

## FIFTY-SIXTH DAY

Monday, April 14, 1980

The Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend William Ah You of the Palisades Community Chapel, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Fifth Day.

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

Senator Carpenter, on behalf of the Senators from the 1st Senatorial District, introduced Political Science Professor Jim Wang of the University of Hawaii, Hilo Campus.

Senator Chong then introduced a group of 15 students from The Kamehameha Schools who are members of the student council of the Associated Students of Kamehameha Schools, accompanied by Ms. Sandy Young, Dean of Students. Senator Chong singled out Debbie Tokuhara, student body vice president; Glenn Akiona, junior class president; William Kalakau, sophomore class vice president; and Patrice Tim Sing, freshman class vice president.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. No. 269 to 285) were read by the Clerk and were disposed as follows:

A message from the Governor (Gov. Msg. No. 269), transmitting a report on agricultural parks prepared by the Departments of Land and Natural Resources and Agriculture, April 7, 1980, in response to House Resolution No. 108 (1980), was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 270), submitting for consideration and consent to the Circuit Court of the First Circuit, the nomination of Bertram T. Kanbara, 10th Judge, for a 10-year term, in accordance with Article VI, Section 3, of the Hawaii State Constitution, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 271), submitting for consideration and confirmation to the Board of Acupuncture the following nominations:

Cheuk Tong Tse, term to expire December 31, 1983;

Mabel S.C. Chang, term to expire December 31, 1982;

Yosei Shinsato, term to expire December 31, 1983; and

John K. Char, D.D.S., term to expire December 31, 1981,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 272), submitting for consideration and confirmation to the Board of Chiropractic Examiners the nomination of Dr. Roy H. Tanaka, D.C., term to expire December 31, 1983, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 273), submitting for consideration and confirmation to the Cemetery and Mortuary Board the nomination of Aloysius M. Teixeira, term to expire December 31, 1982, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 274), submitting for consideration and confirmation to the Consumer Advisory Council the nominations of Melvin M. Kaetsu, Leonard F. Scanlan, George M. Waialeale, Jalna S. Keala, Kwan Ho Kuh, Jean F. Cornuelle, Keenan K. Kelekolio, Robert M. Oda, Marvin R. Funes and Pamela S. Kimura, terms to expire at the pleasure of the Governor, 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 Board of Registration of Professional Engineers, Architects, and Surveyors, the nominations of Donald D. Chapman, Tadaka Nakahata, Cesar Portugal, Juli M. Kimura-Walters, terms to expire December 31, 1983, and Masaji Yamashita, term to expire December 31, 1982, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 276), submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nominations of John K. Uyetake and Gregory T. Laureta, terms to expire December 31, 1983, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 277), submitting for consideration and confirmation to the Fish and Wildlife Advisory Committee, County of Hawaii, the nomination of Alvin M. Inoue, term to expire December 31, 1981, was referred

to the Committee on Ecology, Environment and Recreation.

A message from the Governor (Gov. Msg. No. 278), submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of Daisy L. Aguiar, Roy L. Benham and Lilliam Cameron, terms to expire December 31, 1983, and Thelma Black, term to expire December 31, 1982, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 279), submitting for consideration and confirmation to the Library Advisory Commission, County of Hawaii, the nominations of Lynne T. Shimazu and Chitose Kanuha, terms to expire December 31, 1983, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 280), submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nominations of Edith L. Clements, Clinton K. Akana, Li'amanaia Afuvai, Jr., terms to expire December 31, 1983, and Roy K. Sasaki, term to expire December 31, 1981, was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 281), submitting for consideration and confirmation to the Hawaii Community Development Authority, the nominations of Mitsuo Shimizu and Michael J. Coy, terms to expire December 31, 1983, and Thomas M. Itagaki, term to expire December 31, 1982, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 282), submitting for consideration and confirmation to the Hawaii Housing Authority, the nomination of Paul A. Tom, term to expire December 31, 1983, was referred to the Committee on Housing and Hawaiian Homes.

A message from the Governor (Gov. Msg. No. 283), submitting for consideration and confirmation to the Defender Council, the nominations of Myrtle Mokiao, H.K. Bruss Keppeler, Terence T. Yoshioka, Thomas R. Cole and Donald M. Fujimoto, terms to expire at the pleasure of the Governor, was referred to the Committee on Judiciary.

A message from the Governor (Gov. Msg. No. 284), submitting for consideration and confirmation to the Board of Social Services, the nominations of Lois H. Matsuda, Carolina S. Boland, Sandra T. Ohara and Barbara Adams, terms to expire December 31, 1983, and William K. Pacatang, term to expire December 31, 1982, was referred to the Committee

on Human Resources.

A message from the Governor (Gov. Msg. No. 285), submitting for consideration and confirmation to the Tax Review Commission, the nominations of Ah Quon McElrath, Fred W. Bennion, Christopher G. Pablo, Elliott H. Brilliant, Albert S. Nishimura, Hideo Matsushita and John M. Hamano, terms to expire upon completion of duties, was referred to the Committee on Ways and Means.

