. 91, S.D. 1):

Senators Holt and Machida, for the



Committee on Higher Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 939-84) recommending that Senate Resolution No. 91, S.D. 1, be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand. Com. Rep. No. 939-84 and S.R. No. 91, S.D. 1, was deferred to the end of the calendar.

Standing Committee Report No. 940-84 (S.C.R. No. 81, S.D. 1):

Senators Holt and Machida, for the Committee on Higher Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 940-84) recommending that Senate Concurrent Resolution No. 81, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 940-84 and S.C.R. No. 81, S.D. 1, was deferred to the end of the calendar.

At 3:32 o'clock p.m., the Senate stood in recess until 8:00 o'clock p.m.

#### NIGHT SESSION

The Senate reconvened at 9:03 o'clock p.m., with all Senators present.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 323 and 324) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 323), informing the Senate of the withdrawal of the nomination of Nelson K. Moku, Jr. to the Board of Private Detectives and Guards, term to expire December 31, 1987, under Gov. Msg. No. 242, was placed on file.

In compliance with Gov. Msg. No. 323, the nomination listed under Gov. Msg. No. 242 was returned.

A message from the Governor (Gov. Msg. No. 324), transmitting the 1983 Annual Report of the Department of Social Services and Housing, pursuant to Section 346-5, H.R.S., was placed on file.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

#### HOUSE COMMUNICATIONS

House Communication No. 514 (H.C.R. No. 36):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 514 was placed on file and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT INTERIM COMMITTEE TO OVERSEE THE PROGRESS OF THE STATE OF HAWAII LAND EVALUATION AND SITE ASSESSMENT COMMISSION DURING THE 1984 INTERIM PERIOD," was referred to the Committee on Legislative Management.

House Communication No. 515 (H.C.R. No. 83):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 515 was placed on file and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING U.S. SENATOR MATSUNAGA'S BILL S.2116 WHICH PROVIDES REDRESS AND REPARATIONS FOR AMERICANS AND RESIDENT ALIENS OF JAPANESE ANCESTRY AND ALASKAN ALEUTS WHO WERE SUBJECTED TO FORCED EVACUATION AND INCARCERATED IN DETENTION CAMPS DURING WORLD WAR II," was adopted.

House Communication No. 516 (H.C.R. No. 84):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 516 was placed on file and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF THE PUNA SUGAR COMPANY," was adopted.

House Communication No. 517 (H.C.R. No. 92, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 517 was placed on file and H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM," was referred to the Committee on Agriculture.

House Communication No. 518 (H.C.R.

No. 97):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 518 was placed on file and H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT CONGRESS ENACT LEGISLATION MANDATING THE APPOINTMENT OF AT LEAST ONE HAWAII RESIDENT AS REPRESENTATIVE OR ALTERNATE REPRESENTATIVE ON THE SOUTH PACIFIC COMMISSION," was adopted.

House Communication No. 519 (H.C.R. No. 121, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 519 was placed on file and H.C.R. No. 121, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S UTILITY COMPANIES TO TAKE GREATER EFFORTS TO ENCOURAGE THE DEVELOPMENT OF ALTERNATE ENERGY SOURCES," was adopted.

House Communication No. 520 (H.C.R. No. 124):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 520 was placed on file and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL 29 -- MAY 5, 1984 AS LAW WEEK 1984," was adopted.

House Communication No. 521 (H.C.R. No. 125, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 521 was placed on file and H.C.R. No. 125, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO STUDENT RIGHTS AND RESPONSIBILITIES AND ACADEMIC GRIEVANCE PROCEDURES AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Higher Education.

House Communication No. 522 (H.C.R. No. 128, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 522 was placed on file and H.C.R. No. 128, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CLARIFICATION OF EXEMPTIONS FOR HOTEL OPERATIONS FROM REAL ESTATE LICENSING REQUIREMENTS," was referred to the Committee on

Consumer Protection and Commerce.

House Communication No. 523 (H.C.R. No. 140):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 523 was placed on file and H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF NON-PROFIT PUBLIC INTEREST LAW PROGRAMS," was adopted.

House Communication No. 524 (H.C.R. No. 141, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 524 was placed on file and H.C.R. No. 141, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE RECOGNITION OF SURFING AND POLYNESIAN CANOEING AS OLYMPIC SPORTS," was adopted.

House Communication No. 525 (H.C.R. No. 148, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 525 was placed on file and H.C.R. No. 148, H.D. 1, entitled: "HOUSE 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 referred to the Committee on Consumer Protection and Commerce.

House Communication No. 526 (H.C.R. No. 62):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 526 was placed on file and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT CONCERNING CAREER AND EMPLOYMENT GUIDANCE PROGRAMS IN THE PUBLIC HIGH SCHOOLS OF THE STATE OF HAWAII," was adopted.

House Communication No. 527 (S.C.R. No. 39, S.D. 1, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 527 was placed on file and the Senate agreed to the amendments proposed by the House and S.C.R. No. 39, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE BIG

ISLAND OCEAN RECREATION AND TOURISM PROJECT," was finally adopted.

House Communication No. 528 (S.C.R. No. 51, S.D. 1, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 528 was placed on file and the Senate agreed to the amendments proposed by the House and S.C.R. No. 51, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO KAHANA VALLEY STATE PARK," was finally adopted.

House Communication No. 529 (S.C.R. No. 71, S.D. 1, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 529 was placed on file and the Senate agreed to the amendments proposed by the House and S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE'S SUPPORT FOR THE AUSTRALIAN FEDERATION (AFTA) OF TRAVEL AGENTS CONVENTION AT KEAUHOU-KONA, HAWAII FROM JULY 27, TO AUGUST 2, 1985," was finally adopted.

House Communication No. 530 (S.C.R. No. 72):

A communication from the House (Hse. Com. No. 530), returning Senate Concurrent Resolution No. 72, which was adopted by the House of Representatives on April 18, 1984, was placed on file.

House Communication No. 531 (S.C.R. No. 31, S.D. 1, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Hse. Com. No. 531 was placed on file and the Senate agreed to the amendments proposed by the House and S.C.R. No. 31, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF WATER HAZARD WARNING MEASURES AT STATE AND COUNTY BEACH PARKS," was finally adopted.

House Communication No. 532 (S.B. No. 1918-84, S.D. 1):

A communication from the House (Hse. Com. No. 532), returning Senate Bill No. 1918-84, S.D. 1, which passed Third Reading in the House of Representatives on April 19,

1984, was placed on file.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 174 to 183) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 174), entitled: "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTER OF RELIGION WHO OPENED A DAY OF THE SENATE, TWELFTH LEGISLATURE, 1984, STATE OF HAWAII, WITH AN INSPIRATIONAL INVOCATION," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 174 was adopted.

A resolution (S.R. No. 175), entitled: "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWELFTH LEGISLATURE, REGULAR SESSION OF 1984," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 175 was adopted.

A resolution (S.R. No. 176), entitled: "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWELFTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 176 was adopted.

A resolution (S.R. No. 177), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO EXPEND FUNDS AFTER ADJOURNMENT," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 177 was adopted.

A resolution (S.R. No. 178), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 178 was adopted.

A resolution (S.R. No. 179), entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 179 was adopted.

A resolution (S.R. No. 180), entitled: "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 180 was adopted.

A resolution (S.R. No. 181), entitled: "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 181 was adopted.

A resolution (S.R. No. 182), entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," was offered by Senators Uwaine and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 182 was adopted.

A resolution (S.R. No. 183), entitled: "SENATE RESOLUTION HONORING THE MEMORY OF THE LATE FRANK CHURCH, FORMER UNITED STATES SENATOR AND EXTENDING CONDOLENCES AND DEEPEST SYMPATHY TO HIS FAMILY," was offered by Senators Kawasaki, Abercrombie, Cayetano, Fernandes Salling, Aki, Carpenter, Toguchi, Hagino, A. Kobayashi, Holt, Young, George, Ajifu, Henderson, Yamasaki, Soares, Machida, B. Kobayashi, Cobb, Uwaine, Mizuguchi, Kuroda, Wong and Solomon.

Senator Kawasaki moved that S.R. No. 183 be adopted, seconded by Senator Abercrombie.

At this time, Senator Kawasaki rose

to speak in support of the resolution as follows:

"Mr. President, it is with saddened hearts that those of us who were fortunate enough to know Senator Frank Church and his wife Bethine move the adoption of this resolution. It is the unfortunate irony of American history that Senator Frank Church of Idaho was defeated for the Democratic nomination to the Presidency by former President Carter, for indeed, he would have been an illustrious President of the United States.

"Senator Frank Church has joined other magnificent American statesmen of our times in the sublime world beyond. Adlai Stevenson, Senator Wayne Morse of Oregon, Vice President Hubert Humphrey and Frank Church were men of vision, great humanity and indomitable courage. Each of them would have been great American presidents who could have given not only Americans, but citizens of the entire world the inspired leadership so badly needed in these troubled times in a world torn by unrest, strife and despair.

"This Senate, Mr. President, joins the Congress of the United States and all of the people of the world in mourning the loss of this great statesman by the adoption of this resolution."

Senator Abercrombie also paid tribute as follows:

"Mr. President, speaking in favor of the resolution, I would like to add to the comments of the previous speaker by indicating that it is a sad irony that we are passing this resolution today in the midst of discussions once again taking place in this country about the tragedy of American foreign policy, in this particular instance, having to do with Latin America.

"Mr. President, Senator Church was the kind of man who inspired courage in the rest of us, those of us at different levels of public and civic life, community life, when we were suffering the slings of arrows of disapprobation, sometimes from our fellow citizens, sometimes from other organizations, community organizations at the local level, because citizens across the country in the early 1960's were organizing themselves to speak out against the war, against the foreign policy which could only result in disaster for the United States. It is a sad time to find the same kinds

of arguments made today that were being made then with the same kind of disastrous results before us.

"So, I think that it's only fitting that as we honor this great leader, this great political visionary, Senator Frank Church, that we keep very clearly in mind the lessons that he attempted to imbue us with at the time he was in the United States Senate and remember that those who do not learn history are doomed to repeat it."

The motion was put by the Chair and carried by a rising vote, and S.R. No. 183 was adopted.

#### CONFERENCE COMMITTEE REPORT

Conference Committee Report No. 94-84 (H.C.R. No. 26, H.D. 1, S.D. 2, C.D. 1)

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Concurrent Resolution No. 26, H.D. 1, S.D. 2, presented a report (Conf. Com. Rep. No. 94-84) recommending that H.C.R. No. 26, H.D.1, S.D. 2, as amended in C.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 94-84 was adopted, and H.C.R. No. 26, H.D. 1, S.D. 2, C.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TOURISM FUNCTIONAL PLAN," was finally adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Machida).

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 941-84) recommending that House Concurrent Resolution No. 78 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 941-84 was adopted and H.C.R. No. 78, entitled: "SENATE 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 adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 942-84) recommending that Senate Resolution No. 17 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 942-84 was adopted and S.R. No. 17, entitled: "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE FOUNDATION ON CULTURE AND THE ARTS," was adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 943-84) recommending that Senate Resolution No. 86, S.D. 1, be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 943-84 was adopted and S.R. No. 86, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A MORATORIUM ON LEASE RENT INCREASES FOR RESIDENTIAL HOUSELOTS AND AN INTERIM STUDY," was adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 944-84) recommending that Senate Resolution No. 117 be adopted.

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 944-84 was adopted and S.R. No. 117, entitled: "SENATE RESOLUTION ENCOURAGING BETTER AND MORE COORDINATED AND COOPERATIVE RELATIONSHIPS BETWEEN THE VARIOUS STATE, COUNTY, AND PRIVATE PROGRAMS AND AGENCIES ESTABLISHED TO RESPOND TO THE NEEDS OF VICTIMS AND WITNESSES OF CRIME," was adopted.

#### ORDER OF THE DAY

##### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

##### FINAL READING

Conference Committee Report No. 80-84 (H.B. No. 2203-84, H.D. 2, S.D. 1, C.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 80-84 was adopted and H.B. No. 2203-84, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

ENERGY RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Machida).

Conference Committee Report No. 81-84 (S.B. No. 1846-84, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 81-84 be adopted and S.B. No. 1846-84, S.D. 1, H.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 rise to speak in favor of the bill, registering my objection -- on page 18, item No. 18. Thank you."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 81-84 was adopted and S.B. No. 1846-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Machida).

Conference Committee Report No. 82-84 (H.B. No. 2092-84, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 82-84 was adopted and H.B. No. 2092-84, H.D. 1, S.D. 2, 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, 24. Noes, none. Excused, 1 (Machida).

Conference Committee Report No. 83-84 (H.B. No. 2320-84, H.D. 2, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 83-84 be adopted and H.B. No. 2320-84, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Carpenter spoke in favor of

the bill as follows:

"Mr. President, I rise to speak in favor of this measure, but I wish to point out some of the areas of weakness, I believe, I pointed out before the bill crossed over to the other house.

"Mr. President, I recognize that the mission of the Hawaii Crime Commission, which was initially set forth by this Legislature some years ago, has been changed somewhat, and changed, I believe, in a good vein, a vein which would now change the mission to be an agency which would, in effect, become from a Crime Commission to a Criminal Justice Commission, and the new language which is added in the mission speaks to research, evaluation and making recommendations regarding the Criminal Justice System, as well as developing, recommending and implementing public education programs relating to that Criminal Justice System.

"Mr. President, I suggested that the language was, in the first instance, weak and that it does not really charge this commission to carry out major functions in terms of oversighting, and neither does it give this commission an authority that would allow it to intercede in operations relating to the Criminal Justice System, amongst which are those agencies under the counties, the police and the prosecutor; those agencies under the state, the Attorney General, the Corrections Division, and a host of others all related to the total Criminal Justice System, as well as the Judiciary.

"Mr. President, I certainly want to commend the commission chairman, Cora Lum, who has redirected the efforts of the group, who has streamlined the commission's numbers in terms of the number of individuals who are research agents. I want to commend the director, Keith Kane-shiro, who I believe in concert with the commission chairman and other members of the commission have sought to redirect the efforts of this group. I believe they can serve a useful purpose.

"I would hope that the bill in passing would give enough life to show that, indeed, the Criminal Justice System is in need of a great deal of coordination, a great deal of oversight by some independent agency, and this agency could be that agency. I only wish the

language of the bill were a little stronger to require the cooperation of all of the agencies within the Criminal Justice System so that this commission could carry out its mission in a more positive manner. I hope that the future will show that the Criminal Justice System is in need of sad repair and, indeed, this commission can help to effect that repair.

"Thank you."

Senator Soares then spoke against the bill as follows:

"Mr. President, I rise to speak against the bill as I did when the bill left this Senate, going to the House, because as it stands now the bill primarily appropriates \$302,000 for research, evaluate and make recommendations regarding the Criminal Justice System, develop, recommend and implement public education programs relating to the Criminal Justice System. That's all it does...no investigative powers. There's no teeth, as I said before, to this bill. The function merely is education and research, and for the amount of money we're spending, this program can be taken care of by the Attorney General's office, the various police chiefs and the Judiciary branch of our state. So, as far as I'm concerned, I don't think we've given enough teeth to this commission to make it really as strong as it should be, and for the amount of money we're spending for research and developing recommendations, it's far more than I can stand."

Senator Henderson also spoke against the bill as follows:

"Mr. President, I think it's a waste of money. We're appropriating \$302,000 to put an information system in place. It would be much better off to give \$25,000 to an advertising agency, if that's what we want to do. I don't think we need to do the things that are proposed in this bill. If we want some studies made, we can have the University of Hawaii make the studies. It's ridiculous to create a whole bureaucracy to study these things that don't need to be studied. We have the Crime Commission coming down with a complete report next year. I think it's ridiculous to spend \$302,000, Mr. President, \$302,000 to implement this program. It's crazy. I recommend a vote against the bill."

Senator Abercrombie then interjected: "Mr. President, speaking in favor. Compared to the crazy things we've been doing this session, this looks like a bargain."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 83-84 was adopted and H.B. No. 2320-84, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Kawasaki, George, Henderson and Soares).

At 9:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:21 o'clock p.m.

Conference Committee Report No. 84-84 (H.B. No. 1956-84, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 84-84 was adopted and H.B. No. 1956-84, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kuroda).

Conference Committee Report No. 85-84 (H.B. No. 2402-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 85-84 was adopted and H.B. No. 2402-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Conference Committee Report No. 86-84 (H.B. No. 1906-84, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 86-84 was adopted and H.B. No. 1906-84, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL ACTIVITIES," having been read throughout, passed Final Reading on the following showing of

## Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Kawasaki).

## Conference Committee Reports:

By unanimous consent, action on the following conference committee reports and bills was deferred to the end of the calendar:

Conf. Com. Rep. No. 87-84 and S.B. No. 20, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 88-84 and S.B. No. 2125-84, S.D. 2, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 89-84 and S.B. No. 878, S.D. 2, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 90-84 and S.B. No. 1709-84, S.D. 1, H.D. 1, C.D. 1;

Conf. Com. Rep. No. 91-84 and H.B. No. 1874-84, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 92-84 and S.B. No. 1788-84, S.D. 1, H.D. 1, C.D. 1; and

Conf. Com. Rep. No. 93-84 and H.B. No. 2151-84, H.D. 2, S.D. 2, C.D. 1.

Conference Committee Report No. 54-84 (S.B. No. 1575-84, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 54-84 be adopted and S.B. No. 1575-84, S.D. 1, H.D. 1, C.D. 1, having been read through-out, pass Final Reading, seconded by Senator Soares.

Senator Cayetano spoke against the bill as follows:

"Mr. President, the overall purpose of this bill is good. It goes into an area which has been ignored for too long a time, and that is regulation of facilities which care for children. This bill received a lot of publicity because of an incident involving a child care facility on the Windward side and involving the kidnap and molestation of three children. But most of the publicity, I think, focussed on the disclosure section of the bill, and unfortunately, I think, because attention was focussed on that section, some of the other sections were not paid too close attention to, and for the reasons I'm going to state and elaborate, I believe

this bill is constitutionally defective.

"Mr. President, under existing law, if one cares for children, baby-sits for two or more children, one has to have a license from the Department of Social Services and Housing. If one does not procure a license, then, one would be guilty of a violation which can be punishable by a fine of \$200. A violation, however, Mr. President, is different from a criminal offense.

"The problem that I have with this bill is that it changed the penalty from a violation of a fine of \$200 to a misdemeanor, which is a criminal offense punishable by a sentence of one year in jail, \$1,000 fine, or both. Moreover, this is compounded by the fact that the bill is effective upon approval. Mr. President, as we all know, there are literally thousands of housewives, thousands of persons in this state who baby-sit for side income. I don't think we have to conduct a survey to conclude that because of the lack of enforcement in the past, many of those people are either ignorant or unaware of the department's requirement for licensing. Therefore, when the Governor signs this bill, if he ever does (my suspicion is that he will be compelled to veto this bill), we will have as instant criminals literally thousands of baby-sitters.

"The bill is defective in this further sense. I think the Conference Committee, in trying to deal with the problem and trying to exempt certain groups or persons caring for children, and I direct my colleagues' attention to page 3 of the bill that speaks to 'Exclusions' and came up with a whole list of exclusions. Now, we have to bear in mind that this is now a criminal offense, no longer a violation. A violation is like a parking ticket. This is a criminal offense. And under our Constitution, everyone is entitled to equal protection of the law; therefore, when exemptions are carved out to a criminal offense, these exemptions have to have a rational basis of some kind. I direct the members' attention to page 3, items 1, 2, 3, 4, and 5.

"Item 1, for example, exempts 'An individual person caring for a related child;'. What about the individual person caring for two children or three children who are related to him? A grandmother, for example, caring for three of her grandchildren. Why is there an exemption for one child and not for more? The bill speaks to developing regulations evolving



around, for example, fire code specifications, obviously meant to protect children who are being cared for. The exemption stated does not in any way connect to those kinds of concerns. The main concern of this bill, of course, is to protect the best interest or the health and welfare of the children who are being cared for. The exemptions are, I suspect, based on more convenience than those considerations because certainly a person who is caring for one related child has no advantage in terms of meeting fire code violations than a person who's caring for three. The question is whether the dwelling in which the child is being cared for meets the fire code.

"The same thing with exemption No. 2, 'A neighbor or friend caring for a child or children, if the person provides care for less than three hours per day but not more than two times a week;'. Now, what is the rational basis for 'three hours per day but not more than two times a week'...absolutely no connection to the question of fire safety or fire code, for example, no connection whatsoever.

"No. 3, 'A kindergarten, school, or program licensed by another department;'. Now, that may have rational basis because I assume that if it's a kindergarten, school, or program licensed by another department, then the rules and regulations will probably require compliance to the fire code, for example.

"No. 4, 'A program which provides exclusively for a specialized training or skill for children from and including age five to age seventeen, including but not limited to, such activities as athletic sports, foreign language, the Hawaiian language, dance, drama, music, or martial arts;'. Again, no connection to the question of fire code, to the standards set forth in this bill as far as protecting the child.

"No. 5, 'A community association duly incorporated under the laws of the State which operates for the purpose of promoting recreation, health, safety, or social group functions for children from and including age five to age seventeen;'. It seems to me that that is quite broad. Whether that can be connected to the standards with respect to fire code or fire regulations is, I guess, anybody's guess.

