

THIRTY-FIRST DAY

Thursday, March 8, 1979

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend T. Samuel Lee of the Aldersgate United Methodist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirtieth Day.

Senator Yee introduced to the members of the Senate sixty-five students from the Senior class at Hawaii Baptist Academy, together with their teachers, Ms. Susan Chaney and Mr. Hom.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 100 and 101) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 100), transmitting a report prepared by the Department of Planning and Economic Development and the Department of Budget and Finance in response to House Resolution No. 437 and House Concurrent Resolution No. 88 which requested a study and proposal on the establishment of a State Economic Planning System, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 101), transmitting the Annual Report of the Department of Hawaiian Home Lands for fiscal year 1977-78, which was prepared by that Department, was referred to the Committee on Housing and Hawaiian Homes.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 63 to 87) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 63), transmitting House Bill No. 79, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi,

seconded by Senator Anderson and carried, H.B. No. 79, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 64), transmitting House Bill No. 159, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 159, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY", passed First Reading by title and was referred to the Committee on Health, then to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 65), transmitting House Bill No. 284, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 284, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY EXAMINATION AND HOSPITALIZATION", 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. 66), transmitting House Bill No. 398, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 398, entitled: "A BILL FOR AN ACT RELATING TO CHOICE OF EVILS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 67), transmitting House Bill No. 399, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 399, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 68), transmitting House Bill No. 424, H.D. 1, which passed Third Reading in the House of Representatives

on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 424, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TAMPERING", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 69), transmitting House Bill No. 435, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 435, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AFFECTING OCCUPATIONS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 70), transmitting House Bill No. 445, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 445, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES", passed First Reading by title and was referred jointly to the Committee on Intergovernmental Relations and the Committee on Transportation, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 71), transmitting House Bill No. 450, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, Roll Call vote having been requested, H.B. No. 450, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION", passed First Reading by title and was referred to the Committee on Judiciary on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

A communication from the House (Hse. Com. No. 72), transmitting House Bill No. 452, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 452, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF CONTROLS TO REGULATE BURGLARY AND HOLDUP ALARM SYSTEMS", passed First Reading by title and was referred to the Committee on Intergovernmental Relations, then to the Committee on Consumer Protection and Commerce.

A communication from the House (Hse. Com. No. 73), transmitting House Bill No. 480, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 480, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KEYS", passed First Reading by title and was referred to the Committee on Government Operations and Efficiency, then to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 74), transmitting House Bill No. 587, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 587, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW", 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. 588, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 588, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW", passed First Reading by title and was referred jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 76), transmitting House Bill No. 589, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 589, 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. 77), transmitting House Bill No. 595, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 595, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS 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. 78), transmitting House Bill No. 618, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 618, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF THE DEPARTMENT OF TRANSPORTATION", passed First Reading by title and was referred to the Committee on Transportation.

A communication from the House (Hse. Com. No. 79), transmitting House Bill No. 696, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 696, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREPARATION OF CERTIFICATES OF BIRTH FOR ADOPTED CHILDREN BORN IN A FOREIGN COUNTRY", 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. 80), transmitting House Bill No. 723, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 723, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT CLAIMS SUBMITTED AGAINST THE STATE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House

(Hse. Com. No. 81), transmitting House Bill No. 861, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 861, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO", 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. 82), transmitting House Bill No. 921, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 921, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF TEMPORARY RESTRAINING ORDERS IN CASES OF SPOUSE ABUSE AND OTHER DOMESTIC VIOLENCE", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 83), transmitting House Bill No. 923, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 923, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS", 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. 84), transmitting House Bill No. 1004, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 1004, entitled: "A BILL FOR AN ACT RELATING TO DURESS", passed First Reading by title and was referred to the Committee on Judiciary.

A communication from the House (Hse. Com. No. 85), transmitting House Bill No. 1211, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, Roll Call vote having been requested, H.B. No. 1211, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE

UNIVERSITY OF HAWAII", passed First Reading by title and was referred to the Committee on Higher Education, then to the Committee on Judiciary on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

A communication from the House (Hse. Com. No. 86), transmitting House Bill No. 1594, H.D. 1, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 1594, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAMIEN MEMORIAL CHAPEL", 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. 87), transmitting House Bill No. 1661, which passed Third Reading in the House of Representatives on March 7, 1979, was placed on file.