At this time, Senator Anderson rose to remark on the Governor's messages as follows:

"Mr. President, on these messages, I don't know how you overcome this but I would ask that the leadership next year consider notifying the Governor that with four days of the session to go and heavy in conferences, to send down some 15 Governor's messages covering 50 people is really unfair to the Senate. We're going to have to rush these in and out of committees or some may die, and the Senate is going to be criticized some day for not screening the Governor's appointments clearly and in depth. He should be notified that sending down this many during the last week of the session is really unfair to the Senate."

Senator Cobb added his remarks as follows:

"Mr. President, I'd like to concur with the previous remarks. We've been asking the administration to get the names (on appointments) down earlier and I think the spirit of the previous remarks on the point is very well taken."

Senator Chong rose to concur with the remarks as follows:

"Mr. President, I also would like to concur and point out that the opening on the very important Public Utilities Commission, even though we've been discussing this with the Governor for the past three months and even before the session started, that the appointment has still not come down."

Senator Cayetano also added his remarks as follows:

"Mr. President, I'd like to concur also."

"I have here the Tax Review Commission appointments which is a very important commission and we just got the names today."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. No. 557 to 569) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 557), returning Senate Bill No. 43, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 558), returning Senate Bill No. 871, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 559), returning Senate Bill No. 1951-80, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 560), returning Senate Bill No. 1991-80, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 561), returning Senate Bill No. 2197-80, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 562), returning Senate Bill No. 2214-80, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 563), returning Senate Bill No. 2225-80, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 564), returning Senate Bill No. 2278-80, S.D. 2, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 565), returning Senate Bill No. 2357-80, S.D. 2, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 566), returning Senate Bill No. 2359-80, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 567), returning Senate Bill No. 2473-80, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 568), returning Senate Bill No. 2520-80, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

A communication from the House (Hse. Com. No. 569), returning Senate Bill No. 3098-80, S.D. 1, which passed Third Reading in the House of Representatives on April 11, 1980, was placed on file.

#### SENATE CONCURRENT RESOLUTION

A concurrent resolution (S.C.R. No. 61), entitled: "SENATE CONCURRENT RESOLUTION CONGRATULATING THE NATIONAL LEAGUE OF AMERICAN PEN WOMEN, INC., HONOLULU BRANCH, FOR SPONSORING THE 1980 HAWAII WRITERS AND ARTISTS CONFERENCE", was jointly offered by Senators Young, George, Saiki, Machida, Hara, Ajifu, Kawasaki, Ushijima, Yamasaki, Toyofuku, Mizuguchi, Soares, Anderson, Wong, Abercrombie, Carpenter, Kuroda, Chong, Cayetano, Carroll, Yim and Campbell, and was read by the Clerk and placed on file.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 333 to 335) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 333), entitled: "SENATE RESOLUTION CONGRATULATING WORLD AIRWAYS ON THEIR NEW LOW AIRFARE", was jointly offered by Senators Wong, Carpenter, Yim, Ushijima, Yamasaki, Chong, Machida, Saiki, Soares, Carroll, Anderson, Kuroda, Mizuguchi, Campbell, Ajifu, Hara, Toyofuku, Cobb, George, Yee, Abercrombie, Cayetano, Kawasaki and Young.

On motion by Senator Mizuguchi, seconded by Senator Carpenter and carried, S.R. No. 333 was adopted.

A resolution (S.R. No. 334), entitled: "SENATE RESOLUTION CONGRATULATING THE PARTICIPATING MEMBERS OF THE HAWAII NATIONAL GUARD, STATE DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION, HAWAII COUNTY DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION, STATE DEPARTMENT OF LAND AND NATURAL RESOURCES FORESTRY DIVISION, STATE DEPARTMENT OF AGRICULTURE AND THE KULANI CORRECTIONAL FACILITY STAFF AND INMATES FOR PROVIDING EMERGENCY FLOOD RELIEF SERVICES FOR THE WAIPIO VALLEY, HAWAII COUNTY", was jointly offered by Senators Hara, Carpenter, Ushijima, Yamasaki, Machida, Mizuguchi, Cobb, Yim, Carroll, Soares, Kuroda, Yee, Anderson, Chong, Campbell, Kawasaki, Young, Cayetano, Saiki,

Ajifu, Toyofuku, George, O'Connor, Abercrombie and Wong.

On motion by Senator Hara, seconded by Senator Carpenter and carried, S.R. No. 334 was adopted.

A resolution (S.R. No. 335), entitled: "SENATE RESOLUTION CONGRATULATING THE NATIONAL LEAGUE OF AMERICAN PEN WOMEN, INC., HONOLULU BRANCH, FOR SPONSORING THE 1980 HAWAII WRITERS AND ARTISTS CONFERENCE", was jointly offered by Senators Young, George, Saiki, Machida, Hara, Ajifu, Kawasaki, Ushijima, Yamasaki, Toyofuku, Mizuguchi, Soares, Anderson, Wong, Abercrombie, Carpenter, Kuroda, Chong, Campbell, Cayetano, Carroll and Yim, and was placed on file.