"But if there's an argument about exemptions stated in Items 1 through

5, in my view, Mr. President, there is no question that exemption No. 6 makes this bill constitutionally flawed. Exemption No. 6 states, 'Other such organizations as the director may choose to exclude.' Mr. President, on its face that language gives the director of the Department of Social Service and Housing extremely broad powers. In other words, the director may choose to exclude certain persons, groups, etc. from being covered under this bill, if it becomes law. There is no criteria set for the director to follow, but even if there were, I know of no criminal law in this state which permits a bureaucrat to determine who will be covered, or who will be granted exemption under the law. For example, certainly, we don't allow the police chief to grant certain individuals or groups exemption under any of our criminal laws. That's unheard of. Generally, we don't allow the director of Immigration Services to grant exemptions under our immigration laws unless in the law itself certain categories are provided, and he's given that discretion under certain criteria.

"For that reason, I think that this provision really undermines this bill on the constitutional basis. It's too vague; it's broad; and there are no guidelines. I see no reference to, for example, Chapter 91 requirements. Mr. President, as I stated earlier, I think there are good things in this bill, but I also think that on a legal basis, this bill has a lot of problems. I hope that this matter or the points that I've tried to make on this floor will be brought to the attention of the Attorney General, so when the Attorney General, if this bill should pass, if the Attorney General reviews this bill I feel convinced that the Governor will be compelled to veto this particular measure. For the reasons stated, I'm asking that all of my colleagues vote this measure down.

"Thank you."

Senator Mizuguchi spoke in favor of the bill as follows:

"Mr. President, this particular bill attempts to strengthen the statutes required for licensing of child care providers. It also allows public access to records on child care facilities. This bill is an attempt to protect infants and children that require family care, day care or preschool services.

"As the previous speaker stated, the Legislature has been very inactive

in this whole area of regulating child care facilities. We have abdicated our responsibilities and we have given the authority to the Department of Social Services and Housing, and they have governed this whole area of licensing regulation through their rules and regulations. The previous speaker's comments regarding exclusionary provisions, etc. are well taken, and this reinforces the proposition that the Legislative Auditor should assist the Legislature in studying the legal framework that governs this particular program and also review the current scope and emphasis of regulation and other aspects of this particular program.

"This bill, while not perfect, is an attempt for the Legislature to get back into policy making regarding regulations of day-care facilities. It's a bill that is not perfect, but it is an attempt to protect children from undesirable elements and situations during their very formative years of growth. For those reasons, Mr. President, I ask my colleagues to vote for this measure.

"Thank you."

Senator Cayetano then remarked:

"Mr. President, I appreciate the chairman's remarks about the concerns that I have regarding the legal problems of this bill, and I think that the conferees on this bill should be commended for their objective and what they have tried to do under the bill. But, if we want to protect children, then we should pass legislation which can be enforced. There is no sense, Mr. President, in passing legislation which is meant to deal with certain problems and when someone is accused of violating the law, the law cannot be enforced against that person because the law is unconstitutional. That is the problem that I have with this bill."

Senator Abercrombie spoke in favor of the bill as follows:

"Mr. President, I was one of the conferees on this bill and the previous speaker's remarks have been made on the floor for all to hear and, of course, he has indicated in his discussions in caucus and in other conversations his concerns about it, and it concerns me. I would obviously not like to think that I would be a part of a conference which in the end, trying to do a good thing, put forward to the body a defective bill in order to accomplish it.

"I would like to refer the members to page 4, '346-20 Rules;'. Mr. President, it is my contention, with respect to voting for the bill, that the Rules section as stated there from lines 3 through 13, I hope will be sufficient to address the concerns as stated by the previous speaker with respect to constitutionality. I am not an attorney and did not pass on the legal implications with respect to their ability to withstand the constitutionality. My assumption has to be, as a member of the Conference Committee, Mr. President, that the attorneys approved the language. I want to bring the members' attention, in particular, to lines 8 and 9 with respect to lines 3 through 13, 'shall make, prescribe, and publish such rules in accordance with chapter 91 as are deemed necessary to protect the best interests of minor children and to carry out the purposes of sections 346-18 to 346-25,' which includes the items mentioned by the previous speaker about exclusions.

"The attempt here, Mr. President, for purposes of the record and I hope it would be sufficient to guarantee the constitutionality. If it is not, well then, we'll have to come back and try again, but for purposes of the record, I want to indicate that when this is reviewed by the Governor and the Attorney General for its ability to withstand constitutional scrutiny, that No. 6 in particular, 'Other such organizations as the director may choose to exclude.' will not take place in a vacuum; that is to say, that if the bill is adopted, the director of the Department of Social Services and Housing will have to comply with Chapter 91 and at such time and in the hearings that are pursuant to Chapter 91, as I understand them, those organizations which are not denominated in No. 6 on page 3 will be; that is to say, those organizations that desire to be excluded will be enunciated at that time.

"So, in the absence of a firm legal foundation in my own background to be able to pronounce on the constitutionality, per se, I want to indicate for the record that the conferees attempted to in 346-20 to address the concerns that were put forward so clearly by the previous speaker. I am hopeful that this will take care of the necessary constitutional foundation to make the passage of this bill one which will enable us to carry forward on the purposes enunciated at the beginning of the bill."

Senator Chang spoke in favor of the bill as follows:

"Mr. President, I rise to speak in favor of this bill and in doing so I concur with the concerns expressed by the previous two speakers. I believe that this bill is needed and I also feel that any entry into Sub-section 6, found on page 3, will so delicately affect substantial interests that entry ought not to be made except upon serious consultation with the legal offices of the state. I do note that all of the concerns expressed here tonight have been directly communicated to the Chief Executive, to the chief legal officer and the director of the department that is so affected and I expect that they will take heed and pay attention to all of the concerns expressed.

Senator B. Kobayashi rose and spoke in favor of the bill:

"Mr. President, I rise to speak in favor of this particular bill and would like to reinforce the comments of the previous two speakers.

"Exclusion, Section No. 6, allows the director to exclude such organizations as the director may choose to exclude. If we take that section in conjunction with the section on page 4 having to do with rules prescribed and published in accordance with Chapter 91 and we read that to say that these rules shall carry out two purposes: (1) to protect the best interests of minor children, and (2) to carry out the purposes of Sections 346-18 to 346-25. Then, I believe you will have due process protections. That is, if the organizations the director may choose to exclude are chosen through a Chapter 91 process, as indicated on page 4, due process I believe will follow.

One of the concerns we had about this particular bill is that there are, indeed, many organizations and individuals who will be affected. I was contacted by one of these. The organization is the YMCA of Honolulu. This is not a fly-by-night organization and it is an organization which has many diverse programs, some of which deal with children and some which do not. Because they deal with a variety of people, they are not a program which will fall under the Exclusion Section No. 4 as a program which provides exclusively for specialized training or skill for children, etc., etc.; that is the YMCA provides programs for children and for adults and for children and adults of many

different ages. The YMCA as of recent have begun experimenting with programs having to do with after school care, recognizing the great need in the area and their ability, because of their long standing physical resources, facilities, to care of these kinds of children. And it is this kind of organization that perhaps might be affected and included in the Exclusion Section No. 6. I think that the bill overall is a worthy attempt to address a pressing need in this state and I think that the various flaws that have been pointed out are not totally without protection of the law.

"Thank you."

At 9:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:57 o'clock p.m.

Senator Mizuguchi then stated: "Just for the record, Mr. President, I'd like to note for the record the revisor is to include that section on Exclusion between Sections 346-18 and 346-25. Thank you."

Senator B. Kobayashi then added:

"Mr. President, I'd like to read into the record a provision in our HRS Chapter 1, 'Common Law; Construction of Laws; Section 1-23, Severability. If any provision of the Hawaii Revised Statutes, or the application thereof to any person or circumstance, is held invalid, the remainder the Hawaii Revised Statutes, or the application of the provision to other persons or circumstances, shall not be affected thereby.' I believe this provides us with some protection, should one particular section of this bill be constitutionally flawed."

Senator Cayetano further remarked:

"Mr. President, I'm a bit lonely but I'd like to respond to some of the remarks made by my colleagues. First, with respect to the section on page 4, 346-20 dealing with the Rules, if the members will look at line 11, this section only deals with Sections 346-18 through 346-25. The section dealing with the exemptions, I assume, will be a number subsequent to 346-25.

"Now, I don't know what the chairman was getting at when he made a statement about the revisor. Would the chairman explain?"

Senator Mizuguchi replied: "Yes,

Mr. President, for the record, we are asking the revisor to include that section on Exclusions within 18 and 25, so it could be numbered 25a, or 24a, etc."

Senator Cayetano further inquired: "Mr. President, would you ask the chairman what is the justification for asking the revisor to do this?"

Senator Mizuguchi again replied: "So that that portion of Exclusions will be covered under Chapter 91."

Senator Cayetano then remarked: "Mr. President, the problem that I have with that is that line 11 states exactly what the existing law is. There is no typographical error; there is no error of any kind. So, the bill on its face speaks for itself.

"The point, I guess, I'm trying to make is that the nature of this particular subject area has changed dramatically when we made it a criminal offense. I think that we should all just keep that in mind. Secondly, even if the Rule and Regulation section were to apply, the bill states that the bill becomes effective upon approval by the Governor. I doubt very much that if rules and regulations, public hearings, etc. will have been in force when the Governor, if the Governor signs this particular measure. So, there are a lot of problems with this bill and I just want to point them out for the record and hope that if the bill passes, that some measures be taken to correct them. Quite frankly, I think we should vote the bill down, and do it right the next time."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 54-84 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Carpenter, Cayetano, Fernandes Salling, Kawasaki, Solomon and Toguchi).

Senate Bill No. 2119-84, S.D. 2, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2119-84, S.D. 2, and S.B. No. 2119-84, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO COMPARABLE WORTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

House Bill No. 79:

Senator Cobb moved that H.B. No. 79, having been read throughout, pass Third Reading, seconded by Senator Soares.

Senator Cayetano spoke against the bill as follows:

"Mr. President, as I understand the bill, the bill makes an amendment to Chapter 662 to require that lawsuits brought against the state under the State Tort Liability Act be confined to state courts. Apparently the bill was introduced in response to a ruling made by Judge King in the Holo Holo case which was tried in federal court. I am at a loss to determine what is the purpose in us changing the law to require that all lawsuits filed against the state be tried in state courts.

"When the Legislature enacted the State Tort Liability Act, it said and let me quote: 'Section 662-2. Waiver and liability of State. The State hereby waives its immunity for liability for the torts of its employees and shall be liable in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.'

"Mr. President, would you ask or may I ask the chairman of the Judiciary Committee to state what is the public purpose or the public benefit of this particular bill?"

Senator Chang responded: "Mr. President, rather than yielding to that question, I'll respond to that question in my remarks in support of the bill itself."

Senator Cayetano then stated:

"Mr. President, then, I'll state my concerns about this bill. Mr. President, in the Holo Holo case the lawsuit was filed in federal court because one of the counts in the complaint, I believe, was grounded in admiralty, and under federal law the federal government has original jurisdiction over claims made in admiralty. That was one of the counts. The other counts, I believe,

were general tort counts based on negligence which are not tried under the admiralty laws. If this bill had been passed, I believe the plaintiffs in that case would have been forced to file a claim in federal court and then another claim in state court. This, it seems to me, places an undue burden not only on the plaintiffs, but also on the state because the state, then, would have to deal with actions in both courts. I am at a loss as to what the public gain is on this and I will end my remarks by again repeating my question to the chairman of the Judiciary Committee."

Senator Chang then responded:

"Mr. President, this particular bill deals with an area of the law that possibly interests only the attorneys and, as the record will indicate, some in these chambers. This has to do with the matter of sovereign immunity.

"The 11th Amendment of the United States Constitution states that 'the judicial powers of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.' This particular provision has been established as an immunity for the various states in the Union against any suits in the federal court.

"In 1978 when the State of Hawaii decided to establish a law for claims against the state by individuals, it provided for these particular sections in Chapters 661 and 662. The legislative history of that act clearly establishes that the Legislators at that time meant to expose the state only to claims in its own state courts. The record establishes that Senators Abercrombie and Cobb, at that time Representatives, participated in discussions and that Representative Sutton clearly stated that the purpose of this bill is for conferring jurisdiction upon the district courts to hear and determine certain claims against the state and that this would facilitate the bringing of cases in rural areas. The discussion of this particular matter then goes on to discuss various jurisdictional amounts which in comparison to federal jurisdiction established in the United States Constitution clearly indicates that what was being discussed there was state district courts and not federal district courts.

"Unfortunately, in the Holo Holo

decision there is a reading of Chapters 661 and 662 that appears to indicate that the interpretation of those sections exposes the state to vulnerability in federal court, as well, and that is clearly not consistent with the legislative history of those Hawaii Revised Statutes sections. Therefore, this bill has been introduced to insure that there will no further doubt as to what the Legislature intended in 1978. That is the purpose of this bill."

Senator Abercrombie then rose and stated: "Mr. President, the previous speaker has indicated to myself and another member of the Legislature or utilized us with respect to his comments, and I would like a recess to refresh my memory with what he is saying."

At 10:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:14 o'clock p.m.

Senator Abercrombie then spoke against the bill as follows:

"Mr. President, I was right in 1978 and I am right today. I was against this bill when it first passed and to the degree that the chairman of Judiciary's view is the one that represents what the bill was supposed to do, voting against it was a good idea then, and I'll quote from my speech then. 'Theoretically, maybe if this bill passes it would be good for people, but my understanding of it is that the state, the sovereign that's brought in here, can appeal anyway. So the person of limited means is going to have the hell beaten of him, anyway, if the state decides they want to do it.' And that's what it seems to me is exactly the case here.

"I couldn't know at that time that it would be the Holo Holo. It just so happens, Mr. President, that I had friends who were directly affected by the Holo Holo because of death, and also it happens to be the case that of all the members on this floor I probably know as much or more about the case than anybody here because I was chairman of the Higher Education Committee when we held a hearing of many hours' length, tapes of which exist to this day in my records, with respect to the question of negligence and admiralty law and the appropriateness of moving in the federal courts. When the committee report states that the interpretation is erroneous, that there may be a suit

brought in federal court, it is denying our citizens the opportunity to seek redress, to seek a decision on their behalf in a court of the land. That's what we're supposed to be voting for tonight, and I think it should be made clear to everyone on the floor and everybody in the state that if we pass this bill we are trying to limit you in a way that you can seek justice in the country.

"Now, the plain fact of the matter was unless you want to claim that Judge King did not know what he was doing, and that Judge King was in error, and that Judge King was violating the Constitution of the United States, unless you want to claim that you cannot claim in turn that the interpretation is erroneous. Mr. President, I was a member of this body when we settled the Holo Holo case. The same conclusion that I came to in my hearing, except we paid an attorney in this state hundreds of thousands of dollars to fight the case which couldn't be won in the first place. There was negligence in this situation, and the state settled after a lengthy review -- an unnecessary review, I might add, given the facts of the case as they'd been established. In fact, that settlement came into the millions of dollars. Now, if we pass this bill, what we're saying is that should some tragedy occur in the future in which citizens of this state decide to seek redress in federal court, they will not get the opportunity.

"Mr. President, I ask you and the members to consider, if a case is not properly before the federal court, they will be denied. The fact of the matter is that the Holo Holo case cited as an example here was accepted in federal court. If that was accepted by the federal court, not appealed by the state, and won, then that means that the individuals who went to the federal court were in order. I cannot understand how anyone can try to deny any citizen or anyone under the protection of the Constitution of the United States in our state the opportunity to go to federal court if they so desire. So, I voted 'no' in '78 and the people who were involved in the Holo Holo case at least had the benefit of going to the federal court and I think we should vote 'no' this evening."

Senator Chang responded:

"Mr. President, just to clarify a few other points. As the previous speaker has stated, the Holo Holo case involved a claim in admiralty and

where the federal court has a case properly brought before it because it has jurisdiction over such matter, that case will be heard. As the previous speaker had further pointed out, this was an admiralty claim and the federal court had jurisdiction over that admiralty claim, and this is why that claim was properly before the federal court.

"As I had earlier stated, these are not simple matters and I would just read a passage from the text on constitutional law that has been written by John Nowack & Company where they discuss this particular area. They speak about the 11th Amendment and go on to say, 'This provision acts as a jurisdictional bar to suits brought against state governments in the federal courts. It does not grant the states true immunity for it does not exempt them from the restrictions of federal law. It only means that some types of suits against them must be brought in state, rather than federal court. This distinction raises extremely important and complex issues as the Supreme Court interpretations of the amendment have led to both expansions and restrictions of the literal application of its working.'

"The crucial point, Mr. President, is that the states have the authority to decide for themselves the forms in which these claims will be brought, and the State of Hawaii has decided that these claims, where there is no federal jurisdiction, shall be brought in state court. I believe this is an appropriate and proper decision.

"Thank you."

Senator Cayetano responded:

"Mr. President, in response to the chairman, first of all, let me say that I believe the authorities and the arguments made by the chairman were made in federal court before the Honorable Judge Samuel King, and Judge King relying on the reading of 662-2 where we say the state 'waives its immunity for liability for torts of its employees and shall be liable in the same manner and to the same extent as a private individual under like circumstances,' I think Judge King relying on that, ruled that the case could be brought against the state in federal court. In any event, obviously, there's a dispute.

"During the recess I looked at the quotation cited by the chairman, and I noticed that he cited Representative Ike Sutton as an authority. Repre-

representative Sutton was a good Representative, but I'm not sure his interpretation of law was pristine and absolute. In any event, there is apparently a question, and so then, what it boils down to is this. Based on authority cited by the chairman, we know that in order to sue the state you need the state's permission. 662-2 -- past Legislature said okay, you can sue the state for the torts of its employees, and the question before us now is a policy question. Do we want to limit such lawsuits to state courts? I say that we should not because it places a burden on the plaintiff. The plaintiff would have to go to federal court if it has a claim in admiralty and then file a lawsuit in state court if the claim is in tort. This only, in my view, creates multiple litigation; it creates a burden not only on the plaintiff, but also on the state, and so it's a policy question. If you sue the state, shall it be only in the state courts unless it's in admiralty?

"Thank you."

Senator Abercrombie then remarked:

"Mr. President, I fail to understand the logic of the Judiciary chairman in stating that it was all right to bring the Holo Holo case to the federal court because the judge ruled that it was properly before it, and at the same time indicate that this is somehow different, that this bill and the committee report somehow is addressing a different area or a different reason when the second paragraph of the committee report states 'This bill is a response to a case decided in federal court, In Re Holo Holo,' and I direct the members' attention to line 10 of the bill itself: 'This Act is a response to the court's erroneous interpretation of section 662-3, Hawaii Revised Statutes, in In Re Holoholo.'

"In other words, Judge King was erroneous. How can the chairman on the one hand say that the Judge acted responsibly and acted legally by accepting the case, and then give us a bill that says the Judge's decision was erroneous? If you want to say that you want to do something different, say so, but don't make an argument both in the bill, in the very bill itself and in the committee report that the Judge's decision was erroneous when clearly it was not. The plain fact of the matter is that if you pass this bill, what you are saying to citizens of this state is that they would be cut off from an opportunity to seek justice in the federal courts

because the state lost. The fact of the matter is that in this particular case and in possibly in any case that might affect any of you or any of your constituents or anybody else in the state under the protection of our Constitution, if negligence has in fact taken place and you do have an opportunity to go to the federal court and the federal court recognizes that you should have the opportunity to do so, and anything which interferes with that on the basis of ostensibly protecting the state, in fact, protects an abstraction; and this country was not founded on the principles of protecting abstractions, but rather the individuals who reside in it, in the United States of America."

Senator Cayetano then inquired: "Mr. President, earlier I asked the chairman to respond to a question. I shall repeat it. If this bill becomes law, how will it benefit the public? I ask the question again and I ask him to answer that."

Senator Chang replied: "I believe that I have, Mr. President, but I suppose there's no harm in reiterating it. The public policy of this state, as decided in 1978, was to expose itself to vulnerability in tort claims and it decided that this vulnerability would be heard in the state forums. This is clearly indicated not so much by Representative Sutton's remarks, but by the committee report itself where it discusses various items that clearly indicate that the state forum was the chosen forum for these tort claims. Furthermore, I am told that persons bringing claims where there are items properly within federal jurisdiction file in two courts, anyway. They file in both the federal court and the state court and for these persons that are in these limited situations, there is no harm that is brought to them because they file two claims, as a matter of course, in order to protect their interest. I trust this answers the question."

Senator Cayetano then remarked: "Mr. President, I'm not sure he answered the question, but in response to his statement about persons filing in two forums, yes, it's done. Some choose to do it, some may not choose to do it. If, of course, this bill becomes law, there will be many who will not be able to do it."

Senator Abercrombie further remarked: "Mr. President, on a point of information. Representative Sutton who's not here to defend himself has been cited several times this evening with respect to this bill."

I simply want to point out to the members that Representative Sutton argued against this bill, not for the bill, and voted 'no' along with Representative Ajifu and myself."

The motion was put by the Chair and carried, and H.B. No. 79, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Carpenter, Cayetano, Fernandes Salling and Kawasaki). Excused, 1 (Henderson).

At 10:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:07 o'clock p.m.

#### ADVISE AND CONSENT

Standing Committee Report No. 755-84 (Gov. Msg. No. 208):

Senator Aki moved that Stand. Com. Rep. No. 755-84 be received and placed on file, seconded by Senator Hagino and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of Roland Higashi to the Board of Land and Natural Resources, term to expire December 31, 1985, seconded by Senator Hagino.

Senator Kawasaki spoke in favor of the appointment as follows:

"Mr. President, I rise in favor of the confirmation of the nominee. Mr. President, I feel that Mr. Higashi is one of those outstanding individuals in this state who serves on a very meaningful and important commission, the Board of Land and Natural Resources.