On motion by Senator Mizuguchi, seconded by Senator Anderson and carried, H.B. No. 1661, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed First Reading by title and was referred to the Committee on Consumer Protection and Commerce.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 218 to 220) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 218), entitled: "SENATE RESOLUTION HONORING THE UNIVERSITY HIGH SCHOOL GIRLS STATE CHAMPIONSHIP SOFTBALL TEAM", was jointly offered by Senators Carroll, Kuroda, Yee, Cobb, Abercrombie, Ajifu, Takitani, Young, Kawasaki, Wong, George, Cayetano, Anderson, Carpenter, Yim, Saiki, Hara, Campbell, Chong, Toyofuku, Ushijima, Yamasaki, Mizuguchi, O'Connor and Soares.

On motion by Senator Carroll, seconded by Senator Yee and carried, S.R. No. 218 was adopted.

Senator Carroll then introduced to the members of the Senate the following members of the 1979 University High School Girls Softball Team: Jodi Paglinawan (Captain), Stephanie Hiraoka, Jo Ann Hiraoka, Darleen

Yoshioka, Alison Miyashiro, Shontel Sherwood, Leeshan Naholoholo, Paula Mauhili, Robin Moribayashi, Audrey Pagan, Hoku Haliniak, Nadine Nishioka, Aulii Stone, Lani Stone, Karen Yamaguchi, Lynn Hashimoto, Joann Carreira and Donna Fuller; together with their Head Coach, Corinne Chang, Assistant Coach, Nelson Yoshioka and Manager, Joann Hironaga. Senator Carroll then presented each of them with a certified copy of the resolution.

At 11:45 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.

A resolution (S.R. No. 219), entitled: "SENATE RESOLUTION EXTENDING CONGRATULATIONS TO THE HAWAII VOLUNTARY COST CONTAINMENT COMMITTEE", was jointly offered by Senators Ajifu, Mizuguchi, Young, Chong, Kawasaki, Cayetano, Abercrombie, Yamasaki, Takitani, Soares, Carroll, Yee and Saiki.

On motion by Senator Ajifu, seconded by Senator Mizuguchi and carried, S.R. No. 219 was adopted.

A resolution (S.R. No. 220), entitled: "SENATE RESOLUTION COMMENDING EAGLE SCOUTS EDWARD K. DELIMA, MAX G. PARUBRUB, AND SHAY K. YANAGI", was jointly offered by Senators Ajifu, Chong, Young, Kawasaki, Yamasaki, Takitani, Mizuguchi, Soares, Abercrombie, Carroll, Yee and Saiki.

On motion by Senator Ajifu, seconded by Senator Chong and carried, S.R. No. 220 was adopted.

STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 421), informing the Senate that Senate Concurrent Resolution No. 43, Senate Resolution Nos. 215 to 217 and Standing Committee Report Nos. 404 to 420 have been printed and are ready for distribution.

On motion by Senator Yamasaki, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 422), recommending that Senate Bill No. 3 pass First Reading by title and be recommitted to the Committee on Ways and Means.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the

report of the Committee was adopted and S.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", passed First Reading by title and was recommitted to the Committee on Ways and Means.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 423), recommending that Senate Bill No. 52, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 52, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON JUDICIAL DISCIPLINE AND RETIREMENT (CONSTITUTIONAL AMENDMENT OF ARTICLE VI)".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 424), recommending that Senate Bill No. 602, as amended in S.D. 1, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 602, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR INDIGENT CRIMINAL DEFENDANTS".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 425), recommending that Senate Bill No. 615, S.D. 1, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REEMPLOYMENT OF RETIRED PATIENT EMPLOYEES OF THE DEPARTMENT OF HEALTH".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 426), recommending that Senate Bill No. 666, S.D. 1, as amended in S.D. 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 666, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF OVERPAYMENTS OF PUBLIC ASSISTANCE".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 427), recommending that Senate Bill No. 677, as amended in S.D. 1, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 677, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAY CLEARING ACCOUNTS".

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 428), recommending that Senate Bill No. 1737, as amended in S.D. 1, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on S.B. No. 1737, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION".

ORDER OF THE DAY

MATTERS DEFERRED FROM MARCH 7, 1979

Senate Bill No. 10, S.D. 1:

By unanimous consent, action on S.B. No. 10, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIGNATION FROM PUBLIC OFFICE (CONSTITUTIONAL AMENDMENTS OF ARTICLE II, SECTION 7)", was deferred until Friday, March 9, 1979.