#### CONFERENCE COMMITTEE REPORT

Senator Carpenter, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2134-80, H.D. 1, presented a report (Conf. Com. Rep. No. 4-80) recommending that S.B. No. 2134-80, 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, the 48-hour notice was given on S.B.No. 2134-80, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS."

#### STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1057-80) informing the Senate that Senate Resolution Nos. 327 to 332 and Standing Committee Report Nos. 1055-80 and 1056-80 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 Hara, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1058-80) recommending that the Senate advise and consent to the following nominations:

Michael J. Chun, Ph.D., Richard S.C. Mau, and Herbert Bob Stellmacher to the Environmental Quality Commission, in accordance with Gov. Msg. No. 147;

Ivan H. Morita and Donald K. Andrews to the Fish and Wildlife Advisory Committee, City and County of Honolulu, in accordance

with Gov. Msg. No. 148;

John Duarte to the Fish and Wildlife Advisory Committee, County of Kauai, in accordance with Gov. Msg. No. 149;

Philip M. Yamagata to the Fish and Wildlife Advisory Committee, County of Kauai, in accordance with Gov. Msg. No. 150;

Adolph H. Desha, Edward H. Tamura, and Wallace H. Fujii to the Fish and Wildlife Advisory Committee, County of Maui, in accordance with Gov. Msg. No. 151;

Dr. D. Mueller-Dombois to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 152;

P. Quentin Tomich, Ph.D., to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 153;

Richard K.T. Au and Tommy Kakesako to the Pacific War Memorial Commission, in accordance with Gov. Msg. No. 154; and

Curt T. Tagawa and Samuel J. Weimer to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 155.

By unanimous consent, action on Stand. Com. Rep. No. 1058-80 and Gov. Msg. Nos. 147, 148, 149, 150, 151, 152, 153, 154, and 155 was deferred until Tuesday, April 15, 1980.

Senator Hara, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1059-80) recommending that Senate Resolution No. 179 be adopted.

On motion by Senator Hara, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.R. No. 179, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING A SMALL BOAT REFUGE HARBOR NEAR LAUPAHOEHOE POINT ON THE BIG ISLAND", was adopted.

Senator Hara, for the majority of the Committee on Ecology Environment and Recreation, presented a report (Stand. Com. Rep. No. 1060-80) recommending that House Bill No. 2815-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hara, seconded by Senator Mizuguchi and carried, the report of the majority of the Committee was adopted and H.B. No. 2815-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 16, 1980.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 2815-80.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1061-80) recommending that the Senate advise and consent to the nominations of William Kennison, Keith I. Oda, William Y. Nakamatsu, and Kenneth I. Crow to the Commission on Transportation of the State of Hawaii, in accordance with Governor's Message No. 230.

By unanimous consent, action on Stand. Com. Rep. No. 1061-80 and Gov. Msg. No. 230 was deferred until Tuesday, April 15, 1980.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1062-80) recommending that the Senate advise and consent to the nomination of Rick Eveleth to the State Highway Safety Council, in accordance with Governor's Message No. 231.

By unanimous consent, action on Stand. Com. Rep. No. 1062-80 and Gov. Msg. No. 231 was deferred until Tuesday, April 15, 1980.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1063-80) recommending that the Senate advise and consent to the nomination of Robert Lee, Jr., M.D., to the Medical Advisory Board, in accordance with Governor's Message No. 232.

By unanimous consent, action on Stand. Com. Rep. No. 1063-80 and Gov. Msg. No. 232 was deferred until Tuesday, April 15, 1980.

Senator Mizuguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1064-80) recommending that the Senate advise and consent to the nomination of B.E. Realica, M.D., to the Medical Advisory Board, in accordance with Governor's Message No. 233.

By unanimous consent, action on Stand. Com. Rep. No. 1064-80 and Gov. Msg. No. 233 was deferred until Tuesday, April 15, 1980.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1065-80) recommending that House Bill No. 2185-80 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 H.B. No. 2185-80, entitled: "A BILL FOR AN ACT RELATING TO RECORDING FEES IN THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT IN THE STATE BUREAU OF CONVEYANCES."

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1066-80) recommending that House Bill No. 2540-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 2540-80, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 16, 1980.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 2540-80.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1067-80) recommending that House Bill No. 2752-80, H.D. 2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 2752-80, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE INITIAL APPOINTMENT OF CIVIL SERVICE EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 16, 1980.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 2752-80, H.D. 2.

Senator Cayetano, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1068-80) recommending that House Bill No. 2137-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, the report of the Committee was adopted and H.B. No. 2137-80, entitled: "A BILL

FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 16, 1980.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, the 48-hour notice was given on H.B. No. 2137-80.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1069-80) recommending that the Senate advise and consent to the nomination of Takeo Yamamoto to the Board of Land and Natural Resources, in accordance with Governor's Message No. 156.