"At a public hearing of the Economic Development Committee, we were quite overwhelmed with the unanimity of the endorsements in behalf of Mr. Higashi. Individuals representing most of, if not every, major community organization on the Big Island testified to highly endorse this gentleman for reappointment to that position. Let me just recite a list of some of these people. We had testifying in favor of Mr. Higashi, Mr. Bill Pendered who was the president of the Hawaii Island Board of

Realtors. We had the construction industry legislative organization and their spokesman testify in his behalf. We had Donald Yamada, president of the Japanese Chamber of Commerce and Industry of Hawaii, testifying; Mayor Herbert Matayoshi of Hawaii testifying; Bob Robinson who is the president of the Chamber of Commerce of Hawaii testify in his favor. We had the County of Hawaii Councilmember Kalani Schutte testify in his behalf. We had Walt Southward, past president of the Hawaii Island Chamber of Commerce; we had Merle Lai, Councilwoman for the Big Island, testify in his favor. We had former Representative Stan Roehrig whom we respect immensely for his past legislative contributions as a member of the House of Representatives. We had Susumu Ono who is chairman of the Board of Land and Natural Resources, and if there is any individual who should know the performance of an individual who had served on that board, I think this gentleman would. We had Mr. Joseph Andrews, chairman of the Big Island Business Council, testify in his behalf. We had Mr. Robert Santos, president of the Hawaii Island Portuguese Council, testify in his behalf and I'm sure Senator Buddy Soares is very interested in this one. We had Randy Ahuna, president of the Kanoa Lehua Industrial Area Association, Inc., testify in his behalf. We had Jim Nottage, president of the Kona Coast Chamber of Commerce testify in his behalf.

"I think all of these people, unanimous in their testimony, advising the reappointment of this gentleman is ample proof that this man apparently serves this body with dedication, energy and commitment. I see no reason why we should not feel that this gentleman is qualified. I can fully understand some of the feeling of those who may not be inclined to go along with this confirmation. I think I fully understand the situation because, perhaps, I've experienced some of the kind of unhappiness that apparently prevails on this particular issue. Be that as it may, I think that it is only fair that we reconfirm a man who has proven by his past performance to be one very valuable to the citizens of the state. I urge his confirmation."

Senator Henderson also spoke in favor of the nominee as follows:

"Mr. President, I rise to speak in favor of the confirmation of Roland Higashi. I agree with what the previous speaker said. There is no



question that he had complete support by the testimony at the hearing. There was none there that testified against Roland Higashi. There was no question when we subjected him to questions and answers, he understood what the problems and concerns of being a board member of the Department of Land and Natural Resources meant. He is probably the most qualified person in the State of Hawaii, and he represents the Big Island. I urge members of this Senate to support his nomination. Thank you very much."

Senator Carpenter also spoke in favor of the nominee as follows:

"Mr. President, I rise to speak in favor of the nomination in Governor's Message 208, Mr. Roland Higashi to the Board of Land and Natural Resources. Mr. President, the litany of individuals as attested by Senator Kawasaki who spoke glowingly and in favor of the retention of and reinstatement of Mr. Higashi to the post which he presently is holding on an interim basis was glowing, indeed.

"When the hearing concluded, Mr. President, the hearing officer, the chairman, Senator James Aki, said these words, and I quote: 'In view of the overwhelming support for Mr. Higashi's appointment, I recommend Governor's Message No. 208 be moved out and reported to the floor.'

"Mr. President, the committee reports says succinctly, 'Your Committee on Economic Development after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified to the position to which nominated and recommends that the Senate advise and consent to the nomination.' It is signed by all but one of the members.

"Mr. President, I believe there really are only two questions related to this individual's desire to and subsequent appointment of by this body to be asked, and those questions are: is he qualified, and is he willing to serve? And the answer is unequivocally, yes, to both questions.

"Mr. President, the problem which may have ensued between the Senate as regards the concern for advice and consent and arguments perhaps with the Governor really took place because the Senate neither confirmed nor denied his appointment. Subsequently, this year it caused a bill to be generated which was sent by

this Legislature to the Governor just recently. Mr. Higashi has served with distinction for four years with the sanction of the Senate; for two years in an interim appointment; and I believe, Mr. President, that notwithstanding our discussions with the Governor in terms of the question of 'advise and consent,' the qualification to the post is certainly one in which Mr. Higashi has in the past and certainly can continue in the future to provide a continuing service to the State of Hawaii. I strongly urge your support for this appointment. Thank you very much."

Senator Abercrombie also spoke in favor of Mr. Higashi as follows:

"Mr. President, I speak in favor of the nomination. I have not served on the committee that dealt with this appointment, neither have I served on many other committees that dealt with appointments, but they come before us routinely. I simply would like to know. This has been put off a long time. My understanding is that Senators can make their views known as to whether or not they like somebody to serve, and generally at least given the courtesy of a reason why. If it's political; if someone campaigned against you...it's happened to me; it's happened to others on this floor...you can make your own decisions about whether or not that constitutes enough reason to vote against somebody. I wouldn't deny it to anybody. But so far as I know, with respect to campaigning and Mr. Higashi, any allegations in that direction have been dealt with by speakers on this floor already who were affected by it, and it seems to me that my experience in the Legislature has been is that's a personal matter with the Senators involved and if they're satisfied, that should end that particular portion. Then it moves to other questions already raised by previous speakers as to qualifications, willingness to serve, etc. Inasmuch as it has caused so much confusion to this point, and I personally do not know Mr. Higashi...I would not know him if he is in the audience tonight; I don't know it...so I have no personal ax to grind. I think it is only fair, if there's been all this discussion about him and he has had to wait through all of this process, that someone who opposes him at least state for the record why they are opposing and give us the reason not to vote for the individual. In the absence of that, just as we have done with dozens, and dozens, and dozens of other appointments this year and in other

years, I think the person is entitled to an affirmative vote."

Roll Call vote having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Uwaine and Wong).

At 11:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:19 o'clock p.m.

Standing Committee Report No. 829-84 (Gov. Msg. 184)

Senator Kuroda moved that Stand. Com. Rep. No. 829-84 be received and placed on file, seconded by Senator Aki and carried.

Senator Kuroda then moved that the Senate advise and consent to the nomination of Edwin K. Hayashi to the Stadium Authority, term to expire December 31, 1987, seconded by Senator Aki.

Senator Kawasaki rose to speak in support of the nomination as follows:

"Mr. President, in rising to speak in favor of the confirmation of the nominee, I believe that an explanation is in order to those other eleven members of this Senate body who had previously informed me that they would join me to reject this confirmation, originally.

"Either, there's a possibility of my getting old ahead of my time, or perhaps I am a pushover for a sad story, or perhaps I've been very effectively propagandized by my dear friends Senators Cayetano and Toguchi, or perhaps it is a combination of all three factors taking place here. In any event, to all of you in this group of 12 Senators, I express my appreciation of your support to maintain a semblance of fidelity and loyalty to this Senate body.

"We count a total of 12 votes against confirmation, and added to these 12 votes are three additional votes of Senators who said to me, personally, if I would join them to vote against the confirmation of Mr. Higashi, who was just confirmed, then they would support me and give me, perhaps, a total of 15 votes. I thanked them for this interesting 'tit for tat' proposition and I said I could not quite agree to that; I deem it

inappropriate and not in keeping with the dignity of the Senate.

"At the request of Senators Toguchi and Cayetano, the three of us met with the nominee and I have satisfied myself that the nominee, by his own admission, claims that he was used without his realizing the impact of his actions and he has expressed regret over the matter. I accepted the apology of the nominee. I thanked him, and not wishing to split this Senate over a minor issue such as an appointment to the Stadium Authority, I will now vote to confirm the nominee.

"And again, I express to all of you who had originally confirmed support of my position, originally in opposition, I now urge you to vote for the confirmation of this gentleman, as I said, in keeping with what was previously, earlier this evening, said, the 'class' that we have in this Senate.

"Thank you very much."

Senator Soares rose to speak in support of the nominee as follows:

"Mr. President, I rise to speak in favor of the nominee and I'm compelled to do so because the previous speaker just turned me on... something that I think is important for us to remember.

"I very seldom raise my voice on the floor of the Senate and I guess when I do I talk too damn loud and raise the whole top floor, but I'm really getting concerned that the advice and consent of this body has become a sham because of certain indications of campaign work, one or the other, not the man's merits, not his ability, not his integrity or credibility, but what he may have done or may have not done in support of someone else.

"We have hearings; we have testimonies; we have every opportunity in the world to find out what the man is made of and we resort ourselves to finding out who is going to join someone in voting this person down, publicly, for whatever office, and ignore the true sense of 'advise and consent.'

"And I hope to God we go back to where we belong and examine the benefits of the candidates, for whatever office, debate the merits of his or her ability and vote accordingly and leave the rest out of it."

Senator Kawasaki then responded:

"Mr. President, I'm glad that the previous speaker agrees with me and supports the confirmation of the nominee, but I'm a little at loss to understand why he is so incensed at the fact that a Senator here may take offense to the fact that someone campaigned against another fellow Senator in this body, particularly, particularly if a Senator here feels that the man who was campaigned against was a good man, was a good woman Senator, and that his or her presence in this body is an asset to the people of Hawaii. If he is in support of such a Senator in this body and he feels that anyone campaigning against re-electing a person that is useful to the people of the state and this body, then I think the Senator who finds that he can't quite vote for the confirmation of a person who campaigned against what he deems to be a valuable member of this body, who is valuable to the people of the state, then I think any Senator is perfectly right to vote against the confirmation of an individual working against what he thinks to be the best interest of the people."

Senator Henderson then rose to speak in response as follows:

"Mr. President, I don't think that's the issue at all. The issue here is that the Governor sends down a nominee and we have to look at the nominee and see if he is qualified to serve in the office. It's not whether he worked for or against anybody. It's whether he has the qualifications to perform the duties that the Governor has appointed him to.

"I find myself in a quandary here. Here I am a Republican, standing up and speaking in favor of a Governor's nominee, but I believe it. I believe the Governor is entitled to have who he wants to serve on his boards and commissions and unless there is an overriding reason why that person shouldn't be there, then we ought to confirm him.

"We should not play politics with the Governor's nominees. We shouldn't play politics with whether somebody worked for you or worked against you in your campaign. We had an issue tonight I voted up on, and so did Senator Carpenter. They were subjects of work against us. That doesn't make any difference. The man is qualified and you have to vote on the qualifications of a person to the job, not how your political aspirations are or how you feel about

it, but whether the person is qualified to perform the job that he was appointed for.

"Thank you."

Senator Toguchi then rose to speak in favor of the nominee as follows:

"Mr. President, I'd like to react to some of the comments made by some of the previous speakers.

"I'd like to commend Senator Kawasaki. I think what the Minority members are saying and what you think 'advise and consent' should be is exactly what happened when we had a meeting with the nominee, Edwin Hayashi, with Senator Kawasaki and Senator Cayetano.

"I just want it clear, for the record, that a misunderstanding was cleared and in our discussion we talked about his qualifications; we talked about his past service, his past tenure on the Stadium Authority. I'd like to commend Senator Kawasaki tonight for, as Senator Carpenter said earlier tonight, for the class that he displayed in that meeting we had with the nominee.

"I'm satisfied that Senator Kawasaki in his discussion with the nominee did ask him questions about his qualifications and his past experiences and his willingness to serve.

"I wanted to clear the record and I really don't know whether you are talking about this nominee or previous nominees.

"Thank you, Mr. President."

Senator Uwaine rose on a point of inquiry as follows:

"Mr. President, it's a beautiful thing to hear beautiful speeches about the purpose of 'advise and consent,' especially from the Minority Leader and the Minority Floor Leader...about the merits of an individual and the political aspects not be considered, but I'd like to remind the two good Senators, three years ago, when this body on the recommendation of a Republican Senator voted down the nomination of Tim Farr to the Board of Regents. I'd like to ask the two Senators, on what purpose did we vote him down?"

Senator Soares interjected: "Mr. President, point of order. That's an 'apple and orange' case. You recall, the Higher Education Committee chairman at that time was Senator

Saiki. Hearing was held; in the caucus room we discussed each one of the merits and demerits of the nominees and we voted that one down.

"I want to make one thing very clear, I have the highest respect for Senator Kawasaki's concern with regards to the floor of the Senate having class but I will not bend back to anyone on this floor to not admit tonight that both of these candidates, both of them, had problems because someone wanted to not confirm them because of political interference.

"Let's be honest! Let's call a spade a spade!"

"What I'm trying to say is that you examine the 'advise and consent' responsibility, best be very careful that the time may come where someone, publicly, will be voted down because of a personal vendetta by someone...that's all I'm concerned about."

Senator Uwayne then remarked: "Let's talk about justice, Mr. President.

"The two Minority leaders still have not answered my question. Let's give Mr. Farr some justice tonight and answer the question."

Senator Soares responded:

"Again, I want to repeat, we had a public hearing. The Higher Education Committee discussed all of the candidates to the Board of Regents; full-blown hearings were held. We had a coalition; we discussed in caucus, both in leadership and in caucus, those members whose names were brought up; we were asked to vote for or against them. As far as the hearings were concerned, the hearings themselves dictated the vote for or against Mr. Farr. There were others besides Mr. Farr that we voted against. It had nothing to do with Mr. Farr campaigning for someone or against someone. Let's not compare the both."

The Chair then interjected: "I'd like to remind the Senators that we're getting far afield and, if there are other individuals wishing to speak for or against the individual, I wish they would limit their comments to that."

Senator Cayetano then remarked: "Mr. President, I'd like to thank the Majority Leader for refreshing my recollection. I remember the incident very, very clearly and the reason Mr. Farr was not confirmed. As far

as I'm concerned, it was politics."

Senator Cobb then rose to speak in support of the nomination as follows:

"Mr. President, I think if there is a message tonight in terms of one of equality, from what I've heard debated on the floor tonight, it's that anyone can fight politics and go for or against an individual legislator on the basis of politics, but I would hope that if they miss, the individual is elected despite the playing of those games or campaigning, that they have the same freedom of action. The sword should cut both ways. Thank you."

Senator Carpenter then responded: "Mr. President, I'd just like to suggest, in deference to the previous two speakers that I think that politics has been given a nasty connotation here. I thought everything we did in this building had political ramifications. Whether our votes were up or down and for whatever rationale we chose to exercise; that's our responsibility; that's our job and I don't see that being dirty in any way whatsoever. I'd like to hope that politics is a clean word because that's the business I intend to stay in for a while. Thank you."

Senator Holt also rose to speak in support of the nomination as follows:

"Mr. President, I just wanted to clear the record that as far as I'm concerned the class act that we should all be aware of is that of the chairman of the Tourism Committee, and that credit should be given to him for looking at the qualifications of the nominee and taking into consideration the persons character, his involvement in the community, and the support that he has had from many people out there, athletes and non-athletes alike, and for the action that he took in bringing this nomination down to the floor for a vote."

Roll Call vote having been ordered, the motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Wong).

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

FINAL READING

Conference Committee Report No. 87-84 (S.B. No. 20, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 87-84 was adopted and S.B. 20, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 88-84 (S.B. No. 2125-84, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 88-84 was adopted and S.B. No. 2125-84, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 89-84 (S.B. No. 878, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 89-84 was adopted and S.B. No. 878, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Cayetano).

Conference Committee Report No. 90-84 (S.B. No. 1709-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 90-84 was adopted and S.B. No. 1709-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Cayetano).

Conference Committee Report No. 91-84 (H.B. No. 1874-84, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 91-84 was adopted and H.B. No. 1874-84, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 92-84 (S.B. No. 1788-84, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 92-84 was adopted and S.B. No. 1788-84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 93-84 (H.B. No. 2151-84, H.D. 2, S.D.2, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 93-84 be adopted and H.B. No. 2151-84, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie then rose to ask if the chairman would yield to a question.

The Chair posed the question and the chairman having answered in the affirmative, Senator Abercrombie queried as follows:

"Mr. President, would you ask the chairman if the effect of this bill is to divert the 4 percent excise tax, currently charged in the sale of gasoline, to the state Highway Fund?"

Senator Yamasaki answered: "Yes."

Senator Abercrombie continued: "Would the chairman indicate how much money is expected to be derived from that transfer and for how long a period of time this would take place?"

Senator Yamasaki answered: "It's a little over \$16 million."

Senator Abercrombie continued: "Is it correct to say that this will be for a year's time or, rather, three years' time?"

Senator Yamasaki answered: "That is correct."

Senator Abercrombie thanked the chairman then rose to speak against the bill as follows:

"Mr. President, I know of no other instance where there is such a transfer, is contemplated in law.

"Mr. President, we had the opportunity to address this issue in another manner, most particularly addressing it by virtue of a user's orientation. Instead, we are choosing at a time when we have passed the budget and which some of us have raised reservations as to whether or not there will be sufficient funds for education as well as for other services, that we do not divert a particular sum of money to the tune of \$16 million for our children, but we can do it for highways. It is a strange, strange set of priorities that we have.

"The use of the word 'politics' vended about on the floor tonight may be used at any given time to suit any given purpose but I agree with one of the previous speakers that, with respect to politics, all that we do on this floor and building is political in nature, so when we vote 'aye' and we vote 'nay' on individual issues we are stating a political philosophy. The philosophy here is, keep those construction contracts going at all costs but let the kids take their chances when it comes to their education.

"Mr. President, I feel I have a particular right, if you will, to speak on this aspect of funding because as a member and the chairman of the Education Committee or vice-chairman of the Education Chairman over the past ten years, I have seen many budgets, many programs, many discussions and, ostensibly, an abiding interest in our educational system and its welfare.

"Now in this particular instance, Mr. President, you will note that the education system has suffered a series of cuts, a series of restrictions over the past two years amounting to millions and millions of dollars. If one averages it out it's somewhat coincidental but nonetheless instructive to note that the cuts approximate that, on the average, over the last two years, of the amount of money that goes into the Highway Fund.

"You're taking the excise tax, and I'm not sure everyone in the public

understands it so I'm going to repeat it. You're taking the excise tax, the 4 percent that we pay and we are diverting from the General Fund funds which we have stated, and I have read in the media we have just congratulated the media I think, I believe it was stated somewhat, we have a perfunctory congratulations that we hand out every year to members of the media who are here to deliver the message, if I'm not mistaken, I think the record will show that the media has routinely printed, and broadcast warnings and statements by members in this body that we have a tight fiscal situation, that human services, and education and other elements of our state budget which we consider important must stand close scrutiny because funds are tight, because our general revenue picture is, perhaps, more bleak than we wish it to be and yet when we talk about the Highway Fund, the \$16 million, 'oh, it's for repair of highways,' we don't receive anything in the way or have anything before us...at least I don't see it in front me by way of the committee report, I don't see anything that indicates whether these highways actually need all this money, whether there's been any examination as to the quality of the work, whether there's an audit which is called for routinely for virtually everything in the state from the possible wickedness of the State Foundation of Culture and the Arts that might possibly pay \$50 more for a painting than somebody thinks it's worth, to various and sundry other agencies and organizations, and yet the state Highway Fund is some sacrosanct area which receives little or no attention in terms of where the actual expenditures are going on and whether in the balance, given the fact that the education system, for example, has already sustained \$30 million plus worth of restrictions in the last two years, could utilize some of those funds or that we might put something off for a year, six months, a year, eight months, eighteen months, that kind of examination hasn't been made. We told the children to sacrifice but not the highways.

"I've complained already on this floor about abstractions, that we seem to have a fidelity to abstractions in this Legislature this year and difficulty in responding affirmatively to the needs of people. In this instance, to our educational system.

"And Mr. President, I want to indicate that the reason I'm so concerned about it is, is that the

confidence that people I think were beginning to have or the re-establishment of confidence in our educational system is very fast eroding and I just do not find it reasonable to expect us to vote for diversion of the 4 percent excise tax for the highways, without a question, when we can't even sit down and figure out whether we are going to get rid of the 4 percent tax on drugs and on food. We can't come to a conclusion about how we're going to deal with that, if there's some alternative available to us and we've been looking at that for years. We can't even discuss that any further. We can't discuss how to get these cuts or restrictions revised with respect to education...."

At this time, the Chair interjected: "Excuse me, Senator Abercrombie, is it possible for you condense your presentation to about five minutes, the House is awaiting our signal to adjourn sine die."

Senator Abercrombie responded: "Mr. President, you can condense it...I can condense it by you indicating as to whether or not you feel that the vote will be negative. I feel I'm entitled to the full complement of remarks that I want to make."

The Chair allowed Senator Abercrombie to proceed.

Senator Abercrombie continued: "You've been paying attention, I notice. I looked at the clock to make sure (Chair: "I know you did.") as to what it was and it wasn't with the intention of holding up the business of the body. After all, I didn't take the recess for almost an hour to try to determine something that you had an opportunity to talk about for how many years now over the nominations. I don't think it's fair to put the burden on me for the fact that the leadership was unable to figure out what the vote was going to be on the nomination of Roland Higashi.

"Now I'm concerned about the Highway Fund getting the 4 percent. The sun will come up for Mr. Higashi, either way, but the fact of the matter is the sun is set to the tune of \$30-plus million for our education system and it appears to be on a constant rise for the highway system. The burden of my remarks is, is that if you vote this bill it seems to me the statement that is being made very clearly is, is that the Highway Fund must be salvaged at all cost but the education system must be savaged at any cost."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 93-84 was adopted and H.B. No. 2151-84, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Cayetano, Fernandes Salling, Hagino and Kawasaki).

Standing Committee Report No. 939-84 (S.R. No. 91, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 939-84 was adopted and S.R. No. 91, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO PERFORM AN AUDIT OF THE CANCER CENTER OF HAWAII," was referred to the Committee on Legislative Management.