Senator Soares then rose on a point of personal privilege and stated as follows:

"Mr. President, I rise on a point of personal privilege as I think it is a drastic decision to make in deferring this bill again, after having my colleague here on my left go through rigorous training--hours and hours of research, hours and hours of studying all the laws that are on the books in front of you here--getting himself both physically and mentally ready for this encounter.

"I just am distraught to look across the hall here and see his opponent, the worthy Senator O'Connor, not present for this affray. I don't think it is right that my colleague here should go to the peak of condition, ready to do battle with everything he has grasped, and then the contest is called off.

"I do know that the gallery is here because of this; I know the cameras are here because of the affray that was scheduled, and I find that we are left without a contest and it surely would have given us the kind of color this

Honorable Body is so noted for..."

Senator Abercrombie then rose on a point of order and inquired if Senator Soares would identify the person he was speaking about as the pile of books on the desk partially hid the Senator back of it.

Senator Soares continued,

"Mr. President, I'm sure that Senator Abercrombie recognizes the colorful and dapper Senator Carroll...but nevertheless, I do think that when we do have these contests being primed the way we have, that we have to go ahead with the contest, have a debate, and allow these two athletes who have been training so hard to encounter in clean battle.

"Mr. President, I therefore hope that we will not have a chance to get stale waiting for these two to get up and really take on one another. Thank you very much."

Senate Bill No. 163:

Senator Ushijima moved that S.B. No. 163 be recommitted to the Committee on Intergovernmental Relations, seconded by Senator Kuroda.

Senator Ushijima then stated as follows:

"Mr. President, I'd like to make just a short statement concerning this recommitment.

"We have heard a great deal about deregulation in the session and I thought that this was one of the first bills to hit the Senate floor deregulating the big problems that some of our administrators run across, especially when we have statutes that nobody complies with, nobody bothers about.

"However, in the meantime, I received two strong letters from one of my colleagues from Manoa, stating that he sees little merit in this bill that should be kept in the books. So, in due deference to my colleague from Manoa, I have asked that this bill be recommitted to the Intergovernmental Relations Committee."

Senator Campbell then spoke in favor of the motion as follows:

"Mr. President, I would like to express appreciation to the Chairman of the Intergovernmental Relations Committee for consenting to defer consideration of this bill to this

session. If he had rejected my request, it would have been a legitimate action on his part, certainly as it relates to procedure.

"Mr. President, I share the feeling just expressed by the Chairman of the Committee, when he says that the law is not working. I tried several times myself to get the total amount of tax dollars spent on contractual studies by the state and I was unsuccessful.

"I applaud the move that the Chairman has just made to recommit Senate Bill No. 163, because I'm convinced that the present law should not be repealed, but should be modified, so that it would be workable. The main purpose of the present law is not only to avoid duplication, but to provide this Legislature with an accounting of the tremendous amount spent for these contractual studies; and the repeal of the law would deny us, in my judgment, these important avenues.

"Therefore, Mr. President, in my judgment, the solution to this problem is not repeal, but enforcement. Thank you very much."

Senator Ushijima then responded,

"Mr. President, I hope that this does not become one of the major bills of the session. I just want to assure the previous speaker that while it is recommitted, there is still hope that it might come out again, if you convince me that there is some merit to that bill; but you've got to pass the other Senator from Manoa first."

Senator Abercrombie then spoke in favor of the motion as follows:

"Mr. President, speaking in favor of this motion, I want to express my gratitude to Senator Campbell for catching us on this thing. Sometimes a train moves so fast that you're out of the station before you know it.

"I think it's pertinent that I speak for it because, as you notice on the committee report, my name is signed free and clear, thus giving the Chairman of the Committee every indication that I supported it when I simply did not pay sufficiently close attention at the time I signed free and clear.

"With Senator Campbell's admonition to wait a day, I had the opportunity to take another look at it and subsequently I did have some reservations about whether we should drop something because people came in to testify that they didn't care to live up to the law. It was an inconvenience.

"I can see that there are arguments for it, but as Senator Ushijima pointed out and very kindly so in my direction, that we should reconsider on that basis.

"Therefore, I guess it's just another lesson that you have enunciated yourself that sometimes, even though the name may be on the committee report, even if factors intervene in the meantime, it's our sense of integrity (that) demands of us to own up to what we've done or haven't done, or should have done. I think it would be in everyone's interest if we had another opportunity to look at this. I want to thank Senator Ushijima, particularly for his courtesy and kindness toward me on this.

"Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 163, entitled: "A BILL FOR AN ACT RELATING TO STUDIES CONDUCTED BY THE STATE AND ITS POLITICAL SUBDIVISIONS", was recommitted to the Committee on Intergovernmental Relations.

THIRD READING

Senate Bill No. 87, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Toyofuku and carried, S.B. No. 87, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE PROCEDURE ACT", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (O'Connor).

Senate Bill No. 1753:

Senator Chong moved that S.B. No. 1753, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Abercrombie then spoke against the bill as follows:

"Mr. President, I see no need for this bill. The present law does not require the Public Utilities Commission to impose the high fine mentioned in the committee report. They have discretion; therefore, it obviates the introduction of the fine as a possibility. The penalty assessed in the bill, which is on page 5, lines 4 through 14, is \$62.50 per \$100,000 of gross income per month of violation. In my opinion, this fine is much too low and therefore I urge its defeat."

Senator Chong then responded as

follows:

"Mr. President, in the testimony on this administration measure, it was pointed out that the current fine structure may well exceed the so-called violations to the point that when a person does a very minor--when some of these truckers come in with very minor violations such as simply forgetting to renew their applications, the size of the resulting fine may well put them out of business.

"So, Mr. President, by putting this technical wordings into the bill, the administration felt that many people who have not filed their normal papers in a timely manner, would not suffer bankruptcy as a result of this type of oversight."

The motion was then put by the Chair and carried, and S.B. No. 1753, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Anderson, Carroll, Saiiki and Soares). Excused, 1 (O'Connor).

Senate Bill No. 675, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF TAX RETURNS AND INFORMATION IN TAX RETURNS", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (O'Connor).

Senate Bill No. 1316, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, S.B. No. 1316, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (O'Connor).

Senate Bill No. 1451, S.D. 1:

On motion by Senator Young, seconded by Senator Cayetano and carried, S.B. No. 1451, 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, 24. Noes, none. Excused, 1 (O'Connor).

Senate Bill No. 1409, S.D. 1:

Senator Takitani moved that S.B. No. 1409, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hara.

Senator Kawasaki then spoke for the bill, noting certain reservations, as follows:

"Mr. President, while I'm voting for this bill, I have certain reservations and I would like the record to reflect what was related to me regarding the Chairman of this Agriculture Coordinating Committee--that that position will not be a new position; that is a responsibility assigned to someone who is already in the Governor's Office who is designated as Chairman of this Coordinating Committee.

"The other reservation that I have specifically is that no member from the public sector or the consumer elements of our population is represented. It is strictly people from the industry and from government service who are serving on this Agriculture Coordinating Committee. If we find, in subsequent years, that the public sector needs to be represented; specifically, someone representing consumers or someone representing the retail merchants, the supermarkets, etc., we would like to enlarge the membership to include these people.

"So, Mr. President, I will abide by the decision of the Chairman of the Committee on Agriculture and the members of that Committee, but I would like my concerns noted on the records. Thank you."

The motion was put by the Chair and carried, and S.B. No. 1409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (O'Connor).

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.

Senate Bill No. 1059:

By unanimous consent, action on S.B. No. 1059, entitled: "A BILL FOR AN ACT RELATING TO PAU HANA YEARS", was deferred until Friday, March 9, 1979.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 11 to 13) were read by the Clerk and were disposed of as follows:

A communication from George S. Moriguchi, Chief Planning Officer, City and County of Honolulu (Misc. Com. No. 11), transmitting the "notification" from the United States Department of Housing and Urban Development of their intent to provide Home Mortgage Insurance for the Palehua Hillside, Phases I, II and III, project, was referred to the Committee on Housing and Hawaiian Homes.

A communication from Ned Wiederholt, Acting Chief Planning Officer, City and County of Honolulu (Misc. Com. No. 12), transmitting the "notification" from the United States Department of Housing and Urban Development of their intent to provide Home Mortgage Insurance for the Village Park, Phase I, project, was referred to the Committee on Housing and Hawaiian Homes.

A communication from James A. Burgess (Misc. Com. No. 13), petitioning the State for "REDRESS OF GRIEVANCES", charging the Department of Regulatory Agencies and the Department of Planning and Economic Development for Expropriating, Usurping and Plagiarizing his trademark "Hawaii World Trade Center of the Pacific", and requesting a hearing in the Senate, was placed on file.

ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 10, 1979.