By unanimous consent, action on Stand. Com. Rep. No. 1069-80 and Gov. Msg. No. 156 was deferred until Tuesday, April 15, 1980.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1070-80) recommending that the Senate advise and consent to the nominations of Edwin Y. Otsuji, Randolph G. Moore, Raymond T. Sasaki, Jr., William L. Palakiko, and Manuel Moniz, Jr., to the Board of Planning and Economic Development, in accordance with Governor's Message No. 157.

By unanimous consent, action on Stand. Com. Rep. No. 1070-80 and Gov. Msg. No. 157 was deferred until Tuesday, April 15, 1980.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1071-80) recommending that the Senate advise and consent to the nominations of A. Edward Kato, Pam H. Kekumano, and Thomas M.W. Lee to the Commission on Population and the Hawaiian Future, in accordance with Governor's Message No. 158.

By unanimous consent, action on Stand. Com. Rep. No. 1071-80 and Gov. Msg. No. 158 was deferred until Tuesday, April 15, 1980.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1072-80) recommending that the Senate advise and consent to the nomination of Virginia Dee Costello to the Commission on the Year 2000, in accordance with Governor's Message No. 159.

By unanimous consent, action on Stand. Com. Rep. No. 1072-80 and Gov. Msg. No. 159 was deferred until Tuesday, April 15, 1980.

Senator Yim, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1073-80) recommending that the Senate advise and consent to the nominations of Shinsei Miyasato and Richard B.F. Choy to the Land Use Commission, in accordance with Governor's Message No. 250.

By unanimous consent, action on Stand. Com. Rep. No. 1073-80 and Gov. Msg. No. 250 was deferred until Tuesday, April 15, 1980.

#### ORDER OF THE DAY

MATTERS DEFERRED  
FROM APRIL 10, 1980

#### THIRD READING

Standing Committee Report No. 679-80  
(S.B. No. 1829-80, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 679-80 and S.B. No. 1829-80, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII BUSINESS CORPORATION ACT", was deferred until Tuesday, April 15, 1980.

Standing Committee Report No. 695-80  
(S.B. No. 1828-80, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 695-80 and S.B. No. 1828-80, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NONPROFIT CORPORATION ACT", was deferred until Tuesday, April 15, 1980.

At 11:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

House Bill No. 2259-80:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, H.B. No. 2259-80, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2064-80:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, H.B. No. 2064-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTER DEFERRED  
FROM APRIL 11, 1980

Standing Committee Report No. 1056-80 (S.R. No. 163):

By unanimous consent, action on Stand. Com. Rep. No. 1056-80 and S.R. No. 163, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION MAKE THE MOANALUA-SALT LAKE AREA PUBLIC LIBRARY FIRST PRIORITY ON ITS LIBRARY CONSTRUCTION LIST", was deferred until Tuesday, April 15, 1980.

FINAL READING

Senate Bill No. 1441, S.D. 1, H.D. 1:

Senator Cobb moved that S.B. No. 1441, S.D. 1, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chong.

At this time, Senator Kawasaki rose to state as follows:

"Mr. President, I had intended to speak against this bill and had a speech prepared but, consonant with my agreement to shave off a few minutes of my speaking time so that we could give the speaker last week some time to talk to us, I will just vote 'no' on this bill."

Senator Abercrombie then rose to ask if the chairman of the Consumer Protection and Commerce would yield to a question and the chairman replied in the affirmative.

Senator Abercrombie then asked: "Would the chairman explain the degree to which he believes, if any, the open-end loan concept has an inflationary element?"

Senator Cobb, chairman of the Consumer Protection and Commerce Committee replied as follows:

"Mr. President, in regard to the inflation, I think that would depend on how much of it is used. And, like any other open-end agreement with any other type of financial institution, under the provisions of the new federal regulation that has been implemented by executive order of the President, any new credit extended would require a deposit of 15% of the amount of the credit to be extended in a noninterest bearing account with the Federal Reserve System. As a result, I think, any lender is going to be very judicious in the use or extension of credit to an individual."

Senator Abercrombie remarked and

further inquired as follows:

"Mr. President, I have had like assurances given to me by different members of the community involved in industrial loans. If this is the case... I understand what the purpose is, but could the chairman just explain a little more than as to why this is necessary at this time? If I can get an explanation on that I think I can see my way clear to vote for it."

Senator Cobb replied as follows:

"Yes, Mr. President, the purpose of this bill in allowing an open-end system is because the law is silent with respect to the Industrial Loan Act, relative to whether or not such open-end loans are permitted; whereas, it is more explicit under Chapter 478 which deals with other types of financial institutions.

"Because of the silence in the law on this, particular type of loan lenders have not felt they had the requisite authority to go ahead and make such types of loans, even though it is very much an element of competition with other types of lenders. This bill will clarify that ambiguity and make certain that they do have that authority."