Standing Committee Report No. 940-84 (S.C.R. No. 81, S.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 940-84 was adopted and S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO PERFORM AN AUDIT OF THE CANCER CENTER OF HAWAII," was adopted.

At 11:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock p.m.

At this time, the Chair appointed Senators Cobb, Kuroda, Henderson and Soares as a Special Committee to inform the Governor and the House of Representatives that the Senate is prepared to adjourn Sine Die.

Senator Carpenter then introduced Councilwoman Helene Hale from the Big Island.

Senator Uwayne introduced Mr. Meyer Ueoka, "a former House member who served his constituents in Maui very proudly and who now serves on the Board of Education."

Senator Ajifu then requested that his statements, commending the chairman of the Ways and Means, and commending the Chair's leadership be inserted into the Journal, and the

Chair granted the request.

Senator Ajifu's statement commending the chairman of Ways and Means reads as follows:

"Mr. President, I wish to take a few moments to publicly acknowledge the superlative job which has been done by the chairman of the Senate Committee on Ways and Means.

"Mamoru Yamasaki of Maui is known to legislators and followers of the Legislature for his many years of public service.

"For the last four years, spanning the entire lives of the Eleventh and Twelfth Legislatures, Senator Yamasaki has served us as Ways and Means chairman.

"The job has not been an easy one, as I am sure all of us realize.

"Yet through all of the many measures heard and voted on, I have always seen the chairman available to answer questions from his colleagues, always available to do what had to be done to complete work on the many responsibilities of his position.

"Under increased sensitivity about openness in government, Senator Yamasaki has, like you Mr. President, been open and accommodating to his colleagues. We have seen, in the past couple of years, some of the most open budget sessions in the history of this body.

"This year we are adjourning on time, a feat due, in no small part, to the leadership exhibited by Senator Yamasaki.

"A quiet man, a hard-working man, a polite man, I think we all owe a debt of gratitude to the Senior Senator from Maui.

"Thank you very much."

Senator Ajifu's statement on the Chair's leadership reads as follows:

"Mr. President, as we come to the close of the Twelfth Legislature, you are completing your sixth year as president of this body.

"As has been true of any major political leader, you have had your share of criticism.

"Rare in that criticisms, however, has been any charge of unfairness. You are, I believe, one of the most fair individuals in this building, and

a leader who has consistently shown fair, professional conduct to your fellows.

"You have run a Senate which has been open. I think that any critic of your manner of operation need only look at alternatives to recognize the major commitment you have to openness in management.

"I can say, based on my own experience, that your decentralized approach to Senate management, with its emphasis on wide-open discussion, has been commendable.

"Finally, let me speak of your leadership abilities. I feel strongly that you have demonstrated to this body and the general public the kind of honest and broad-minded leadership that is needed in this day and age.

"Thank you very much."

Senator Soares then rose on a point of personal privilege and stated as follows:

"Mr. President, I know you have something say but I think it's very fitting that I say a few words on behalf of the retirement of Senator Fred Rohlifing.

"We have heard from the other House that Senator Rohlifing has announced his retirement. Many of us in this Senate had the pleasure of serving with him. I particularly was given the opportunity be here because of his opportunity to run for the U.S. House and he asked the Governor to ask me to replace him.

"I'd like to read into the Journal, from today's Star Bulletin editorial: 'Rohlifing's Retirement. The Republican Party may have gained strength with the addition of Frank Fasi who in all probability will be its nominee for Mayor of Honolulu, but the retirement of Fred Rohlifing at the Legislature is certainly a loss. Rohlifing has been a stalwart of the GOP at the Legislature for many years. He was first elected to House in 1959 and served there until 1966. He was then elected to the Senate. He lost a bid for the seat in Congress in 1976 after serving as the director of the Honolulu Liaison Office of American Samoa as acting Attorney General, then returned to the House in 1980. He plans to move to Maui and practice law there. His retirement from politics may not be permanent. We hope not.'



"Mr. President, we've lost a great servant of the City and County of Honolulu and the State of Hawaii in Senator Rohlfling and I do hope that he does not leave politics."

The Chair then introduced Representative Fred Rohlfling, a former member of the Senate, who was received with a round of applause.

The Chair then discharged the Managers who were appointed on the part of the Senate for the conferences to consider the amendments proposed by the House and Senate to their respective bills.

The Chair, at this time, delivered his closing remarks as follows:

"Members of the Senate, before adjourning this final session of the Twelfth State Legislature, the Chair would like to make a few comments.

"When we started here some 60 days ago, no one was quite sure what might happen. We began the session with some factional problems. The media and our constituents were poised to make an issue of our dissensions.

"They never had the chance. Although we did not entirely resolve our differences, for the most part, we put them aside in favor of getting the job done in addressing some of the issues facing our state.

"I want to express my sincere appreciation to you all for participating in good faith, concentrating upon the tasks at hand and contributing in a positive manner to the work of the Senate. All of you participated constructively and while the process may have been a little tense at times, I think the final product is one we can all share credit for.

"I make no claims for daring or imaginative legislation this year. Some sessions are like that, just a 'nuts-and bolts' session. Restrained by the state's tight fiscal condition and deterred from taking action on some issues until various studies now underway are completed, we did the best job possible given the circumstances.

"However, we did make some solid accomplishments and I would like to mention just a few.

"We have passed a supplemental budget which meets the basic needs of the state while staying within our

available fiscal resources. Funds were provided for worthwhile human service programs to continue providing services to the people.

"We have, after years of trying, finally adopted 10 of the State Functional Plans which will help guide the future direction of our state.

"We have tightened up our laws to protect consumers, notably with respect to regulating health clubs and investment firms, two areas where major problems became evident last year.

"We have moved forward in the campaign against drunk driving with clearer statutory language on police roadblocks and with stiffer penalties for offenders. The law was also strengthened against those who supply liquor to minors.

"We have provided for public access to records relating to child care facilities to better assure the health, safety and welfare of our young children.

"On behalf of all the 25 senators, I want to express this body's sincere appreciation to our hard working staff -- in our offices, in the printshop, in the research offices, in the support offices and on the floor. Each of you knows the quality of your own personal contribution over these past three months. You are the energy and support that fuels the legislative machinery, and we could not have done our work without you. Mahalo to you all.

"When we next meet, there may be some changes in this chamber. To those of you running for reelection, I wish you the best of luck. While we may have had our differences from time to time, I have a great deal of respect and aloha for all of you. I appreciate having had the opportunity of working with you. You have represented your constituents faithfully and well. Personally speaking, I think the voters in your districts would be well served to return you back here next year.

"I look forward to seeing you all back -- hopefully from the vantage point of this podium when we convene the 1985 legislative session.

"Of course, we all bid farewell to Senator Dante Carpenter and wish him luck in his race for mayor of the Big Island.

"To those of you who are not up

for reelection this year -- if you want to keep your campaigning skills in fine tune, you can always come to help me.

"Anyway, until next year, aloha to you all!"

Senator Soares, on behalf of the Minority, remarked as follows:

"Mr. President, we want to thank you very much for your consideration for us these last two years and appreciate all the fairness and considerations that we've received. We've tried to do our best in our involvement throughout the committees especially in conference committee to share with the Majority members the burden that we had this year. It was very difficult at times but I think we, five members on this floor, showed ourselves well.

"We were worried and concerned that we had missed a number of things, very important things, just like the drinking age, making it to 21; we had some problems with the milk bill and excise tax for food and drugs, but these things are going to be up again next year and we sure hope that all five of us return so you guys can come and help us so we can get back and serve the state.

"Thank you, Mr. President."

Senator Kawasaki added his remarks as follows:

"Mr. President, I would like to be privileged to enter into the records of the Journal, my personal appreciation of the eminently fair manner and eminently gentlemanly manner in which you have presided over the affairs of this body.

"I know that I was perfectly justified in having considered you, over the years, a good personal friend and I wish you well in your endeavors."

Senator Henderson also added his remarks as follows:

"Mr. President, we've had, I think,

a good year and, speaking for my colleagues, I know we are all running for re-election, whether we come back or not is another matter, but I would just like to leave the message that next year there are some very, very important matters that will be coming before this body. We have the Tax Review Commission's report; we have the lease act, the land valuation report; we have the Water Commission report; we have the Crime Commission's recommendations; the biennium budget to look at; we have all kinds of very, very important -- unemployment, worker's compensation -- very important matters coming before this body next year. I only ask that everybody be back. I hope that my colleagues are back; I would like to be back myself, and I only can say that whoever is back, whether we are back or not, that the body take a very good look at what needs to be done because we have major work to do next year. Thank you."

At 11:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock p.m.

Senator Kuroda, for the Special Committee, reported that it had informed the Governor and the House of Representatives that the Senate is ready to adjourn Sine Die.

The President then discharged the Committee with thanks.

#### ADJOURNMENT

Senator Cobb moved that the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, adjourn Sine Die, seconded by Senator Soares and carried.

At 11:59 o'clock p.m., the President rapped his gavel and declared the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 326 informing the Senate that on April 19, 1984, he signed the following bills into law:

Senate Bill No. 2240-84 as Act 71, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND"; and

Senate Bill No. 1725-84 as Act 72, entitled: "RELATING TO BOARDS AND COMMISSIONS."

Gov. Msg. No. 327 transmitting copies of "The Natural Energy Laboratory of Hawaii, 1983 Annual Report," pursuant to Section 227-3, HRS.

Gov. Msg. No. 328 transmitting copies of the "Hawaii Fisheries Coordinating Council Annual Report, FY 1982 - 1983," prepared by the Department of Land and Natural Resources, pursuant to Section 188E-1, HRS.

Gov. Msg. No. 329 transmitting copies of the 1982-1983 Annual Report of the Department of Hawaiian Home Lands, 'Aina Ho'opulapula, pursuant to Section 222 of the Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 330 informing the Senate that on April 27, 1984, he signed the following bills into law:

Senate Bill No. 1577-84 as Act 73, entitled: "RELATING TO TAXATION";

House Bill No. 851 as Act 74, entitled: "RELATING TO THE STATUS OF WOMEN";

House Bill No. 1718-84 as Act 75, entitled: "RELATING TO COLLECTIVE BARGAINING";

House Bill No. 1738-84 as Act 76, entitled: "RELATING TO PREMATURAL EXAMINATION FOR RUBELLA";

House Bill No. 1739-84 as Act 77, entitled: "RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS";

House Bill No. 1741-84 as Act 78, entitled: "RELATING TO GRANTS-IN-AID";

House Bill No. 1839-84 as Act 79, entitled: "RELATING TO

MARRIAGE";

House Bill No. 1864-84 as Act 80, entitled: "RELATING TO SCHOOL DISTRICT ADVISORY COUNCILS";

House Bill No. 2110-84 as Act 81, entitled: "RELATING TO FILMMAKING"; and

House Bill No. 2184-84 as Act 82, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC."

Gov. Msg. No. 331 informing the Senate that on April 30, 1984, he signed the following bills into law:

Senate Bill No. 1890-84 as Act 83, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1720-84 as Act 84, entitled: "MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE"; and

House Bill No. 1749-84 as Act 85, entitled: "RELATING TO MANDATORY RETIREMENT."

Gov. Msg. No. 332 transmitting copies of the report prepared by the Hawaii Community Development Authority, April 1984, in response to Senate Resolution No. 32 (1984), Requesting the Hawaii Community Development Authority to Provide Relocation Assistance to Businesses About to be Displaced from the Site of the Honolulu Ironworks, and to Provide Information Concerning its Commitment to Help Displaced Businesses in Kaakako.

Gov. Msg. No. 333 transmitting copies of a report entitled "Ola Na Iwi - Aging With Care, A Long-Term Care Report," presented by the Hawaii State Executive Office on Aging and the Territorial Administration on Aging, American Samoa.

Gov. Msg. No. 334, a report entitled "Crime in Hawaii 1983, A Review of Uniform Crime Reports," April 1984, prepared by the Hawaii Criminal Justice Data Center.

Gov. Msg. No. 335 informing the

Senate that on May 1, 1984, he signed the following bills into law:

Senate Bill No. 785 as Act 86, entitled: "RELATING TO CREDIT SALES";

House Bill No. 1662-84 as Act 87, entitled: "RELATING TO CHILDREN'S MENTAL HEALTH SERVICES";

House Bill No. 1727-84 as Act 88, entitled: "RELATING TO FEED";

House Bill No. 1797-84 as Act 89, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS";

House Bill No. 1854-84 as Act 90, entitled: "RELATING TO STATUTORY REVISION";

House Bill No. 1980-84 as Act 91, entitled: "RELATING TO ELECTRONIC EAVESDROPPING";

House Bill No. 2039-84 as Act 92, entitled: "RELATING TO THE CAPITAL LOAN PROGRAM";

House Bill No. 2116-84 as Act 93, entitled: "RELATING TO THE DRIVER IMPROVEMENT PROGRAM"; and

House Bill No. 2233-84 as Act 94, entitled: "RELATING TO MENTAL HEALTH."

Gov. Msg. No. 336 informing the Senate that on May 9, 1984, Acting Governor John Waihee signed the following bills into law:

House Bill No. 1678-84 as Act 95, entitled: "RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS";

House Bill No. 1764-84 as Act 96, entitled: "RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)";

House Bill No. 1765-84 as Act 97, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

House Bill No. 1766-84 as Act 98, entitled: "RELATING TO CONTRACTORS";

House Bill No. 1827-84 as Act 99,

entitled: "RELATING TO INCOME TAXATION";

House Bill No. 1846-84 as Act 100, entitled: "RELATING TO COMMUNITY PROPERTY";

House Bill No. 1851-84 as Act 101, entitled: "RELATING TO PUBLIC EMPLOYMENT";

House Bill No. 1999-84 as Act 102, entitled: "RELATING TO THE JUDICIARY"; and

House Bill No. 2568-84 as Act 103, entitled: "RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."

Gov. Msg. No. 337 informing the Senate that he signed the following bills into law on the dates indicated:

May 18, 1984:

Senate Bill No. 300 as Act 104, entitled: "RELATING TO MOTOR VEHICLE ALARM SYSTEMS";

Senate Bill No. 328 as Act 105, entitled: "RELATING TO REAL PROPERTY TRANSACTIONS";

Senate Bill No. 1729-84 as Act 106, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 1815-84 as Act 107, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

Senate Bill No. 1841-84 as Act 108, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 1872-84 as Act 109, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

Senate Bill No. 2049-84 as Act 110, entitled: "RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT";

Senate Bill No. 2056-84 as Act 111, entitled: "RELATING TO PILOTAGE";

Senate Bill No. 2085-84 as Act 112, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

Senate Bill No. 2180-84 as Act 113, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

Senate Bill No. 2249-84 as Act 114,  
entitled: "RELATING TO  
HOUSING";

House Bill No. 1629-84 as Act 115,  
entitled: "RELATING TO HIGHWAY  
SAFETY";

House Bill No. 1702-84 as Act 116,  
entitled: "RELATING TO THE  
REGULATION OF DEALERS IN  
FARM PRODUCE";

House Bill No. 1754-84 as Act 117,  
entitled: "RELATING TO PUBLIC  
LANDS";

House Bill No. 1790-84 as Act 118,  
entitled: "RELATING TO BUSINESS  
NAMES AND MARKS";

House Bill No. 1838-84 as Act 119,  
entitled: "RELATING TO  
ENTERING THE MARRIAGE  
STATE";

House Bill No. 2006-84 as Act 120,  
entitled: "RELATING TO THE  
JUDICIARY";

House Bill No. 2053-84 as Act 121,  
entitled: "RELATING TO THE  
REAL ESTATE RECOVERY FUND";

House Bill No. 2163-84 as Act 122,  
entitled: "RELATING TO THE  
HAWAII PENAL CODE";

House Bill No. 2187-84 as Act 123,  
entitled: "RELATING TO LIQUOR  
LICENSES";

House Bill No. 2203-84 as Act 124,  
entitled: "RELATING TO ENERGY  
RESOURCES";

House Bill No. 2337-84 as Act 125,  
entitled: "RELATING TO TAIL  
LIGHTS ON VEHICLES"; and

House Bill No. 2486-84 as Act 126,  
entitled: "RELATING TO  
REGISTRATION OF VEHICLES";

May 19, 1984:

House Bill No. 788 as Act 127,  
entitled: "RELATING TO  
NOTARIES PUBLIC";

House Bill No. 789 as Act 128,  
entitled: "RELATING TO THE  
JUDICIARY";

House Bill No. 1723-84 as Act 129,  
entitled: "RELATING TO  
ACCOMPANYING VOUCHERS";

House Bill No. 1784-84 as Act 130,  
entitled: "RELATING TO THE

MOTOR VEHICLE REPAIR  
INDUSTRY";

House Bill No. 1786-84 as Act 131,  
entitled: "RELATING TO THE  
BOARD OF DENTAL EXAMINERS";

House Bill No. 2012-84 as Act 132,  
entitled: "RELATING TO  
CONTRACTORS"; and

House Bill No. 2383 as Act 133,  
entitled: "RELATING TO  
JOURNALS."

Gov. Msg. No. 338 transmitting  
copies of the "State Energy Resources  
Coordinator 1983 Annual Report,"  
prepared by the Department of  
Planning and Economic Development,  
pursuant to Section 196-4(11), HRS.

Gov. Msg. No. 339 transmitting  
copies of the report, "Expanding  
Hawaii's Ship-Repair Industry,"  
prepared by the Department of  
Planning and Economic Development,  
in response to Senate Resolution No.  
37 (1982), requesting a study of the  
feasibility of a private sector floating  
drydock ship repair facility.

Gov. Msg. No. 340 informing the  
Senate that he signed the following  
bills into law on the dates indicated:

May 24, 1984:

Senate Bill No. 1709-84 as Act 134,  
entitled: "RELATING TO THE  
RELIEF OF CERTAIN PERSONS'  
CLAIMS AGAINST THE STATE AND  
PROVIDING APPROPRIATIONS  
THEREFOR";

House Bill No. 79 as Act 135,  
entitled: "RELATING TO STATE  
TORT LIABILITY";

House Bill No. 1697-84 as Act 136,  
entitled: "RELATING TO THE  
BOARD OF EDUCATION";

House Bill No. 1815-84 as Act 137,  
entitled: "RELATING TO  
DENTISTRY";

House Bill No. 1863-84 as Act 138,  
entitled: "RELATING TO  
TEMPORARY RESTRAINING  
ORDERS";

House Bill No. 1892-84 as Act 139,  
entitled: "RELATING TO CRIMES  
AGAINST PUBLIC  
ADMINISTRATION";

House Bill No. 1983-84 as Act 140,  
entitled: "RELATING TO A DUTY  
TO ASSIST IN CERTAIN

CIRCUMSTANCES";

House Bill No. 2021-84 as Act 141,  
entitled: "RELATING TO THE  
ISSUANCE OF SPECIAL PURPOSE  
REVENUE BONDS";

House Bill No. 2028-84 as Act 142,  
entitled: "RELATING TO  
PSYCHOLOGISTS";

House Bill No. 2103-84 as Act 143,  
entitled: "RELATING TO  
LICENSEES UNDER THE  
INTOXICATING LIQUOR LAW";

House Bill No. 2169-84 as Act 144,  
entitled: "RELATING TO HIGHER  
EDUCATION";

House Bill No. 2230-84 as Act 145,  
entitled: "RELATING TO SPECIAL  
PURPOSE REVENUE BONDS";

House Bill No. 2261-84 as Act 146,  
entitled: "RELATING TO THE  
UNIVERSITY OF HAWAII";

House Bill No. 2406-84 as Act 147,  
entitled: "RELATING TO THE  
JOB-SHARING PROJECT IN THE  
DEPARTMENT OF EDUCATION";

House Bill No. 2527-84 as Act 148,  
entitled: "RELATING TO DEPOSITS  
OF PUBLIC FUNDS"; and

House Bill No. 2604-84 as Act 149,  
entitled: "RELATING TO  
ABSENTEE VOTING."

May 25, 1984:

Senate Bill No. 934 as Act 150,  
entitled: "RELATING TO MEDICAL  
RECORDS";

Senate Bill No. 2184-84 as Act 151,  
entitled: "RELATING TO  
GEOTHERMAL ENERGY";

House Bill No. 162 as Act 152,  
entitled: "RELATING TO BOARDS  
AND COMMISSIONS";

House Bill No. 1297 as Act 153,  
entitled: "RELATING TO SPECIAL  
PURPOSE REVENUE BONDS FOR  
HEALTH CARE FACILITIES";

House Bill No. 1755-84 as Act 154,  
entitled: "RELATING TO PUBLIC  
LANDS";

House Bill No. 1760-84 as Act 155,  
entitled: "AUTHORIZING THE  
ISSUANCE OF IMPROVEMENT  
DISTRICT BONDS FOR HAWAII  
COMMUNITY DEVELOPMENT  
AUTHORITY";

House Bill No. 1777-84 as Act 156,  
entitled: "RELATING TO CHAPTER  
26H, HAWAII REGULATORY  
LICENSING REFORM ACT";

House Bill No. 1799-84 as Act 157,  
entitled: "RELATING TO  
RESIDENTIAL LEASEHOLDS";

House Bill No. 1845-84 as Act 158,  
entitled: "RELATING TO  
SEPARATION";

House Bill No. 1848-84 as Act 159,  
entitled: "RELATING TO  
SEPARATE PROPERTY";

House Bill No. 1905-84 as Act 160,  
entitled: "MAKING AN  
APPROPRIATION FOR SUGAR  
RESEARCH AND DEVELOPMENT";

House Bill No. 1912-84 as Act 161,  
entitled: "RELATING TO HEALTH  
CLUBS";

House Bill No. 1985-84 as Act 162,  
entitled: "RELATING TO THE  
HAWAII HOUSING AUTHORITY";  
and

House Bill No. 2151-84 as Act 163,  
entitled: "RELATING TO THE  
STATE HIGHWAY FUND."