Senator Abercrombie then thanked the chairman and spoke in favor of the measure as follows:

"Mr. President, under those circumstances, I would like to speak in favor of this bill.

"Principally, Mr. President, I believe that because of some of the other actions we have either taken this term already or contemplate taking in the next few days, I believe that there would be situations in which, especially people in small business may find it necessary to take advantage of this open-end lending situation. That doesn't mean that I think it's a good idea. I think they're going to be forced into it and regret it. I would not want to find myself in the position of voting against or urging a vote against some other propositions which may come before us and finding myself in a situation where I feel pretty good about having done the right thing and then have with the knowledge that there may be people who will be suffering as a result of those votes... whom I believe may suffer as a result of those votes... and they would not have an opportunity to at least attempt to bail themselves out for the short run.

"I think it's a helluva way to try and have to do something to somebody, but I'd rather, for the moment, find myself in a position of at least having opened that particular avenue... if that kind

of financial disaster takes place which I fear all too well will take place... should we deal in a positive fashion here with some of the other changes with respect to interest rates and so on. On that basis, I will vote for it."

At this time, Senator Cobb rose on a point of clarification as follows:

"Mr. President, I have received a communication on this measure from the chairman of the House Committee on Consumer Protection and Commerce relative to technical errors in the bill and we had checked further with the Revisor of Statutes that we may read into the record the clarification of those matters so that there is no question as to the legislative intent with the underscoring. I would like to do so at this time, if I may.

"Mr. President, on page 19, lines 1 through 12 should be underlined; this is a continuation of a new subsection (H) which begins on page 18, and the entire subsection (H) should have been underlined.

"Secondly, on page 12, lines 2 through 5, the sentence 'Loans providing for repayment on demand may be contracted for, under this subsection and subject to a maturity date of not later than six years from the date of the note.' should be underlined as it is new material.

"Lastly, on page 19, line 16, 'SECTION 4.' should read: 'SECTION 3.'"

The Chair then stated that "those comments will be inserted into the Journal."

At this time, Senator Kawasaki rose to ask the chairman of the Consumer Protection and Commerce to yield to a question and the chairman replied in the affirmative.

Senator Kawasaki asked as follows:

"Mr. Chairman, what is the maximum interest chargeable under the operation of this bill, the very highest maximum? I'm led to believe that it's about 31%, is that correct?"

Senator Cobb replied as follows:

"Mr. President, at the present time it's an annual percentage rate of 18%. If '1925' were to pass, the House will pass a conference committee with an annual percentage rate of 24%. That would be the amount, but, at the present time, 18% is controlling.

"Under an 18% roll-over loan involving a two to three-year period, the actual

annual percentage rate, with the old and new funds taken into account, will be 25.75%, but that would involve the use of both old and new money in a consolidated roll-over loan for a short period of time."

Senator Anderson then rose to state as follows:

"Mr. President, not to the merits or demerits of the bill, but for precedent and for the record, I'm not really sure that's a technical amendment as defined under the Ramseyer method because it's not underscored, but that's pretty clear an amendment. Because of the shortness of time and the intent is pretty clear, for the record and for the Clerk's desk drawer, I want on record that it's not a technical amendment in the true fashion."

The Chair then stated as follows:

"Senator Anderson, for your information, we have checked with the Revisor of Statutes and we have been advised that this is the procedure in which to take care of this problem. In actuality, we are not making an amendment but, rather, just calling attention to a typographical error in the bill--namely, that some new statutory language was inadvertently not underlined. However, your comments will be inserted into the record as to whether or not these are technical or substantial amendments to the bill."

The motion was put by the Chair and carried, and S.B. No. 1441, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

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

The Senate reconvened at 12:14 o'clock p.m.

### THIRD READING

House Bill No. 2166-80, H.D. 1:

On motion by Senator O'Connor, seconded by Senator Cobb and carried, H.B. No. 2166-80, 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, 25. Noes, none.



Standing Committee Report No. 987-80  
(H.B. No. 2589-80):

Senator Cobb moved that Stand. Com. Rep. No. 987-80 be adopted and H.B. No. 2589-80, having been read throughout, pass Third Reading, seconded by Senator Chong.

At this time, Senator Kawasaki rose to speak against the measure as follows:

"Mr. President, I think it behooves this body to very carefully think of the impact of this particular bill.

"First of all, this bill, if it's enacted, I think, violates the concept of home rule that we've been trying to espouse. Twenty years or so ago, we, believing in the home rule concept, gave to the counties the right to administer the police commission the police department's operations. We gave them the right to administer the liquor sales program and gave them the liquor commission and all that's involved in the liquor sales program.

"Last year, the 1978 Constitutional Convention also took into consideration the logic of the home rule concept as it relates to certain types of programs and mandated us to now give the real property tax program, both the setting of the property tax rates in each county and the assessment judgment, to the counties and we passed a bill to effectuate this.

"This bill, in effect, tells the City and County Liquor Commission that they can or they cannot charge license fees according to what we think the license fee should be. The bill requires that the liquor commission charge license fees no higher than what is the total cost, the direct cost, of administering the liquor sales program.

"In actuality, if we pass this bill, I think the fees that the counties could charge to their licensees would be even higher than what it is today. Today, they are taking in about \$1,427,000 and what is attributable to direct costs is much in excess of this.

"Let me just explain. I think they have used a figure of about \$900,000 to estimate the cost of administering, that is to say, that they have to pay the liquor inspectors, the staff of the liquor commission, etc. If we were to add all of the costs involved because of the consumption and the sale of liquor, then we will have to take in the cost of the extra police department personnel that's needed to take care of problems caused by traffic accidents and traffic deaths which involve the use of liquor;

the cost of providing extra services and staff for cleaning up of the parks because of liquor consumption.

"If you don't think this is a problem, I suggest that each member here go to Ala Moana Park, in the vicinity of Magic Island, to see in that parking lot, every morning, literally dozens of bottles busted right on the road. It requires the park keepers to send out staff to clean it up; the next morning it's the same thing.

"There are a lot of added costs because of the consumption of liquor.

"We had a total of 1900 drunk driving arrests last year, and the county estimates that the cost of processing these particular cases, if it's uncontested, averages about \$1500 each case. For the 1900 arrests, it's roughly a little below \$3 million, which is almost double the total revenue taken in by license fees.

"Now on the contested cases, it is estimated that the average cost is about \$5000 each case. Taking a more conservative view, using half of the figure of \$2500, the cost of administering drunk driving charge cases before the courts would amount to about \$4.75 million, three times the amount of the revenues taken in by the license fees.

"Last year, we had 55 traffic deaths involving liquor, again, because of liquor consumption, and a nation-wide study shows that the cost impact of each death as a result of a traffic accident involving liquor is about \$200,000. This is a nation-wide study figure. Using just \$50,000 as a figure, one-fourth of what is said to be the actual average cost in the nation-wide study, the cost impact, we have again a cost of \$2,750,000 involved for a total of \$7.5 million, much in excess of what they take in in liquor license fees.

"These things considered, I think (first of all because it violates the home rule concept) we should not be interfering with the counties' operation of the liquor program by telling them what kind of license fees they could charge. License fees for the small liquor establishments--the bars and the restaurants--are rather nominal.

"The proponents of this bill primarily, I think, are the big licensees who have to pay a percentage of their gross income on liquor sales as a license fee and the percentage does not go any higher than one percent as it is designed, as it is proposed by the liquor commission.

"Incidentally, what has been the increase

in the price of liquor at the retail level or at the consumption level? In five years the cost of buying a drink has gone up about 25%. The last time the liquor commission increased their fees was ten years ago. Now they are proposing to possibly raise the fee to about 1% only for the large licensees. When I say large licensees... the hotels are required to have just one license regardless of the fact that they may have a dozen cocktail lounges in the hotel complex. What is anticipated here is that perhaps the fee is going up to 1% of the total consumption of liquor, which is still a very reasonable figure for the cost of doing business, to sell and to dispense liquor.

"As I said, the county people have calculated that the direct cost attributable just for the operation of the liquor licensing staff, the commission's activities, is about \$900,000. The remainder goes into the general fund to help pay for the things that I outlined, the cost of police, the park keepers, the administration of the traffic program, and so forth, so I think there is no need to pass this bill, and if we want cooperation from the City Council, from the liquor commissioners, whom we've instructed to try to police these 'clip' joints as we call them... these bars that charge exorbitant prices for the consumption of champagne and so forth by their clients... if we want cooperation from them, I think we have no business trying to order them as to what they should be charging.

"For these reasons, I think, this bill is a very bad one; we violate the home rule concept; we should not be getting involved in this kind of controversy with the county people.

"I hope that you will vote against this bill."

Senator Abercrombie then rose to ask if the chairman of the Committee on Consumer Protection and Commerce would yield to a question and the chairman replied in the affirmative.

Senator Abercrombie then inquired as follows:

"Mr. President, if one goes back to the bill which came here on March 7, 1980, the committee report indicates the following: 'The present law is silent as to the proper method of fee assessments to be followed by the commission. Section 281-17 (11) states in pertinent parts: "the liquor commission... shall have the sole jurisdiction, power, authority and discretion... to prescribe, by rule and regulation, ... the annual or prorated amount and the manner of payment of

fees for such licenses and permits, and the amount of filing fees.'"

"Then it states that '...each county's liquor commission is currently free to promulgate its own fee assessment structure.'

"Can the chairman give me any rationale for changing that situation?"

Senator Cobb replied as follows:

"Mr. President, I believe that came from a previous committee report. This bill was heard by both the Committee on Intergovernmental Relations as well as the Committee on Consumer Protection and Commerce.