Gov. Msg. No. 341 returning House  
Bill No. 1711-84, without his  
approval, together with his statement  
of objections relating to the measure  
which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

May 16, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 1711-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III  
of the Constitution of the State of  
Hawaii, I am returning herewith,  
without my approval, House Bill No.  
1711-84, entitled 'Relating to Natural  
Energy Laboratory of Hawaii.'

House Bill No. 1711-84 is identical  
to Senate Bill No. 1878-84, which  
became law on April 18, 1984, as Act  
59 with the Governor's approval.

Both House Bill No. 1711-84 and  
Senate Bill No. 1878-84 amend the  
language of Hawaii Revised Statutes  
('HRS') section 227-1 to include the  
commercialization of natural energy

resources as one of the activities of the Natural Energy Laboratory of Hawaii ('NELH'). Both bills also amend HRS section 227-1 by deleting the sentence: 'For the purposes of such activities, the outdoor research facility shall include the land at Ke-ahole Point, the waters offshore, and the structures constructed or erected thereon or therein, as determined to be required by the managing board of the natural energy laboratory of Hawaii.'

While this Administration is not opposed to the substantive content of House Bill No. 1711-84, I feel that the approval of House Bill No. 1711-84 is inappropriate, since said bill is identical to the recently-approved Senate Bill No. 1878-84. The approval of the two identical bills may create unnecessary confusion.

Because of these objections, I am returning House Bill No. 1711-84 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

#### " P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1711-84, entitled 'Relating to The Natural Energy Laboratory of Hawaii,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 1711-84 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1711-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the

Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 26th day of May,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 342 returning Senate Bill No. 1948-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

May 26, 1984

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1948-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1948-84, entitled 'A Bill For An Act Relating to The Authorization of Special Purpose Revenue Bonds To Assist Utilities Serving The General Public.'

The purpose of Senate Bill No. 1948-84 is to extend the expiration date for the authorization provided by Act 15, 1st Special Session Laws of Hawaii 1981, to the State Department of Budget and Finance to issue special purpose revenue bonds to assist the following utilities serving the general public: Hawaiian Electric Co. (Oahu), Hawaii Electric Light Co., Maui Electric Co., and Citizens Utilities Co. (Kauai). Senate Bill No. 1948-84 contains a typographical error. Hawaii Electric Co. is designated as 'Hawaiian Electric Co.'

House Bill No. 2402-84, which was also passed by the 1984 Legislation, is identical to Senate Bill No. 1948-84, except for the aforesaid typographical error. Approval of both Senate Bill No. 1948-84 and House Bill No. 2402-84 would constitute approval of duplicate measures.

Since it is my intention to approve and sign House Bill No. 2402-84, I am returning Senate Bill No. 1948-84 without my approval.

Respectfully,

/s/ George R. Ariyoshi  
 GEORGE R. ARIYOSHI  
 Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 1948-84, entitled 'A Bill for an Act Relating to the Authorization of Special Purpose Revenue Bonds to Assist Utilities Serving the General Public,' passed by the legislature, was presented to the governor within the foregoing period; and

WHEREAS, Senate Bill No. 1948-84 is substantially identical to House Bill No. 2402-84; and

WHEREAS, my signing of House Bill No. 2402-84 into law will render Senate Bill No. 1948-84 unnecessary;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1948-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 26th day of May,  
 1984.

/s/ George R. Ariyoshi  
 GEORGE R. ARIYOSHI  
 Governor of Hawaii."

Gov. Msg. No. 343 informing the Senate that he signed the following bills into law on the dates indicated:

May 26, 1984:

Senate Bill No. 26 as Act 164, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 29 as Act 165, entitled: "RELATING TO TIME SHARING";

Senate Bill No. 761 as Act 166, entitled: "RELATING TO

CONTROLLED SUBSTANCES";

Senate Bill No. 1516-84 as Act 167, entitled: "RELATING TO VITAL STATISTICS";

Senate Bill No. 1744-84 as Act 168, entitled: "RELATING TO MEDICINE";

Senate Bill No. 1766-84 as Act 169, entitled: "RELATING TO SCHOOL VEHICLES";

Senate Bill No. 1949-84 as Act 170, entitled: "RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC";

Senate Bill No. 2073-84 as Act 171, entitled: "RELATING TO LEGISLATIVE SALARIES";

Senate Bill No. 2209-84 as Act 172, entitled: "RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE";

Senate Bill No. 2212-84 as Act 173, entitled: "RELATING TO HEALTH";

House Bill No. 1466 as Act 174, entitled: "RELATING TO PAYMENT OF WAGES TO RELATIVES OF DECEASED EMPLOYEES";

House Bill No. 2093-84 as Act 175, entitled: "RELATING TO ABANDONED VEHICLES";

House Bill No. 2160-84 as Act 176, entitled: "RELATING TO REAL ESTATE";

House Bill No. 2320-84 as Act 177, entitled: "RELATING TO THE HAWAII CRIME COMMISSION";

House Bill No. 2332-84 as Act 178, entitled: "RELATING TO PLACE TO KEEP FIREARMS"; and

House Bill No. 2497-84 as Act 179, entitled: "RELATING TO TRAVEL AGENCIES."

May 29, 1984:

Senate Bill No. 1509-84 as Act 180, entitled: RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR";

Senate Bill No. 1702-84 as Act 181, entitled: "RELATING TO MOTOR



VEHICLE INSURANCE";

Senate Bill No. 1740-84 as Act 182,  
entitled: "RELATING TO  
NURSING";

Senate Bill No. 1788-84 as Act 183,  
entitled: "RELATING TO THE  
GENERAL FUND EXPENDITURE  
CEILING";

Senate Bill No. 1867-84 as Act 184,  
entitled: "RELATING TO  
HORIZONTAL PROPERTY  
REGIMES";

Senate Bill No. 2119-84 as Act 185,  
entitled: "RELATING TO  
COMPARABLE WORTH";

Senate Bill No. 2213-84 as Act 186,  
entitled: "RELATING TO THE  
PUBLIC EMPLOYEES HEALTH  
FUND";

Senate Bill No. 2243-84 as Act 187,  
entitled: "RELATING TO  
HARBORS";

House Bill No. 1729-84 as Act 188,  
entitled: "RELATING TO  
INVOLUNTARY CIVIL COMMITMENT  
UNDER MENTAL HEALTH LAW";

House Bill No. 1742-84 as Act 189,  
entitled: "RELATING TO THE  
DETERMINATION OF DEATH";

House Bill No. 1751-84 as Act 190,  
entitled: "RELATING TO SHARING  
OCCUPATIONAL AND CAREER  
INFORMATION";

House Bill No. 1796-84 as Act 191,  
entitled: "RELATING TO THE  
HAWAII HOUSING AUTHORITY";

House Bill No. 1906-84 as Act 192,  
entitled: "MAKING AN  
APPROPRIATION FOR  
AGRICULTURAL ACTIVITIES";

House Bill No. 2142-84 as Act 193,  
entitled: "RELATING TO DRIVING  
UNDER THE INFLUENCE OF  
INTOXICATING LIQUOR";

House Bill No. 2224-84 as Act 194,  
entitled: "RELATING TO MOTOR  
VEHICLE INSURANCE RATES";

House Bill No. 2402-84 as Act 195,  
entitled: "RELATING TO THE AU-  
THORIZATION OF SPECIAL  
PURPOSE REVENUE BONDS TO  
ASSIST UTILITIES SERVING THE  
GENERAL PUBLIC"; and

House Bill No. 2429-84 as Act 196,  
entitled: "RELATING TO  
EMPLOYMENT PRACTICES."

Gov. Msg. No. 344 transmitting  
copies of the reports, "State  
Activities to Implement Priority  
Directions of The Hawaii State Plan,"  
March 1984, prepared by the Planning  
Division of the Department of  
Planning and Economic Development,  
and "County Activities to Implement  
Priority Directions of The Hawaii  
State Plan," March 1984; annual  
reports submitted in response to  
Chapter 226, HRS.

Gov. Msg. No. 345 informing the  
Senate that on May 30, 1984, he  
signed the following bills into law:

House Bill No. 537 as Act 197,  
entitled: "RELATING TO  
FINANCIAL INSTITUTION  
RECORDS";

House Bill No. 791 as Act 198,  
entitled: "RELATING TO THE  
JUDICIARY";

House Bill No. 1571 as Act 199,  
entitled: "RELATING TO THE  
HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED";

House Bill No. 1740-84 as Act 200,  
entitled: "RELATING TO THE  
COMMISSION ON THE  
HANDICAPPED";

House Bill No. 1747-84 as Act 201,  
entitled: "RELATING TO  
EMPLOYMENT SECURITY";

House Bill No. 1785-84 as Act 202,  
entitled: "RELATING TO  
DISPENSING OPTICIANS";

House Bill No. 1828-84 as Act 203,  
entitled: "RELATING TO  
HARBORS";

House Bill No. 1880-84 as Act 204,  
entitled: "RELATING TO  
FORECLOSURES";

House Bill No. 1882-84 as Act 205,  
entitled: "RELATING TO  
AGREEMENTS OF SALE";

House Bill No. 1976-84 as Act 206,  
entitled: "RELATING TO THE  
PATIENT EMPLOYMENT PROGRAM  
AT FACILITIES FOR THE  
TREATMENT OF PERSONS  
SUFFERING FROM HANSEN'S  
DISEASE";

House Bill No. 2032-84 as Act 207,  
entitled: "RELATING TO CHILD  
SUPPORT";

House Bill No. 2054-84 as Act 208,  
entitled: "RELATING TO  
PAWNBROKERS";

House Bill No. 2077-84 as Act 209,  
entitled: "RELATING TO SERVICE  
OF PROCESS";

House Bill No. 2179-84 as Act 210,  
entitled: "RELATING TO FENCES";

House Bill No. 2181-84 as Act 211,  
entitled: "RELATING TO  
LANDLORD AND TENANT";

House Bill No. 2257-84 as Act 212,  
entitled: "RELATING TO CHILD  
ABUSE AND NEGLECT PREVENTION  
SERVICES";

House Bill No. 2281-84 as Act 213,  
entitled: "RELATING TO  
HORIZONTAL PROPERTY  
REGIMES";

House Bill No. 2333-84 as Act 214,  
entitled: "RELATING TO  
EXEMPTIONS UNDER THE  
FIREARMS LAWS";

House Bill No. 2340-84 as Act 215,  
entitled: "RELATING TO REFUSAL  
TO PROVIDE IDENTIFICATION  
UNDER THE STATEWIDE TRAFFIC  
CODE";

House Bill No. 2396-84 as Act 216,  
entitled: "RELATING TO  
CONTRACTORS"; and

House Bill No. 2484-84 as Act 217,  
entitled: "REGARDING CHAPTER  
421C, HAWAII REVISED  
STATUTES."

Gov. Msg. No. 346 informing the  
Senate that on May 31, 1984, he  
signed the following bills into law:

Senate Bill No. 423 as Act 218,  
entitled: "RELATING TO MENTAL  
HEALTH AND SUBSTANCE ABUSE";

Senate Bill No. 1115 as Act 219,  
entitled: "RELATING TO  
COLLECTIVE BARGAINING IN  
PUBLIC EMPLOYMENT";

Senate Bill No. 2026-84 as Act 220,  
entitled: "RELATING TO  
COMPUTER CRIME";

House Bill No. 359 as Act 221,  
entitled: "RELATING TO  
NATIONAL GUARD AND RESERVE  
TUITION WAIVERS";

House Bill No. 538 as Act 222,  
entitled: "RELATING TO  
IMITATION CONTROLLED  
SUBSTANCES";

House Bill No. 1185 as Act 223,  
entitled: "RELATING TO PUBLIC  
GUARDIANSHIP AGENCY";

House Bill No. 1800-84 as Act 224,  
entitled: "RELATING TO THE  
HOUSING LOAN AND MORTGAGE  
PROGRAM";

House Bill No. 2294-84 as Act 225,  
entitled: "RELATING TO SPECIAL  
PURPOSE REVENUE BONDS"; and

House Bill No. 2409-84 as Act 226,  
entitled: "AUTHORIZING THE  
ISSUANCE OF SPECIAL PURPOSE  
REVENUE BONDS FOR THE POHAI  
NANI GOOD SAMARITAN KAHALE  
HEALTH CARE FACILITY FOR THE  
ELDERLY."

Gov. Msg. No. 347 informing the  
Senate that on May 31, 1984, he  
signed the following bills into law:

House Bill No. 1681-84 as Act 227,  
entitled: "RELATING TO BOARDS  
AND COMMISSIONS";

House Bill No. 1726-84 as Act 228,  
entitled: "RELATING TO DEPOSITS  
TO ACCOMPANY BIDS";

House Bill No. 1746-84 as Act 229,  
entitled: "RELATING TO  
EMPLOYMENT SECURITY";

House Bill No. 1794-84 as Act 230,  
entitled: "RELATING TO FEES FOR  
SUPPORT ENFORCEMENT  
SERVICES";

House Bill No. 1946-84 as Act 231,  
entitled: "MAKING AN  
APPROPRIATION FOR PERSONAL  
CARE SERVICES";

House Bill No. 2016-84 as Act 232,  
entitled: "RELATING TO THE  
PATIENTS' COMPENSATION FUND";

House Bill No. 2078-84 as Act 233,  
entitled: "RELATING TO THE  
COMMISSION ON  
TRANSPORTATION"; and

House Bill No. 2196-84 as Act 234,  
entitled: "RELATING TO  
FINANCIAL INSTITUTIONS."

Gov. Msg. No. 348 informing the  
Senate that on June 4, 1984, he  
signed the following bills into law:

Senate Bill No. 20 as Act 235,  
entitled: "RELATING TO PAYMENT  
FOR GOODS AND SERVICES";

House Bill No. 177 as Act 236,  
entitled: "RELATING TO THE  
HAWAII STATE PLANNING ACT";

House Bill No. 271 as Act 237,  
entitled: "RELATING TO THE  
HAWAII STATE PLANNING ACT";

House Bill No. 267 as Act 238, entitled: "RELATING TO THE CONTROL OF PETROLEUM PRODUCTS";

House Bill No. 556 as Act 239, entitled: "RELATING TO THE SELF-SERVICE STORAGE";

House Bill No. 1821-84 as Act 240, entitled: "RELATING TO CHIROPRACTORS";

House Bill No. 1925-84 as Act 241, entitled: "RELATING TO TORT LIABILITY";

House Bill No. 1984-84 as Act 242, entitled: "RELATING TO INTERNATIONAL BANKING";

House Bill No. 2418-84 as Act 243, entitled: "RELATING TO CHIROPRACTORS";

House Bill No. 847 as Act 244, entitled: "RELATING TO DRIVER EDUCATION";

House Bill No. 1721-84 as Act 245, entitled: "RELATING TO NAMES";

House Bill No. 1725-84 as Act 246, entitled: "RELATING TO CONTRACTOR'S BOND";

House Bill No. 1753-84 as Act 247, entitled: "RELATING TO THE MEMBERSHIP OF THE HAWAII FISHERIES COORDINATING COUNCIL";

House Bill No. 1807-84 as Act 248, entitled: "RELATING TO TAXATION";

House Bill No. 1811-84 as Act 249, entitled: "RELATING TO THE WAIVER OF NONRESIDENT TUITION DIFFERENTIAL AS IT APPLIES TO PACIFIC ISLAND AND FOREIGN STUDENTS AT THE UNIVERSITY OF HAWAII";

House Bill No. 1852-84 as Act 250, entitled: "RELATING TO THE UNIFORM DESERTION AND NONSUPPORT ACT (MODIFIED)";

House Bill No. 1932-84 as Act 251, entitled: "RELATING TO MENTAL HEALTH";

House Bill No. 1956-84 as Act 252, entitled: "RELATING TO PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 2020-84 as Act 253, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

Senate Bill No. 878 as Act 254,

entitled: "RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 654 as Act 255, entitled: "RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS";

House Bill No. 2407-84 as Act 256, entitled: "RELATING TO THE JOB-SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM"; and

House Bill No. 2451-84 as Act 257, entitled: "RELATING TO THE PENAL CODE."

Gov. Msg. No. 349 informing the Senate that on June 5, 1984, he signed the following bills into law:

House Bill No. 786 as Act 258, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 787 as Act 259, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 1120 as Act 260, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 1637-84 as Act 261, entitled: "RELATING TO ABANDONED VEHICLES";

House Bill No. 1757-84 as Act 262, entitled: "RELATING TO MARINE AFFAIRS";

House Bill No. 1779-84 as Act 263, entitled: "RELATING TO REAL ESTATE";

House Bill No. 1816-84 as Act 264, entitled: "RELATING TO DENTAL HYGIENISTS";

House Bill No. 1842-84 as Act 265, entitled: "RELATING TO SEPARATE MAINTENANCE";

House Bill No. 1878-84 as Act 266, entitled: "RELATING TO LAND SALES";

House Bill No. 1933-84 as Act 267, entitled: "RELATING TO HEALTH"; and

House Bill No. 2523-84 as Act 268, entitled: "RELATING TO SAFE DRINKING WATER."

Gov. Msg. No. 350 returning House Bill No. 2477-84, without his approval, together with his statement of objections relating to the measure

which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 6, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 2477-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2477-84, entitled 'Relating to Horizontal Property Regimes.'

House Bill No. 2477-84 would amend section 514A-82(1), Hawaii Revised Statutes ('HRS') to address potential situations of mathematical impossibilities in the current law which require the terms of at least one-third of the directors of a condominium association's board to expire each year. This bill would provide that when the number of persons constituting the board is not a multiple of three, the terms of that number of directors nearest to representing one-third of the directors shall expire annually.

Senate Bill No. 2085-84, which became law on May 18, 1984, as Act 112 with the Governor's approval, amends section 514A-82(1), HRS, among other provisions. Act 112 repeals the existing clause requiring that the terms of at least one-third of the directors expire annually; the Act replaces it with a requirement that condominiums with more than one hundred individual apartment units shall have an elected board of not less than nine members, unless not less than seventy-five per cent of all apartment owners vote to set the minimum number of directors at less than nine. The Act also adds a provision setting the initial term of office at either three years, or as specified by the bylaws, or until the directors' successors are elected or appointed.

Since Act 112 repealed that part of section 514A-82, HRS, amended by House Bill No. 2477-84, Act 112 renders the amendments of House Bill No. 2477-84 moot.

For the foregoing reasons, I am returning House bill No. 2477-84 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2477-84, entitled 'Relating to Horizontal Property Regimes,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2477-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2477-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 6th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 351 informing the Senate that he signed the following bills into law on the dates indicated:

June 6, 1984:

Senate Bill No. 1835-84 as Act 269,  
entitled: "RELATING TO  
INTOXICATING LIQUORS."

June 7, 1984:

Senate Bill No. 2125-84 as Act 270,  
entitled: "RELATING TO  
PENSIONER'S BONUS."

House Bill No. 1311 as Act 271,  
entitled: "RELATING TO PUBLIC  
AGENCY MEETINGS AND  
RECORDS";

House Bill No. 2002-84 as Act 272, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2161-84 as Act 273, entitled: "RELATING TO AMENDMENTS TO THE BICYCLE LAWS";

House Bill No. 2268-84 as Act 274, entitled: "RELATING TO THE FAMILY COURTS"; and

House Bill No. 2612-84 as Act 275, entitled: "RELATING TO ENVIRONMENTAL QUALITY."

Gov. Msg. No. 352 returning House Bill No. 2044-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 8, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL No. 2044-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2044-84, entitled 'Relating To Insurance.'

The purpose of House Bill No. 2044-84 is to exempt the public employee's health fund from the requirements of Hawaii Revised Statutes chapter 431A and to continue the moratorium imposed upon premium increases in workers' compensation rates.

Section 2 of this bill amends Hawaii Revised Statutes section 431-694(a) by prohibiting insurance carriers from submitting rate filings until June 1, 1985. However, Hawaii Revised Statutes section 431-694(a) is not limited in scope to workers' compensation insurance. The statute also applies to rate increases in other lines of casualty insurance. Therefore, while the effect of the proposed amendments would be to prohibit rate increases in workers' compensation insurance, the bill also prohibits rate increases in other lines of casualty insurance. The moratorium on rate increases in other categories of casualty insurance is not supported by findings of the legislature and appears to be contrary

to the legislative intent, as expressed by the committee reports.

Moreover, the requirement that on June 1 of each year all casualty insurers shall file with the Insurance Commissioner the manuals, rules, rates, and rating plans to be used during the fiscal year starting July 1 of that year creates serious implementation problems for the department of commerce and consumer affairs, which in turn may adversely impact the insurance industry by delaying rate adjustments.

For the foregoing reasons, I am returning House Bill No. 2044-84, without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2044-84, entitled 'Relating To Insurance,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2044-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2044-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 8th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 353 returning House Bill No. 2194-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU, HAWAII

June 8, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 2194-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2194-84, entitled 'A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.'

Recently, concern has been raised regarding the legal effect this measure would have on Act 272 (the successorship bill - reducing blood quantum of spouse and children to 1/4 Hawaiian) passed in 1982 and presently pending Congressional approval pursuant to Section 4 of the Hawaii Admission Act.

I have been advised of various legal arguments challenging the validity of Act 272, if House Bill No. 2194-84 were to be enacted into law. The Office of the Attorney General, on the other hand, has expressed confidence that effect can be given to both measures.