"This bill as it is presently worded certainly allows the liquor commission to set its fees but it is also in conformity with the previous position we took relative to state boards and commissions when we said that their fees should reflect their operating expenses and be adjusted either upwards or downwards.

"The point of agreement between the two committees, the chairman and vice chairman of the previous committees sit on the Consumer Protection Committee. It is that we agreed this situation involved a defacto taxing power of the county that had not been granted by the Legislature and if we're going to impose this kind of restraint on our own boards and commissions we should do likewise on those in the counties."

Senator Abercrombie remarked as follows:

"Mr. President, I don't think that answers my question. Maybe I didn't state it correctly, or clearly enough.

"I referred to the committee report it seemed to me, to make quite clear what the liquor commission could do. The liquor commission and each commission, by definition, has a separate function. If we were just dealing with commissions and boards we could assign people to them at random or we could allow them to do things at random. They have specific functions and what may be considered direct or indirect may vary depending on the context with which that commission deals with.

"My question to the chairman was what is the rationale given as to what the liquor commission does for making a change in its having the sole discretion, power, and authority to prescribe by rule and regulation, etc. the payment of fees for licenses and permits, especially in the light of the previous speaker's

remarks?"

Senator Cobb, at this time, rose for clarification as follows:

"Mr. President, I'd like to ask a question. Is that a committee report from the Committee on Consumer Protection and Commerce or Intergovernmental Relations or some other committee?"

Senator Abercrombie replied as follows:

"I've already stated, Mr. President, if you refer to the bill which came over on March 7, 1980, House Bill 2589. That committee report states that and I'm trying to find out from the Consumer Protection chairman what the rationale is for eliminating that unless he wants to indicate that this is in fact not true.

"I'm trying to find out what the rationale is inasmuch as it does not appear in a satisfactory manner to me. It doesn't seem to answer what the rationale is for having the liquor commission no longer be able to do that, given the context of the remarks of the previous speaker?"

Senator Cobb stated: "Mr. President, I'm still trying to ascertain whether or not that committee report came from my committee or from the Committee on Intergovernmental Relations. May we have a short recess?"

Senator Abercrombie then remarked as follows:

"Oh hell, just take a look at it; it comes from the Consumer Protection Committee in the House; that's what I said, March 7, 1980. It's attached right to the bill here. Here it is."

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

The Senate reconvened at 12:34 o'clock p.m.

At this time, Senator Abercrombie readdressed his inquiry as follows:

"Mr. President, perhaps my question might be better addressed to the chairman of Intergovernmental Relations Committee. May I do so with his permission?"

The Chair replied, "If the chairman has no objection."

Senator Ushijima replied that he did not have any objections.

Senator Abercrombie proceeded to ask as follows:

"Mr. Chairman, perhaps it might make more clear my concern if I asked you in respect of the bill before us, on page 2, line 7, 8 and 9, 'Such fees shall not be used for any cost or expenses other than those directly relating to its operation and administration.' Can that language be construed to mean that expenses such as those outlined by Senator Kawasaki would be involved?"

Senator Ushijima replied, "No."

Senator Abercrombie continued: "In other words the payment of inspectors and so on constitutes sum and substance of..."

Senator Ushijima replied: "No."

Senator Abercrombie further continued: "administration, etc."

Senator Ushijima again replied: "No."

Senator Abercrombie then followed with: "Well then, perhaps you can explain what is its operation and administration? What is the scope?"

Senator Ushijima replied as follows:

"Well, I suppose that it's payment for the liquor commissioners, anything directly involved with the operation of the liquor commission... people they hire."

Senator Abercrombie asked: "It's inspectors, for example?"

Senator Ushijima replied: "But not to take care of social costs."

Senator Abercrombie then thanked Senator Ushijima and spoke against the measure as follows:

"Mr. President, I speak against this bill under those circumstances.

"Senator Kawasaki has already outlined in some detail and the chairman of the Intergovernmental Relations Committee has aptly indicated our social costs.

"I think that even in the Health Committee hearings and Ways and Means deliberations and hearings on some of the private agency grant applications in the area of substance abuse, most particularly where alcohol related, will reveal to the members enormous costs, enormous social costs associated here.

"Now, what has happened is that the philosophy of the Consumer Protection and Commerce Committee has been that this constitutes a tax by having the fees set, as the report says, is substantially

higher than in other states in fees that are collected, in one case twice as large as the commission's operating expenses. I do not believe that this is a tax in that sense at all. I consider this a fee associated with the business that is being done. One of the effects of that business, say as opposed to the tire business or the business of making chairs that we sit in or the microphone that we are using now. The effect of the microphone is to enable us to hear our speech in all areas of the floor. The effect of the chair is to enable us to be able to be seated rather than to stand. The effect of tires is to move one down the highway. The effect of the liquor is to alter the capacity of the individual in terms of his or her reaction time, reflexes, etc. in such a way that it is inevitable in a society which counts on people to exercise discretion individually. Inevitable that the costs would occur which I would call direct.