However, the Department of Hawaiian Home Lands has recommended disapproval of House Bill No. 2194-84. Although the department favors the amendments proposed in this measure, the department believes that the amendments intended by Act 272 now pending before Congress for its approval should not be placed in even the slightest form of jeopardy.

For the foregoing reasons, I am returning House Bill No. 2194-84 without my approval.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of

Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2194-84, entitled 'A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as amended,' passed the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2194-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2194-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 8th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI."

Gov. Msg. No. 354 returning House Bill No. 2308-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU, HAWAII

June 8, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 2308-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2308-84, entitled 'A Bill for an Act Relating to Controlled Substances.'

The purpose of this bill is to conform Hawaii's controlled substance schedules with federal controlled substance schedules.

The Administration is in accord with the purpose of House Bill No. 2308-84. However, Section 3 of the bill purports to amend § 329-20, HRS, in its entirety but sets forth only amended subsections (a) and (b). Existing subsections (c), (d), (e) and (f) are not set forth in the bill. Approval of this bill would, therefore, impliedly repeal these subsections. This result, apparently, was not intended by the Department of Health, since the intent was to amend only subsections (a) and (b) of § 329-20, HRS, without making changes to the remaining subsections. Moreover, repeal of subsections (c), (d), (e) and (f) of § 329-20 would seriously impair the enforcement program of the Department of Health.

For this reason, I am returning House Bill No. 2308-84 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

#### "P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2308-84, entitled 'A Bill for an Act Relating to Controlled Substances' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2308-84 is unacceptable to the governor of the State of Hawaii.

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2308-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,

this 8th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI."

Gov. Msg. No. 355 returning Senate Bill No. 1450, without his approval, together with his statement of objections relating to the measure which reads as follows:

#### "EXECUTIVE CHAMBERS HONOLULU, HAWAII

June 12, 1984

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1450

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1450, entitled 'A Bill For An Act Relating to Parole.'

Senate Bill 1450 would allow the chairman of the Hawaii Paroling Authority to serve up to three four-year terms or twelve consecutive years, in contrast to the present law which allows only eight years of service.

It appears that the present chairman, who is the State's first fulltime head of the Paroling Authority, has done an excellent job. He has also worked closely with the Corrections Division, the Intake Service Center and other public safety agencies in developing a smoother offender flow process.

Notwithstanding the fine record of the incumbent, I believe that the appointment of any individual as chairman of the Paroling Authority for two consecutive four-year terms (for a total of eight years) is a sufficient period of service and continuity. Moreover, limiting the term of office as provided by existing law would give other competent people an opportunity to serve in this important position.

I am concerned also that a change in the term of office of the Paroling Authority chairman would open the door to proposals extending the terms of other board and commission chairmen whose terms of office are presently limited to two consecutive four-year terms.

For the foregoing reasons, I am returning Senate Bill No. 1450 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 1450, entitled 'A Bill for an Act Relating to Parole,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1450 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1450 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI."

Gov. Msg. No. 356 returning Senate Bill No. 1745-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
SENATE BILL NO. 1745-84

Honorable Members

Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1745-84, entitled 'Relating to Acupuncture.'

The purpose of Senate Bill No. 1745-84 is to abolish the Board of Acupuncture as of January 1, 1985, and transfer administration of the regulation of the practice of acupuncture to the Board of Medical Examiners as of that date.

I believe that the regulation of the practice of acupuncture is necessary to help ensure the protection of public health and safety. However, the regulation of the practice of acupuncture is more appropriately performed by the Board of Acupuncture, which consists in part of acupuncturists licensed in accordance with chapter 436D, Hawaii Revised Statutes, rather than by the Board of Medical Examiners.

I recognize that chapter 436D (Board of Acupuncture) will be repealed effective December 31, 1984, pursuant to section 26H-4(b)(1), Hawaii Revised Statutes. My hope is that the legislature will act quickly during the 1985 legislative session to reinstate the Board of Acupuncture.

Because I believe that the Board of Acupuncture is the proper body to regulate the practice of acupuncture, I am returning Senate Bill No. 1745-84 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 1745-84, entitled 'Relating to Acupuncture,' passed by the legislature, was presented to the governor within the



forementioned period; and

WHEREAS, Senate Bill No. 1745-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1745-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 357 returning Senate Bill No. 2087-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
SENATE BILL NO. 2087-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2087-84, entitled 'Relating to Interest.'

Senate Bill No. 2087-84 has two purposes: (1) to eliminate the 'drop dead' provisions in chapter 408 and 478, Hawaii Revised Statutes; and (2) to limit the amount of interest that may be charged on certain agreements of sale under chapter 478, Hawaii Revised Statutes.

I recognize that the first purpose is a truly meritorious one, because unrealistically low interest rate ceilings adversely affect the business and financial community and make it difficult for consumers to obtain needed credit and loans.

The second purpose of the bill is intended to help buyers of real

property under agreements of sale. In order to alleviate the problem of sellers having an undue advantage in bargaining power due to interim increase in market interest rates, the bill would impose a ceiling related to the underlying interest rates; upon extension at maturity or renegotiation of the agreement of sale, the rate of interest charged could 'not be more than four per cent above the highest rate of interest charged under the loan or loans at the time the agreement of sale is extended or renegotiated, or four per cent over the rate originally specified in the agreement of sale, whichever is greater.'

The four per cent ceiling may yield interest rates significantly below the market interest rates. While intended to help home buyers, the ceiling may actually hurt buyers by causing sellers to refuse to renegotiate or extend at maturity the agreements of sale. Once the sellers so refuse, they would be free to sell their property to other buyers without being subject to the interest rate ceiling. An interest rate ceiling is not objectionable per se, for the protection of home buyers is a valid purpose. But a ceiling which would result in unrealistically low interest rates may defeat the purpose of the provision.

Because the elimination of the 'drop dead' provisions by Senate Bill No. 2087-84 is very important to the business community and consumers, I am reluctant to return this bill without my approval.

However, for the foregoing reasons relating to the bill's imposition of an interest rate ceiling on certain agreements of sale, I am returning Senate Bill No. 2087-84 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the

legislature; and

WHEREAS, Senate Bill No. 2087-84, entitled 'Relating to Interest,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2087-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2087-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 358 returning House Bill No. 2075-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU, HAWAII

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 2075-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2075-84, entitled 'A Bill for an Act Relating to the Environment.'

The stated purpose of House bill No. 2075-84 is to provide an administrative procedure by which any person may appeal a determination that an environmental impact statement (EIS) is or is not required, as an alternative to seeking judicial appeal.

It appears to be the legislature's understanding that the only means,

presently, of appealing a determination that an EIS is or is not required is by resort to judicial appeal. Contrary to such understanding, each agency is required to environmentally assess projects proposed to it as a part of the agency's permit procedures. Administrative appeals can be taken in accordance with each agency's administrative appeal procedures, and then appealed judicially as provided in chapter 91, Hawaii Revised Statutes.

This bill engenders vagueness and ambiguity, as it is uncertain whether, and to what extent, an appeal to the Environmental Council is in lieu of or in addition to these existing agency appeal procedures.

Moreover, the reference to the 'judicial appeal process provided in § 342-7, Hawaii Revised Statutes', seems to be in error. Earlier committee reports refer to § 343-7, Hawaii Revised Statutes, which appears more appropriate. However, § 343-7, Hawaii Revised Statutes, is a statute of limitations which limits the filing of legal actions concerning the determination that an EIS is or is not required to sixty days--it is not an appeal process per se. Section 343-7, Hawaii Revised Statutes, can be considered a judicial appeal process only to the extent that such a legal action, concerning the determination that an EIS is or is not required, would require the court to consider the administrative actions.

In addition, the bill may adversely affect the independent functioning of some agencies. It grants the Environmental Council unwarranted 'veto' power over other agencies. Further, under current law, some agencies must act on permit applications within a statutorily prescribed time period. A time consuming administrative appeal to the Environmental Council endangers the ability of these agencies to act on permit applications within the statutorily prescribed time constraints, allowing permits to be granted without proper agency review merely as the result of lapse of time. In other words the perceived benefits from this bill are far outweighed by the potential disadvantages of multiple time consuming and expensive appeals.

For these reasons, I am returning House Bill No. 2075-84 without my approval, as provided in Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
 GEORGE R. ARIYOSHI  
 Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 2075-84, entitled 'Relating to the Environment,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2075-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2075-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 12th day of June,  
 1984.

/s/ George R. Ariyoshi  
 GEORGE R. ARIYOSHI  
 Governor of Hawaii."

Gov. Msg. No. 359 returning House Bill No. 1748-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
 HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
 HOUSE BILL NO. 1748-84

Honorable Members  
 Twelfth Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1748-84, entitled 'Relating to Employment Practices.'

House Bill 1748-84 contains, among others, the following subsection:

(j) In any action brought under this part, the court may award costs, including fees of any nature and reasonable attorney's fees, to a defendant or respondent if the defendant or respondent prevails in a judgment on the complaint, all such costs awarded to be assessed upon the department.

Under that provision, the Department of Labor and Industrial Relations would be required to pay a defendant or respondent the costs awarded by the court, including attorney's fees, even though the department had not participated in the suit as a party. Such a provision could result in, as well as set a precedent for, substantial drains on public funds, which the State can ill afford.

For the foregoing reasons, I am returning House Bill No. 1748-84 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
 GEORGE R. ARIYOSHI  
 Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1748-84, entitled 'Relating to Employment Practices,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 1748-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1748-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the

Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 360 returning House Bill No. 1220, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 1220

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1220, entitled 'A Bill For An Act Relating to the Costs of Court.'

The purpose of House Bill No. 1220 is to allow prevailing parties in a litigation to recover costs for intrastate travel expenses for witnesses and counsel, deposition transcript originals and copies, and other incidental expenses, such as copying costs, intrastate long distance telephone charges and postage, if the court determines that the equities of the situation warrant such recovery.

This bill may have a substantial financial impact on the State because of additional costs taxed to the State whenever the State does not prevail in a case, and the very real likelihood of recovering no costs when the State does prevail, given the mandate to the court to consider the economic status of the parties.

In addition, House Bill No. 1220 deletes from Hawaii Rev. Stat. §607-9 the requirement that the actual disbursements sworn to by an attorney or party that may be allowed in taxation of costs be 'deemed reasonable by the court.' This raises a concern that the removal of the reasonableness standard from the statute, and the present court rules allowing court costs as a matter of course, may either encourage parties

to incur unnecessary costs (especially intrastate travel by attorneys) at the expense of the losing party, (a problem where liability is clear, but claimant's demand in unreasonably high), or have a chilling effect on people with valid claims who would otherwise use the courts but for the specter of having to pay for the costs of both parties.

Furthermore, as written, the allowable costs listed in the bill are not an exclusive listing and may well be seen as authorizing other similar costs, such as travel for expert witnesses and even mainland travel for attorneys and witnesses. Similarly, by identifying deposition transcript costs as allowable without restriction, litigants may be encouraged to engage in more extensive discovery than would otherwise be undertaken.

For the foregoing reasons, I am returning House Bill No. 1220 without my approval.

Respectfully,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1220, entitled 'A Bill For An Act Relating To The Costs of Court,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 1220 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1220 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 361 returning House Bill No. 183, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU, HAWAII

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 183

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 183, entitled, 'A Bill for an Act Relating to Individual Housing Accounts.'

The primary purpose of the bill is to subject amounts deposited into individual housing accounts to income taxation when the funds are withdrawn and used to purchase a first principal residence. The bill proposes to alleviate the burden of the tax by pro-rating the withdrawn amounts over a period of three years, commencing with the taxable year in which the funds are withdrawn. Under existing law, all amounts deposited into a housing account remain exempt until the first principal residence purchased with funds from the account is sold or the funds are withdrawn and used for other purposes, whereupon the amounts withdrawn are to be included as taxable gross income and a penalty of ten percent is to be imposed thereon. The net effect of opening a housing account, as a result of this bill, therefore, is merely to defer the incidence of the tax to a time when the funds are used to purchase a first principal residence, rather than when the income is earned.

The bill contains certain undesirable features among which are (1) the elimination of the tax incentive provided under existing law that the amounts deposited into a housing account shall remain exempt until

such time when the first principal residence purchased with the funds is sold or the money is used for other purposes; (2) certain taxpayers may have opened housing accounts in reliance upon this tax-free incentive but this bill has no provisions to grandfather their tax-free status; (3) only the incidence of the tax is deferred from the taxable year in which it is earned to the taxable year in which the funds are withdrawn; (4) the impact of the tax will be greater under this bill than under existing law because, under existing law, the tax is imposed when the residence is sold and the taxpayer may, as a result, consider the impact of the tax as a factor and pass on the tax to the purchaser, whereas under the present bill the taxpayer has no way of avoiding the tax; (5) economically, there will result a greater burden upon the taxpayer, notwithstanding the amount to be included in gross income is to be pro-rated over a period of three years because, in the year or years immediately following purchase, the start-up costs to maintain a home is the greatest and the taxpayer's cash resources as a result are at their lowest.

In addition to the foregoing, there appears to be an objectionable inconsistency because, while the proposal amends subsection (f) of HRS section 235-5.5 and subjects all amounts deposited into a housing account to income taxation when the funds are withdrawn to purchase a first principal residence, nevertheless, subsection (c) was not similarly amended and still provides that funds withdrawn from the account shall remain exempt as long as the funds are used exclusively for the purchase of the first principal residence and the residence is not sold. The two subsections, therefore, are in irreconcilable conflict with each other.

For the foregoing reasons, I am returning H.B. No. 183 without my approval.

Respectfully,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented

to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 183, entitled 'A Bill for An Act Relating to Individual Housing Accounts,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 183 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 183 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 362 returning House Bill No. 194, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 194

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 194, entitled 'A Bill For An Act Relating to Wrongful Death.'

The purpose of House Bill No. 194 is to permit the brothers and sisters of a decedent to maintain a wrongful death action, if the decedent leaves no surviving spouse, children, mother or father or other dependent.

Under existing law, siblings of a decedent are proper plaintiffs in a

wrongful death action, if there is a showing of the siblings' dependency, in whole or in part, on the decedent. This bill would expand the number of potential plaintiffs in wrongful death cases to include siblings of the decedent in those limited cases where the decedent dies without parents, children, spouse or dependent person surviving, regardless of the siblings' dependency on the decedent. In today's litigious society, this will result in increased costs to all insureds.

Further, this bill creates two classes of non-dependent siblings: Siblings of a decedent who is survived by a spouse, parent(s) child(ren) or dependent(s) and siblings of a decedent who is not survived by a spouse, parent(s), child(ren) or other dependent(s). The former group of non-dependent siblings is discriminated against, and I can identify no rational basis for this discrimination.

For the foregoing reasons, I am returning House Bill No. 194 without my approval.

Respectfully,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 194, entitled 'A Bill For An Act Relating To Wrongful Death,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 194 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 194 with my objections thereon to the legislature as provided by said

Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 363 returning House Bill No. 1989-84, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 1989-84

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1989-84, entitled 'A Bill for an Act Relating to Paternity.'

The purpose of House Bill No. 1989-84 is to permit the Family Court to receive into evidence any report concerning a blood test ordered by the court. An alleged parent who objects to the admission of the report may have a hearing by the court to determine whether the report is to be admitted with or without foundational witnesses.

There are several objectionable features in House Bill No. 1989-84. The fact that only the 'alleged parent' may object to the admission of blood test evidence without the laying of foundation amounts to a denial of equal protection because the non-alleged parent (usually the mother) would not have the right to make such objection. This bill also requires the 'alleged parent' to justify why he should be allowed to confront and cross-examine witnesses. However, the right to confront and cross-examine witnesses would appear to be a fundamental aspect of procedural due process and would need no justification. The bill further assumes that blood test evidence has reached a level of reliability to warrant virtual automatic admissibility. It is my understanding, however, that there is

considerable dispute within the scientific community as to the reliability of statistical probabilities of paternity.

For the foregoing reasons, I am returning House Bill No. 1989-84 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1989-84, entitled 'A Bill for an Act Relating to Paternity,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 1989-84 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1989-84 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 364 returning House Bill No. 1549, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 1549

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1549, entitled 'A Bill for an Act Relating to Sports.'

The purpose of House Bill No. 1549 is to promote Hawaii as an Olympic training center for athletes having potential to compete in the summer world Olympic games. The director of planning and economic development is responsible for implementing the bill. The bill also establishes a sports medicine center within the School of Medicine of the University of Hawaii to conduct research into the causes and prevention of injuries, provide treatment and care to Olympic hopefuls, and provide educational classes.

This Administration is not opposed to the concept of an Olympic training center in Hawaii. The problem, however, is that no appropriation has been made under the bill, either to the University of Hawaii or to the department of planning and economic development. Accordingly, there would be difficulty in implementing the provisions of House Bill No. 1549. Because I believe that the concept of an Olympic training center has merit, however, I have asked the department of planning and economic development to review the proposal and to make recommendations to me for possible action during the 1985 legislative session.

I also note that the University of Hawaii is presently reviewing its various programs to best utilize its limited financial resources. Until such study is completed, I do not believe that the legislature should establish any program by statute. This would preclude the opportunity for the University to review such a program in relation to other university programs. I, therefore, feel that a sports medicine center should not be created by statute.

For the foregoing reasons, I am returning House Bill No. 1549 without my approval, as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

## "P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1549, entitled 'Relating to Sports,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 1549 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1549 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 365 returning House Bill No. 1431, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 12, 1984

STATEMENT OF OBJECTIONS TO  
HOUSE BILL NO. 1431

Honorable Members  
Twelfth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1431, entitled 'A Bill For An Act



Relating To Tax Increment Financing.'

The purpose of House Bill No. 1431 is to enact enabling legislation to authorize the counties of the State of Hawaii to utilize tax increment financing as a means of financing public improvements incident to a redevelopment plan or community development plan.

The House Bill No. 1431 tax increment financing plan contemplates the issuance by the county of tax increment bonds, the sale proceeds of which will be used to finance the public improvements in the designated tax increment district. The plan separates the real property values of a tax increment district into two categories: a base, which is set prior to the creation of the tax increment district, and an incremental portion arising from higher assessed values subsequent to the establishment of the tax increment district. Under the plan, the taxes collected on the base will continue to be allocated to the county general fund; and the taxes collected on the incremental portion of the real property values will be wholly or partially earmarked by the county council to a 'tax increment fund', a special fund to be used to pay project costs for the tax increment district or to satisfy claims of tax increment bond holders.

The main argument in support of the House Bill No. 1431 tax increment financing plan seems to be that the public improvements financed by the sale proceeds of the tax increment bonds will pay their way by generating additional real property taxes. However, this anticipated increase in tax revenue is speculative. There is the possibility that the public improvements may not sufficiently increase the real property values to generate the additional tax revenues necessary to pay for the tax increment bonds.

Moreover, House Bill No. 1431 makes no provision for a county to share in any increase in assessed valuations, not even inflationary increases from the original assessment base. This diminishes the ability of a county to pay for ongoing obligations which themselves are subject to inflationary costs. Furthermore, a county may well find that the tax increment district will place greater service demands on it, to the extent that other areas of the county will have to shoulder the financial burden of such increased service.

For the foregoing reasons, I am returning House Bill No. 1431 without my approval.

Respectfully,

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, House Bill No. 1431, entitled 'A Bill for an Act Relating to Tax Increment Financing,' passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 1431 is unacceptable to the governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1431 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of June,  
1984.

/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor of Hawaii."

Gov. Msg. No. 366 informing the Senate that on June 8, 1984, he signed the following bills into law:

Senate Bill No. 1693-84 as Act 276, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 2108-84 as Act 277, entitled: "RELATING TO FISHING REGULATIONS";

House Bill No. 2540-84 as Act 278, entitled: "RELATING TO PUBLIC LANDS"; and

House Bill No. 2597-84 as Act 279,  
entitled: "RELATING TO  
HOUSING."

Gov. Msg. No. 367 informing the  
Senate that on June 12, 1984, he  
signed the following bills into law:

Senate Bill No. 1575-84 as Act 280,  
entitled: "RELATING TO CHILD  
CARE";

Senate Bill No. 1694-84 as Act 281,  
entitled: "RELATING TO  
CONSUMER PROTECTION";

Senate Bill No. 1918-84 as Act 282,  
entitled: "RELATING TO THE  
UNIVERSITY OF HAWAII";

House Bill No. 1940-84 as Act 283,  
entitled: "RELATING TO THE  
UNIVERSITY OF HAWAII RESEARCH  
AND TRAINING REVOLVING  
FUND";

House Bill No. 1926-84 as Act 284,  
entitled: "RELATING TO  
WORKERS' COMPENSATION";

House Bill No. 1640-84 as Act 285,  
entitled: "MAKING  
APPROPRIATIONS FOR THE FISCAL  
BIENNIUM JULY 1, 1984 TO JUNE

30, 1985";

House Bill No. 2092-84 as Act 286,  
entitled: "RELATING TO THE  
JUDICIARY";

Senate Bill No. 1846-84 as Act 287,  
entitled: "RELATING TO CAPITAL  
IMPROVEMENT PROJECTS";

House Bill No. 1874-84 as Act 288,  
entitled: "RELATING TO STATE  
BONDS";

House Bill No. 2201-84 as Act 289,  
entitled: "RELATING TO PUBLIC  
UTILITIES";

House Bill No. 1422 as Act 290,  
entitled: "RELATING TO  
PROCESSED MILK"; and

House Bill No. 2275-84 as Act 291,  
entitled: "RELATING TO MOTOR  
VEHICLE SAFETY."

Gov. Msg. No. 368 transmitting  
copies of a report entitled "FY-83  
Annual Report of the Hawaii State  
Advisory Council on Vocational  
Education," dated May 1984, prepared  
by the State Commission on Manpower  
and Full Employment, in compliance  
with Title II of the Education  
Amendments of 1976, P.L. 94-482.

HOUSE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

## House Communication Nos. 533 to 550:

Informing the Senate that the following Senate Bills with conference drafts passed Final Reading in the House of Representatives on April 18, 1984:

Hse. Com. No.	Senate Bill No.
533	2243-84, S.D. 1, H.D. 1, C.D. 1;
534	2049-84, H.D. 1, C.D. 1;
535	26, S.D. 1, H.D. 1, C.D. 1;
536	29, S.D. 1, H.D. 1, C.D. 1;
537	1740-84, S.D. 1, H.D. 1, C.D. 1;
538	1872-84, H.D. 1, C.D. 1;
539	2087-84, S.D. 1, H.D. 1, C.D. 1;
540	300, S.D. 1, H.D. 1, C.D. 1;
541	328, S.D. 1, H.D. 1, C.D. 1;
542	2212-84, S.D. 1, H.D. 1, C.D. 1;
543	2249-84, S.D. 2, H.D. 2, C.D. 1;
544	934, S.D. 1, H.D. 1, C.D. 1;
545	2026-84, S.D. 1, H.D. 1, C.D. 1;
546	1766-84, S.D. 1, H.D. 1, C.D. 1;
547	1729-84, S.D. 1, H.D. 1, C.D. 1;
548	761, S.D. 1, H.D. 1, C.D. 1;
549	1575-84, S.D. 1, H.D. 1, C.D. 1; and
550	2184-84, S.D. 1, H.D. 1, C.D. 1.

## House Communication Nos. 551 to 566:

Informing the Senate that the following Senate Bills with conference drafts passed Final Reading in the House of Representatives on April 19, 1984:

Hse. Com. No.	Senate Bill No.
551	1846-84, S.D. 1, H.D. 1, C.D. 1;
552	1788-84, S.D. 1, H.D. 1, C.D. 1;
553	2125-84, S.D. 2, H.D. 2, C.D. 1;
554	20, S.D. 1, H.D. 2, C.D. 1;
555	878, S.D. 2, H.D. 2,

556	C.D. 1; 1709-84, S.D. 1, H.D. 1, C.D. 1;
557	1115, S.D. 2, H.D. 2, C.D. 1;
558	1702-84, S.D. 1, H.D. 1, C.D. 1;
559	1694-84, S.D. 1, H.D. 1, C.D. 1;
560	2085-84, S.D. 1, H.D. 1, C.D. 1;
561	1745-84, S.D. 1, H.D. 1, C.D. 1;
562	1815-84, S.D. 1, H.D. 1, C.D. 1;
563	1693-84, S.D. 1, H.D. 1, C.D. 1;
564	1867-84, S.D. 1, H.D. 1, C.D. 1;
565	2056-84, S.D. 1, H.D. 1, C.D. 1; and
566	1744-84, S.D. 1, H.D. 1, C.D. 1.

## House Communication Nos. 567 and 568:

Informing the Senate that the following Senate Bills with conference drafts passed Final Reading in the House of Representatives on April 18, 1984:

Hse. Com. No.	Senate Bill No.
567	2073-84, S.D. 1, H.D. 1, C.D. 1; and
568	1450, S.D. 1, H.D. 1, C.D. 1.

## House Communication Nos. 569 to 578:

Informing the Senate that the House agreed to the amendments proposed by the Senate to the following House Concurrent Resolutions and said resolutions were finally adopted by the House of Representatives on April 19, 1984:

Hse. Com. No.	House Concurrent Resolution No.
569	25, H.D. 1, S.D. 1;
570	24, H.D. 1, S.D. 1;
571	23, H.D. 1, S.D. 2;
572	22, H.D. 1, S.D. 1;
573	21, H.D. 1, S.D. 2;
574	41, H.D. 1, S.D. 1;
575	30, H.D. 1, S.D. 2;
576	29, H.D. 1, S.D. 2;
577	28, H.D. 1, S.D. 2; and
578	27, H.D. 1, S.D. 1.

## House Communication No. 579:

Informing the Senate that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Concurrent Resolution No. 26, H.D. 1, were agreed to by the House and H.C.R. No. 26, H.D. 1, S.D. 2, C.D. 1, was finally adopted in the House of Representatives on April 19, 1984.

House Communication No. 580:

Informing the Senate that Senate Bill No. 1949-84 passed Third Reading in the House of Representatives on April 19, 1984.

House Communication No. 581:

Informing the Senate that Senate Bill No. 1948-84, S.D. 2, passed

Third Reading in the House of Representatives on April 19, 1984.  
House Communication No. 582:

Informing the Senate that Senate Concurrent Resolution No. 95 was adopted by the House of Representatives on April 19, 1984.

House Communication No. 583:

Informing the Senate that Senate Concurrent Resolution No. 97, S.D. 1, was adopted by the House of Representatives on April 19, 1984.

House Communication No. 584:

Informing the Senate that Senate Concurrent Resolution No. 135 was adopted by the House of Representatives on April 19, 1984.

## RULES OF THE SENATE

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RULES OF THE SENATE  
of the  
TWELFTH LEGISLATURE OF THE STATE OF HAWAII

The following Rules shall be the Rules of the Senate of the Twelfth Legislature of the State of Hawaii.

PART I. ORGANIZATION, OFFICERS AND EMPLOYEES

Rule 1. Organization

When the Senate convenes, the President or the Vice-President, in the absence of the President, shall call the Senate to order and appoint a Committee of three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If from the Committee report, it shall appear that a majority of the credentials are in order, the Senate shall proceed to organize and shall appoint a Committee of three to wait upon a justice of the Supreme Court, an Intermediate Appellate Court judge or a Circuit Court judge to administer the oath of office required by the Constitution. Such proceedings need not be on the day of convening in the Senate. In the absence of the President or Vice-President the Senate may elect a temporary Presiding Officer by a majority vote of the members of the Senate.

Rule 2. Officers and Employees

(1) The officers of the Senate shall consist of a: President, Vice-President, Clerk, Assistant Clerk and Sergeant-at-Arms, each of whom shall be elected by a majority vote of the members of the Senate.

(2) The President and Vice-President shall hold their respective offices in accordance with Title 3, Hawaii Revised Statutes. Other officers and employees shall hold their respective offices and positions at the pleasure of the Senate, but a majority vote of the members of the Senate shall be required to terminate the office held by any officer of the Senate.

(3) The Senate, by a majority vote, may authorize positions from time to time as may be deemed necessary.

Rule 3. The President

It shall be the duty of the President:

(1) To open the meetings of the Senate by taking the Chair and calling upon the Chaplain to give the invocation.

(2) When a quorum is present, to call for the reading of the Journal of the preceding day.

(3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.

(4) To announce the business before the Senate in the order prescribed by the Rules.

(5) To receive and submit all matters properly brought before the Senate by the members, to call for votes upon the same and announce the results.

(6) To receive all communications and present them to the Senate.

(7) To appoint all committees unless otherwise determined by the Senate.

(8) To authenticate by signature, all acts and doings of the Senate which require authentication.

(9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.

(10) To issue warrants, when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11) To decide and announce the result of any vote taken.

(12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.

(13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.

(14) To control and have direction of the rooms, desks, passages, stairways, corridors, balconies, in and about the building set apart for the use of the Senate and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills after the nineteenth legislative day and prior to the mandatory recess pursuant to Article III, Section 12, of the Constitution, the final date for third reading of Senate Bills, the final date for third reading of House Bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To promulgate an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate Policies.

(17) To promulgate mediation and appeal procedures to resolve differences between two or more standing committees on the same bill.

#### Rule 4. The Vice-President

In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

#### Rule 5. President Pro Tempore

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the eldest member present shall preside until a President pro tempore be chosen.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or other instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

#### Rule 6. The Clerk

It shall be the duty of the Clerk:

(1) To have charge of all records of the Senate and be responsible for the same. At no time shall the Clerk permit original documents to be withdrawn



from the Clerk's keeping unless ordered by the Senate.

(2) To make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate. Such memoranda shall state the nature of the matter and the name of the introducer, and the date and day of the session on which the Senate considered the matter. The memoranda, together with other matters ordered to be placed therein, shall constitute the Journal, a copy of which shall be placed on the desk of each member on the following session day. The Journal of each day shall be read the following day, immediately after the Chaplain retires. When such Journal is approved by vote of the Senate, it shall be entered by the Clerk in a book entitled "Journal of the Senate. Session of . ." (Giving the Year).

(3) Unless otherwise directed by the Senate, to read all bills, resolutions and other matters (if so required) to the Senate.

(4) To forward at once all letters, messages, communications and other matters to the proper parties.

(5) To immediately deliver to the Chairman of the appropriate committee all petitions, resolutions, bills or other matters duly referred to such committee.

(6) To see that all bills and resolutions are properly engrossed and are correct and true as finally acted upon by the Senate.

(7) To draw such drafts on the state general fund for expenses of the session as shall be authorized by the Senate and approved by the Committee on Legislative Management.

(8) To pay all bills and accounts as shall be approved by the Committee on Legislative Management, or ordered by the Senate, and no others.

(9) To be responsible for the acquisition and distribution of all of the property of the Senate.

(10) To note all questions of order with the decision thereon and collect the same and append them to the Senate Journal at the close of the session.

(11) To perform all other clerical duties and functions pertaining to the Office of the Clerk and as the Senate from time to time shall direct. The Clerk shall post the order of business in writing in a conspicuous place each day.

#### Rule 7. Assistant Clerk

The Assistant Clerk shall assist the Clerk in the performance of all duties and attend to such other duties as may be required when so directed by the President. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

#### Rule 8. Chaplain

A Chaplain shall attend each day's sitting of the Senate and open the same with an invocation.

#### Rule 9. Sergeant-at-Arms

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order among those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise the distribution of incidentals which require distribution among the members; to supervise, subject to the control of the President, the Senate Messengers; to attend upon committees if so requested; to serve all orders to process directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate; and generally to execute all of the requirements of the President of the Senate.

Rule 10. Responsibility of Officers and Employees

The employees shall perform such duties as may be assigned by the President or prescribed by the Senate.

All officers and employees of the Senate shall be directly answerable to the President, and shall obey and perform all the President's orders and directions, subject to revision by the Senate. If required by the President, any officer or employee shall give a bond for the faithful performance of duties.

An oath of office shall be administered to each officer.

Rule 11. Pay of Members, Officers and Employees

(1) Each member of the Senate, upon being elected or appointed to office, shall receive as compensation such salary as prescribed pursuant to Article III, Section 9, of the State Constitution.

(2) The officers, except the President and Vice-President, and the employees shall receive compensation as the Senate shall fix.

## PART II. COMMITTEES

Rule 12. Committees: Types and Composition

(1) Standing Committees: The membership of each Standing Committee and the respective Chairman and Vice-Chairman thereof shall be appointed by the President, subject to action by the Senate. The majority and minority parties shall be represented on all Standing Committees on such basis as prescribed by the Senate; provided that such basis be at least that of proportional representation. The nomination of the minority party members to all Standing Committees shall be made by the minority party.

(2) Special Committees shall consist of not less than three members each, unless otherwise ordered by the Senate, and shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the specific matter referred. The Senate may establish investigative committees pursuant to chapter 21, Hawaii Revised Statutes; such committees shall have such powers and be bound by such conditions as may be provided by law or by these Rules.

(3) Conference Committees shall consist of not less than three members each, unless otherwise ordered by the Senate, and shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred.

(4) The Committee of the Whole Senate.

Rule 13. Committee Chairman and Vice-Chairman

The first person named on the Committee shall be Chairman; the second member named shall be Vice-Chairman. The Chairman shall call meetings and preside.

Rule 14. Committees: Control and Excuse from Membership

Committees shall be under the control of and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may be excused from serving on any committee at the time of appointment, if such member is a member of four other committees.

Rule 15. Standing Committees

Standing Committees shall be appointed for each major subject matter area at the opening of the session, or as soon thereafter as possible, to serve during

the Twelfth Legislature. The major subject matter areas and the Standing Committees therefor shall be as follows:

#### EDUCATION AND CULTURE

This major subject matter area covers those programs which are intended to promote intellectual development and cultural enrichment of the community. The Standing Committees for this major subject matter area shall be:

- (1) Committee on Education, whose scope shall be those programs relating to lower education, continuing education and public libraries and culture and arts.
- (2) Committee on Higher Education, whose scope shall be those programs relating to the University of Hawaii and the community colleges.

#### HEALTH

This major subject matter area covers those programs which are intended to improve the physical and mental health of the people. The Standing Committee for this major subject matter area shall be:

- (3) Committee on Health, whose scope shall be those programs relating to general health, environmental health, maternal and child care, communicable diseases, dental health, medical and hospital services, mental health, mental retardation and hospitals.

#### HUMAN AND ECONOMIC DEVELOPMENT

This major subject matter area covers those programs which are intended to ensure adequate income, housing and employment for individuals and families, to encourage the development and growth of industry, to promote improved employment conditions for government employees and to promote, enhance and conserve energy and energy-related natural resources. The Standing Committees for this major subject matter area shall be:

- (4) Committee on Human Resources, whose scope shall be those programs relating to employment opportunities, financial assistance, the promotion and general well-being of Hawaii's youth and elderly population, vocational rehabilitation, labor-management relations, social welfare services; and, to those programs relating to public employment concerning employee pay and benefits, employee recruitment, classification and training, career development, employee performance, employment conditions, standards of conduct for public employees and collective bargaining.
- (5) Committee on Economic Development, whose scope shall be those programs relating to land resources, the physical environment, nonagricultural use water resources, the promotion, enhancement, and conservation of nonagricultural energy-related natural resources, marine resource development, industrial and product promotion, new industry development, financial and technical assistance to business and the regulation of public utilities.
- (6) Committee on Agriculture, whose scope shall be those programs relating to agriculture, water resources for agricultural use, aquaculture, and the promotion, enhancement and conservation of energy-related agricultural resources.
- (7) Committee on Tourism, whose scope shall be those programs relating to tourism outdoor recreation, state parks and historic sites development and protection.
- (8) Committee on Housing and Urban Development, whose scope shall be those programs relating to housing and urban

development, Hawaiian Homes and the Office of Hawaiian Affairs.

#### HUMAN RIGHTS AND JUSTICE

This major subject matter area covers those programs which are intended to safeguard individual and property rights, protect consumers from fraudulent and deceptive practices, promote public safety and improve the conduct of business affairs. The Standing Committees for this major subject matter area shall be:

- (9) Committee on Judiciary, whose scope shall be those programs relating to courts, crime prevention and control, criminal code revisions, correction and rehabilitation, the rules of the Senate, judicial and legal questions, constitutional matters, programs of the Attorney General and of the Judiciary, individual rights and civil liberties, public defense and other pertinent matters referred to it by the Senate. In the event of a contest, it shall investigate and report upon the certificates of election of members. The committee shall consider all petitions and other matters relating to elections and returns referred to it by the Senate and report thereon.
- (10) Committee on Consumer Protection and Commerce, whose scope shall be those programs relating to the protection of the consuming public, business and trade regulation, regulation of financial institutions, insurance regulation and professional and occupational regulation.

#### GOVERNMENT OPERATIONS AND INTERGOVERNMENTAL RELATIONS

This major subject matter area covers those programs which are intended to promote government efficiency and effective cooperation and coordination among the various levels of government. The Standing Committee for this major subject matter area shall be:

- (11) Committee on Government Operations and County Relations, whose scope shall be those programs relating to government personal property management, archives, government communications, military and civil defense, relations among the federal, state and county governments, matters of primary concern to particular counties and the promotion of efficiency and economy in government.

#### TRANSPORTATION

This major subject matter area covers those programs which are intended to facilitate the physical movement of people and goods into and from the State and from place to place within the State. The Standing Committee for this major subject matter area shall be:

- (12) Committee on Transportation, whose scope shall be those programs relating to air, water and surface transportation.

#### FINANCIAL PLANNING AND MANAGEMENT

This major subject matter area covers those programs which are intended to produce the efficient, effective, economical and equitable acquisition and utilization of financial resources. The Standing Committee for this major subject matter area shall be:

- (13) Committee on Ways and Means, whose scope shall be those programs relating to overall state financing policies, including taxation and other revenues and cash and debt management and statewide implementation of planning, programming, budgeting and evaluation.

## LEGISLATIVE SUPPORT

This major subject matter area covers those programs which are intended to provide to the legislature effective support for the accomplishment of legislative objectives and to promote understanding of the legislative process. The Standing Committee for this major subject matter area shall be:

- (14) Committee on Legislative Management, whose scope shall be those programs relating to the establishment and operations of legislative support agencies, such as the Office of the Legislative Auditor, the Ombudsman and the Legislative Reference Bureau.

Rule 16. Standing Committees: General Responsibility

It shall be the duty of each Standing Committee to conduct systematic review of those portions of the state budget, program and financial plans, and variance reports dealing with, and to consider all laws, bills, resolutions, petitions, reports and other matters relating to, those programs over which the committee has responsibility.

It shall examine such portions of the Executive Budget, the General Appropriations Bill and the Supplemental Appropriations Bill relating to the programs over which it has responsibility, and it shall recommend the programs and the levels of program expenditure to be included in the General Appropriations Bill or Supplemental Appropriations Bill. The level of expenditure, in the aggregate, for any program area shall be consistent with the expenditure allocation established for that program area by the Standing Committee on Ways and Means, which shall make the final recommendation to the Senate.

On other bills referred to it by the President, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. On bills that have been referred by the President to more than one committee, subsequent referral committees shall make no substantive change without prior written notice of such change to the first referral committee and consultation and coordination with that committee, via its chairman, prior to the transmittal of the amended bill and committee report to the Clerk of the Senate for floor action. For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocations established for the bills by the Standing Committee on Ways and Means, which shall make the final recommendation to the Senate, after consultation and coordination with the chairman of the subject matter committee.

It shall also be the duty of each Standing Committee to review the implementation of those programs over which the committee has responsibility. In its review, it shall determine the extent to which program objectives are being accomplished and legislative policies executed, recommend the study of program issues and the conduct of program analysis. It shall recommend amendments to appropriation acts and such policies as may be appropriate to improve the planning, programming, budgeting, implementation and evaluation of programs to the Standing Committee on Ways and Means, which shall make the final recommendation to the Senate.

Rule 17. Committee on Ways and Means: Special Responsibility

It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas. The committee shall inform each Standing Committee of the allocations made to each program area over which the Standing Committee is responsible for budget and program review. The Committee on Ways and Means shall receive the program expenditure recommendations of the Standing Committee and shall review the recommendations to determine that, in the aggregate, the expenditure recommendations are consistent with the allocations made to the program area. In determining the allocation to be made to a program area and in reviewing the recommendations of the Standing Committee, the Committee on Ways and Means

shall invite the participation of the chairman of the Standing Committee responsible for the program area. After review of the recommendations of the Standing Committees, the Committee on Ways and Means shall be responsible for preparing the General Appropriations Bill or the Supplemental Appropriations Bill in a form appropriate for consideration by the Senate.

To the extent practicable, the Committee on Ways and Means shall arrange to make available to members of the Senate information regarding the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the 48-hour period prior to the passage of such bills on third and final reading.

In all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the Standing Committee responsible for the program area to which the appropriation relates of the amount and type of financial resources available, and it shall review the expenditure recommendation of the Standing Committee to determine that the recommendation is consistent with the resources available. In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the Standing Committee, the Committee on Ways and Means shall invite the participation of the chairman of the Standing Committee responsible for the program area to which the appropriation relates.

#### Rule 18. Committee on Legislative Management: Special Responsibility

The Committee on Legislative Management shall:

(1) Make recommendations to the President on the procedures and manner in which the administrative and personnel operations of the Senate should be conducted.

(2) Make recommendations on the expenses to be included in the appropriations bills providing for the expenses of the Legislature and procedures to ensure that the expenses of the Senate are in accordance with the appropriation acts providing therefor.

For administrative purposes, the committee may authorize the chairman to perform such duties on its behalf as it may deem appropriate.

#### Rule 19. Meetings of Committees

Meetings, including decision-making sessions, of Standing Committees shall be public provided that meetings in executive session may be allowed in such exceptional circumstances when committee discussion could unfairly damage the reputation of individuals or where there is a legal question concerning a bill. Notice of such meetings and decision-making sessions shall be publicly posted at least 48 hours prior to such meetings provided that the notice may be waived with the approval of the President upon good cause shown.

No committee shall sit during the time when the Senate is actually in session without first securing the approval of the President, except Conference Committees which may sit at any time.

As practicable, committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and in coordination with other committees of the House or Senate, shall endeavor to hold joint meetings and public hearings on matters of mutual interest.

The meetings of the Conference Committee shall be conducted as agreed upon by the members of the Conference Committee. Conference Committee meetings and decision-making sessions shall be public. Public notice of Conference Committee meetings shall be given to the extent practicable.

#### Rule 20. Committee Reports

(1) The Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report upon matters referred to them within the time permitted in the appointment of the Special Committee unless further time is given by vote of the Senate.

(3) A Conference Committee shall not report upon the matter referred unless a majority of the members appointed by the President have concurred in the report.

#### Rule 21. Committees: Factfinding and Content of Reports

(1) Whenever any matter shall be referred to a committee it shall be the duty of the committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned or subpoenaed and examined under oath; documents and records shall be searched or subpoenaed, and everything shall be done to bring all facts pertaining to the matter before the Senate. The President may exercise such powers authorized under Chapter 21 of the Hawaii Revised Statutes, relating to the issuance of subpoenas, and the President, committee chairmen and other duly delegated members of the Senate may exercise such powers authorized under Chapter 21 aforesaid, relating to the administering of oaths, and the compelling of witnesses who have been subpoenaed to testify. All committee meetings held on matters referred to it by the Senate shall be open to the public unless otherwise ordered by the Senate or otherwise provided by these Rules.

(2) The report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(3) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill for one or more referred to the committee shall be reported, such substitute bill shall agree with the subject of the bill or bills returned to the Senate.

(4) Whenever a committee fails to agree, the majority shall report and it shall be the report of the committee. The minority may report or simply write upon the report of the majority the words "I (or we) do not concur," signing the same. The final vote of each member of a committee upon any matter referred to it shall be recorded in the records of the committee.

(5) Whenever a draft report is circulated among the committee members for signature and fails to receive majority concurrence, such draft report shall be retained in the records of the committee and shall be open to the public.

#### Rule 22. Committee of the Whole

(1) The Senate from time to time may resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such committee upon the adoption of a motion to that effect, the President shall call some member to take the Chair (unless the Senate shall nominate a chairman), which being done, the Senate then shall be in committee.

(2) The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings, which shall be filed as one of the records of the Senate.

(3) The committee, on motion, may rise and ask leave to sit at any future time.

(4) When a bill shall be referred to the Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

(5) In Committee of the Whole, the rules of procedure in the Senate shall be observed except that any member may speak more than once on the same

subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

### PART III. SESSIONS; ATTENDANCE; NOMINATIONS

#### Rule 23. Meetings

(1) The Senate shall meet for the transaction of public business every day, except Saturdays, Sundays, legal holidays and such other days as the Senate shall designate by motion or resolution duly adopted and entered in the Journal.

(2) The regular hour of meetings of the Senate is established at ten o'clock a.m. but the hour of meeting, recess and adjournment for any day may be such as the Senate, by motion, shall decide from time to time.

#### Rule 24. Attendance

No member shall be absent from the sessions of the Senate unless given leave by the President or unless the member is sick and unable to attend.

#### Rule 25. Extension of Session

Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to extend any session of the Legislature. The petition shall read:

"To the President of the Senate and the  
Speaker of the House of Representatives

Your petitioners, members of the Senate and of the House of Representatives of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request an extension of \_\_\_\_\_ days of the \_\_\_\_\_ session of \_\_\_\_\_ of the \_\_\_\_\_ Legislature of the State of Hawaii."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President and the Speaker of the House of Representatives shall jointly issue a proclamation extending the session for the number of days sought in the petition.

#### Rule 26. Recessed Session

Any session of the Legislature may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Each regular session shall be recessed pursuant to Article III, Section 10, of the Constitution for not less than five days at some period between the twentieth and fortieth days of the regular session.

#### Rule 27. Special Sessions

(1) Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to call a special session of the Legislature. The petition shall read:



"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the House of Representatives of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the \_\_\_\_\_ Legislature of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President of the Senate and the Speaker of the House of Representatives shall jointly issue a proclamation convening the Legislature in special session at the time and place sought in the petition.

(2) Two-thirds of the members to which the Senate is entitled may petition the President of the Senate to call a special session of the Senate for the purpose of carrying out the Senate's responsibilities established by Article VI, Section 3, of the Constitution. The petition shall read:

"To the President of the Senate

Your petitioners, members of the Senate of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the Senate of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which the Senate is entitled, the President of the Senate shall issue a proclamation convening the Senate in special session at the time and place sought in the petition.

#### Rule 28. Adjournments

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as being to the established hour of meeting on the following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

#### Rule 29. Motion to Adjourn

A motion to adjourn is always in order, and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

A motion to adjourn without naming any time shall always be held as an adjournment to the regular hour of meeting of the next business day.

#### Rule 30. Quorum

For the transaction of business, a majority of the number of members to which the Senate is entitled shall constitute a quorum, of which quorum a majority vote shall suffice, but the final passage of a bill shall require the vote of the majority of the members of the Senate. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. For the purpose of compelling the attendance of absent members, a majority of the members present, by resolution, may direct the Sergeant-at-Arms to place the members who are absent under arrest and to return them to the Senate. Any warrant pursuant to such a resolution shall be issued in the name of the Senate and shall be signed by the member then presiding. For the purpose of ascertaining whether there is a quorum present, the President shall count the members present.

Rule 31. Executive Session

(1) If the Senate considers it necessary to act confidentially upon any communication from the Governor or upon any nomination or other matter, it may go into executive session.

(2) When any member desires to make known any matter to the Senate which the member deems should be confidential and private, the member shall communicate that desire to the President who shall decide whether the Senate shall go into executive session. The Senate may decide whether the matter communicated shall be kept secret.

Rule 32. Clearing of the Senate

(1) When acting upon confidential business in executive session, the Senate Chambers shall be cleared of all persons except the members of the Senate and such other persons as the presiding officer with the consent of the Senate shall deem necessary.

(2) The members, officers and employees shall keep the secrets of the Senate and any other person whose presence is permitted in executive session shall be sworn to secrecy.

(3) All confidential communications made to the Senate, and remarks, votes and proceedings thereon, shall be kept strictly secret by the members, officers and employees, as well as by such other persons as have been detained or permitted to attend upon the consideration of such matters, until the Senate, by resolution, takes off such seal of secrecy, or unless such matter be later considered in open session.

Rule 33. Nominations; Appointments

(1) When nominations, except those of justices and judges, shall be made by the Governor to the Senate, unless otherwise ordered, they shall be referred to appropriate Standing Committees, within 5 legislative days of receipt of such nominations from the Governor. The final question on every nomination shall be "Will the Senate advise and consent to this nomination?" which question shall not be put sooner than twenty-four hours from the time when the nomination is received, nor on the day in which it may be reported by a committee, unless by unanimous consent. Public hearings shall be held for all nominees prior to confirmation.

(2) The fact of a nomination, or its rejection or confirmation, need not be kept secret, but when the Senate or any committee thereof shall deem it necessary for good cause, all remarks, proceedings and votes thereon shall be kept secret.

(3) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the State Constitution.

Rule 34. Meeting at Place Other than Capitol

Whenever, for any reason, the Governor shall convene the Senate at any place other than the Capitol, it shall attend together with all of its officers at the time and place ordered.

## PART IV. ORDER OF BUSINESS

Rule 35. Order of Business: General

After invocation, roll call and the reading of the Journal, the President shall call for business in the following order:

(1) Messages from the Governor.

- (2) Reports and communications from the state officers.
- (3) Communications, bills, resolutions and other matters from the House of Representatives.
- (4) Concurrent and senate resolutions and introduction of bills.
- (5) Reports of Conference and Joint Committees.
- (6) Reports of Committee on Legislative Management.
- (7) Reports of other Standing Committees.
- (8) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (9) The Order of the Day.
- (10) Petitions, memorials and miscellaneous communications.
- (11) Any miscellaneous business on the President's table.

Rule 36. Order of Business: Special

The Senate, by previous motion, may direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

Rule 37. Order of Business: Committee Reports and Gubernatorial Messages

Reports from Conference or Joint Committees, and from the Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

Rule 38. Order of Business: Order of the Day

After the first seven orders of business (set forth in Rule 35), it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

Rule 39. Order of Business: Unfinished Business

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

Rule 40. Order of Business: Questions on Priority

All questions relating to the priority of business to be acted upon shall be decided without debate.

PART V. BILLS; RESOLUTIONS

Rule 41. Bills: Introduction

Any bill may be introduced on the report of a committee or by any member, except appropriation bills subject to the next paragraph and except short form

bills which may only be introduced by the President of the Senate or the minority party leader after appropriate consultation with committee chairmen and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for the funding of collective bargaining agreements may be introduced only by the President of the Senate or the minority party leader after appropriate consultation with committee chairmen and other members of the Senate. Each member may introduce only one bill appropriating money for capital improvement projects in the member's district. Individual members shall not introduce any other bill which is intended only to appropriate money or to authorize the issuance of any state bonds.

All bills shall be introduced under the order of resolutions.

Bills which shall carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule or an amending bill where the intent and effect of an amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

No floor amendment to a bill shall be voted upon unless a copy of such amendment shall have been presented to the Clerk who shall prepare and distribute copies of the amendment to each member of the Senate present.

#### Rule 42. Bills: Referral to Committee

(1) Upon introduction all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, unless they are short form bills, shall pass first reading and shall be referred to the Committee on Legislative Management.

(2) Upon receiving the report of the Committee on Legislative Management that a bill has been printed, each such bill shall be referred by the President to one or more appropriate Standing Committees for consideration.

(3) Each Standing Committee shall consider the bills referred to it as expeditiously as may be possible.

(4) Bills introduced in short form.

(a) If a majority of the committee to which a short form bill has been referred determines that such bill should receive the further consideration of the same committee or another committee in the same or in an amended form, it shall report that fact to the Senate, together with its recommendation that either: (1) the bill pass first reading by title and be referred again to the same or another committee for further consideration, or (2) the bill in an amended form pass first reading by title, be printed and be referred again to the same or another committee for further consideration.

(b) The form of the committee report, upon reporting such a bill to the Senate recommending its passage on first reading without amendment and for referral again to a committee for further consideration shall be substantially as follows:

Your Committee on \_\_\_\_\_, to which was referred S.B. No. \_\_\_\_\_ entitled \_\_\_\_\_ begs leave to report that your Committee has considered such Bill and recommends that it pass First Reading by title and be referred to the Committee on \_\_\_\_\_ for further consideration.

(c) The form of the committee report, upon reporting such a bill to the Senate recommending passage on first reading in an amended form and for referral again to a committee for further consideration shall be substantially as follows:

Your Committee on \_\_\_\_\_, to which was referred S.B. No. \_\_\_\_\_ entitled \_\_\_\_\_ begs leave to report that your Committee has considered such Bill and recommends that it pass First Reading by title, in the amended form attached hereto, be printed and be referred to the Committee on \_\_\_\_\_ for further consideration.

Rule 43. Bills: Required Readings

No bill shall pass the Senate unless it shall have passed three readings in the Senate on separate days. The President shall give notice in each instance whether it be the first, second or third reading.

Rule 44. Bills: First Reading

(1) The first reading of a bill shall be for information. If opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such question, except the introducer of the bill, who may close the debate.

(2) If the question to reject be negative, the bill shall go to its second reading without question.

Rule 45. Bills: Second Reading

A bill upon its second reading, may be read by its title only. It then shall be subject to a motion to commit. If it is not referred to a Standing Committee, or to a Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the chairman of such committee. When the bill shall be reported from committee it shall take its place in the order of business for future consideration.

Rule 46. Bills: Third Reading

(1) No bill shall pass third or final reading in the Senate unless printed copies of the bill in the form to be passed have been made available to the members of the Senate for at least 48 hours. Form to be passed means the form in which a bill is to be (a) passed on third reading in the Senate, (b) concurred to by the Senate after amendments have been made by the House, or (c) passed by the Senate after a Conference Committee has agreed upon it.

(2) A Bill on its third or final reading may be read by its title only, and the President then shall ask the Senate: "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Upon the final passage of any bill, the Ayes and Noes shall be called. Such passage shall require the affirmative vote of a majority of all the members of the Senate and the Ayes and Noes shall be entered on the Journal.

Rule 47. Bills: Property of Senate

All bills introduced in the Senate shall be deemed the property of the Senate and under its control unless they shall become law, however subject to the right of the House of Representatives to amend or to refuse to agree with the bills.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the Senate in an odd-numbered session, it shall pass at least one reading in the Senate in the next regular session upon its return to the Senate from the House.

Rule 48. Bills: Recall from Committee

Twenty days after a bill has been referred to a committee, the same may be recalled from such committee by the affirmative vote of one-third of the members of the Senate.

Rule 49. Matters Tabled

When a bill or resolution or other matter has been laid upon the table, it shall not thereafter be taken from the table and be considered or restored to a place upon the calendar of the Senate without the consent of a majority.

Rule 50. Bills: Amendments

All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

Rule 51. Bills: Certification

When a bill is passed it shall be certified by the Clerk who shall note the day of its passage at the bottom of the last page of the bill.

Rule 52. Bills: Received from House of Representatives

Whenever a bill which has finally passed the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provision of the rules for the passage of bills introduced in the Senate.

Rule 53. Bills: Transmittal to House of Representatives

When a bill originating in the Senate shall have passed its third reading, or when a bill originating in the House which has been received from the House shall have been amended, or when a carry-over bill from an odd-numbered year originating in the House passes its third reading in the Senate in an even-numbered year session, such bill or such amended bill shall immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

Rule 54. Bills: Correction to Errors

When a bill has passed both the Senate and the House of Representatives and an error in it is discovered prior to its having received the approval of the Governor, the bill may be returned by Concurrent Resolution to the House last considering the bill for proper correction.

Rule 55. Bills: Order of Consideration

(1) The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the Senate, the President shall refer them to the various committees. When the committees have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the Second Reading File. The Senate shall consider them in the order in which they appear in the Second Reading File.

(2) The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their reference to committee or the date of the committee report on them. The Clerk shall place them on the Third Reading File in the order in which they passed second reading and the Senate shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the Third Reading File.

Rule 56. Bills: Special Order of Consideration

All bills and other matters set for consideration on particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

PART VI. RESOLUTIONS; MOTIONS

Rule 57. Resolutions and Motions: Form

All resolutions shall be written in ink or typewritten, dated and signed by the introducer, otherwise they shall not be considered. The Senate shall not introduce any congratulatory or memorial resolution but shall express the sentiment contained in such resolutions by means of a suitable certificate signed by not less than one-half of its members. Motions and amendments may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so desired.

Rule 58. Motions: Second Required

No motion shall be received and considered by the Senate until the motion shall be seconded.

Rule 59. Motions: Disposition

After a motion is stated or read by the President, it shall be deemed to be in the possession of the Senate, and shall be disposed of by vote of the Senate; however, it may be withdrawn by the movant at any time before an amendment has been adopted or before the decision on the motion if not amended.

Rule 60. Motions Applicable to Pending Matters

Whenever any bill or resolution or other matter shall be under discussion, the only motions relative thereto shall be:

- (1) To lay upon the table,
- (2) To postpone to a certain time,
- (3) To postpone indefinitely,
- (4) To commit, and
- (5) To amend,

which motions shall have precedence in the order named.

The first two motions shall be decided without debate and shall be put as soon as made.

When any of the motions shall be decided in the negative, they shall not be revived the same day relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the adoption of the bill, resolution or other main question.

Rule 61. Matters Postponed Indefinitely

When a question is postponed indefinitely, the question shall not be acted upon again during the session in which it was introduced.

Rule 62. Motion for Previous Question

The object of the motion for the previous question is to cut off debate. It shall always be in order. It shall require a three-fifths vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill under discussion shall be permitted to close the debate, after which the main question, subject to Rule 60, shall be put. The author or introducer may delegate to another such right to close.

Rule 63. Motion for Reconsideration

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or the succeeding day of session, or, with the consent of the Senate, on any subsequent day and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided by vote, that vote shall not be reconsidered.

(3) When a bill or resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and shall have been transmitted to the House of Representatives, a motion to reconsider shall be deemed to include a request to the House to return the same. If not complied with by the House, then the vote on the motion to reconsider shall be set aside. If such motion shall pass, the Clerk shall promptly communicate to the House the request for return of the matter to be reconsidered.

## PART VII. PETITIONS AND COMMUNICATIONS

Rule 64. Petitions, Memorials, and Miscellaneous Communications

(1) Any person may petition the Senate. Petitions and other memorials, except as provided in Rule 57, shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate or to the President and members shall be presented to the Senate by the Clerk.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made orally by the Clerk.

(4) Every such petition, memorial or other paper shall be ordered filed or referred to a committee, as of course, by the President, unless such action is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, except with the consent of the Senate.

## PART VIII. ORDER; DEBATE; VOTING

Rule 65. Questions of Order

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate, such questions shall be decided without debate



by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

- (2) Any question of order may be submitted to the Senate for its decision.

#### Rule 66. Debate: General Limitation

No member shall speak more than twice, unless such member be the movant of the matter pending, in which case such member shall not be permitted to speak in reply until every member choosing to speak shall have spoken.

#### Rule 67. Voting: Methods

There shall be five methods of ascertaining the decision of the Senate upon any matter.

- (1) First, by voice or raising of hands; Second, by rising; Third, by ballot; Fourth, by call of the roll of the members and a record of the Clerk of the vote of each; and Fifth, by unanimous consent.

- (2) Whenever the Senate is ready to vote on any question, the President shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote "Aye." The President then shall call upon all voting in the negative of the question to vote "No." The President then shall announce the result to the Senate.

- (3) If any member shall doubt the result, as announced, the President again shall state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result again shall be announced.

- (4) The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messengers to collect the ballots, which shall be counted by the Clerk, and the results announced by the President. Unless otherwise prescribed by these rules, on motion, the Senate may vote upon any question by ballot.

- (5) Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the Senate. Each member, when called, shall vote in a clear loud voice, "Aye," if voting in the affirmative, or "No" if voting in the negative. The Clerk shall record each vote and such record shall become a part of the Journal of the Senate. The President shall announce the results as above set forth.

- (6) With the unanimous consent of the Senate, the President may direct the Clerk to record an "Aye" vote for each member of the Senate. If there is no objection, the Clerk shall so record the vote. If there is objection, the President shall ask for the names of the members voting "No" and order the Clerk to record no votes for them.

#### Rule 68. Voting: Rights of Members

- (1) No member, on any account, shall refrain from voting unless excused by the President. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

- (2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

- (3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.

## PART IX. DECORUM; DISCLOSURES; PUNISHMENT

### Rule 69. Punishment of Members

The Senate may punish a member for misconduct, disorderly behavior or neglect of duty by censure, or upon a two-thirds vote of all the members of the Senate, by suspension or expulsion of such member.

The President may appoint a Special Committee to investigate, hear and report upon the conduct of any member charged by the Senate for misconduct, disorderly behavior or neglect of duty. Any member so charged by the Senate shall be informed in writing of the specific charge or charges made against the member and have opportunity to present evidence and be heard in the member's own defense. Following its investigation and hearing the Special Committee shall file its report with the President setting forth its findings and recommendations.

In the event the committee recommends censure, suspension or expulsion, the President shall present the report of the committee to the Senate for its consideration and decision. The Senate, by a majority vote, may censure a member or, upon a two-thirds vote of all the members of the Senate, suspend or expel a member.

### Rule 70. Decorum: Transgression of Rules

If any member transgresses the rules of the Senate, the President, or any member, may call such member to order, and, when so called to order, immediately shall sit down. The President then shall decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

### Rule 71. Decorum: Address

When any member is about to speak, such member shall rise from the member's seat and address all remarks to the President. While speaking, the member shall confine all remarks to the question under debate, shall refer to other Senators by title only (e.g., "Senator from the \_\_\_\_\_ District"; "The Chairman of the Committee on \_\_\_\_\_"; "The Majority Leader,") and not by name and shall avoid personalities.

### Rule 72. Decorum: Person Called to Order While Speaking

Whenever any person shall be called to order while speaking, such person shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

### Rule 73. Decorum: Presence in Senate

No person shall sit at the desk of the President or Clerk, except by permission of the President, nor shall any person, other than a member, officer or permitted employee or person, sit in the main Senate floor area during any of the sessions of the Senate.

### Rule 74. Decorum: Conduct in Session

When the President is putting any question or addressing the Senate, no one shall walk out of the room or across the floor. When a member is speaking, no one shall entertain a private discourse, nor shall anyone pass between the member speaking and the Chair.

Rule 75. Decorum: Disorderly Conduct in Session

If, during any session of the Senate, any member should behave in a disorderly manner the President shall order the member to be seated and preserve the peace. If such member then shall persist in disorderly conduct, the President shall order the Sergeant-at-Arms to remove the member from the Senate and the member shall not be permitted to take a seat during the remainder of that day's session, except upon satisfactory pledge given to the Senate for future good behavior.

For the punishment of any person not a member, the provisions of Section 18, Article III, of the Constitution shall govern.

Rule 76. Decorum: Recording of Debate Called to Order

If any Senator is called to order for words spoken in debate, upon the member's demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

Rule 77. Decorum: Smoking

No member or other officer shall smoke within the Senate Chamber during any of the meetings of the Senate unless authorized by the President.

Rule 78. Decorum: Solicitation Prohibited

An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions of contributions for any purpose on the floor or in the lobby of the Senate or in any Senate office.

Rule 79. Disclosures

Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of the member's private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.

If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.

Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.

Rule 80. Violating Confidence

If any matter covered in Rule 32 or 33 shall be disclosed by any Senator, the Senator shall be liable to censure, or, by a two-thirds vote, to suspension or expulsion from the Senate. If an officer or other person authorized to hear such matter shall disclose the matter, such officer shall be dismissed and such other person shall be liable to punishment for contempt comparable to the punishment provided for by Section 18, Article III, of the Constitution and in the manner as therein prescribed.

## PART X. QUESTIONS TO STATE OFFICERS

Rule 81. Questions to State Officers

Any member of the Senate may ask any question of any state officer relating to the officer's respective department reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.

## PART IX. AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES

Rule 82. Amendments; Suspension

(1) No rule of the Senate shall be amended or rescinded nor shall any new rule be adopted, without one day's notice of such change. Any such action shall require a majority vote of the members of the Senate.

(2) Any rule may be suspended for a particular purpose with the unanimous consent of the Senate.

Rule 83. Parliamentary Procedure

The Rules of Parliamentary Procedure as laid down by Cushing, and as interpreted and practiced in the Senate of the United States, where not inconsistent with these Rules shall govern the Senate.