"It may possibly be that, as the chairman indicated, the social costs are not generally thought to be directly attributable. Perhaps in a legal sense that is true, but from the point of view of policy which is within the purview of this body to enact, it most certainly, in my judgment, is and should be considered as such-- a direct cost. We are involved in our own state in millions and millions of dollars.

"I've had personal experience as a member of the advisory board of the alcohol treatment facility in Nuuanu Valley dealing with the not aftereffects, but ongoing effects of alcoholism, the social and economic costs to this state. I think the insurance claims would bear that out. I think the tragic family circumstances, histories of families involved, would bear that out. So, I make a plea to you, Mr. President, and the other members here, not on the basis of any kind of sentimentality as such, but on cold, hard realities of what dispensing of alcohol involves directly, in my judgment, to this state and to the taxpayers of this state. It is an enormous cost.

"Under those circumstances, I think it is entirely within the purview of the liquor commission to have a license fee structure which reflects that. I think that is common sense; I think it is realistic; I think it is neat and proper that it do so.

"I understand also, Mr. President, that one may impose a direct tax on liquor, say increase it even further than it is now, and I most certainly would support such an activity but I do not think that in doing so we are recognizing the responsibility that exists for the people who are

doing business in this area and I think that the imposition of higher fees over and above the cost of the operation of the commission itself are entirely in order, as a result.

"Thank you."

Senator Ushijima then rose to remark as follows:

"Mr. President, I think at the hearings, the people from the City and County came over and tried to justify their turning over \$500-\$500,000 in license fees money to their general fund was because of this social cost, and I believe they tried to say that because liquor is sold and consumed they have to chase after all the drunken drivers at night and need extra police, etc., and some of the problems that are created by the consumption of liquor. I think that if this is going to be a problem, next session you just come in and have a bill introduced here to prohibit liquor completely. This will solve your problem."

Senator Anderson rose to speak in favor of the measure and on a question of a conflict of interest as follows:

"Mr. President, very briefly, I am in a small way affected by this bill. I have a license.

"I guess that there will be some monetary benefit for me and I don't have a historical record yet however small it might be.

"I plan to vote for the bill, Mr. President, unless the Chair rules otherwise. My record will reflect that I have always voted against excessive fees where I felt they have gone beyond the cost of that particular program. I don't take argument to the previous two speakers. If there are social costs then we ought to take a look at that social legislation or taxation. This is not taxation; it's a fee, and unless the chair rules otherwise I plan to support the bill."

The Chair ruled that Senator Anderson is not in conflict in voting on the measure.

Senator Abercrombie rose on a point of clarification as follows:

"Mr. President, I do want to make it clear that I do not favor prohibition in this area, otherwise, as I indicated in my remarks, and want to reiterate them for the record that we do engage in individual responsibility approach, I think, in our country and while superficially that might solve the problem, I don't think that it would in the sense that it would stop the consumption of alcohol. I'm talking about what we might

do when we are engaged in legitimate business and what would be a legitimate fee in the course of those events."

Senator Kawasaki continued to speak against the measure as follows:

"Mr. President, I think what has to be realized here is that the cost, direct and indirect costs of the consumption of liquor is many, many times more than the total revenues brought in to the City and County of Honolulu by license fees. This is about a million and a half. The total cost, the social impact cost, the direct end result of liquor being consumed is many times more than the mere \$1.5 million that the liquor commission takes in.

"The fee, in my judgment, has been reasonable; there has been no raise in ten years. The price of a drink has gone up 25% in the last five years.

"One of the things I think we have also got to realize is that the organized criminal elements are making inroads into the industry involved in the sale of liquor, sale of drinks. They find it very attractive. And interesting enough, the sole introducer of the bill is the very gentleman who chairs the Judiciary Committee in the House who is opposed to the Senate position in giving the crime..."

Senator Anderson rose on a point of order as follows:

"Mr. President, I really think it's in bad taste to tie in a charge of that nature to a bill that's under discussion. I sympathize with what we are trying to achieve, but that is really unfair and a low blow. Mr. President, it should be ruled out of order."

The Chair replied: "Senator Anderson, I was going to caution Senator Kawasaki that the bill under discussion here is as a result of our committee action."

Senator Kawasaki rose to further remark as follows:

"Mr. President, I believe that there is some relevancy in the position taken by the Senate in the crime commission issue and there is a relevancy of how much the criminal elements are involved in the liquor business, and I think this should be pointed out to give us an idea of what kind of costs, what kind of end result comes about because of liquor consumption. I think this is very pertinent to the discussion on hand and the bill on hand."

Senator Hara then rose to request for a recess.

At 12:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m.

At this time, Senator Carpenter rose to speak against the bill as follows:

"Mr. President, I'm rising to speak against the bill. I think that this particular bill aims at telling the counties how to operate, in particular, in the area of liquor control.

"I believe the purview of the county should be recognized and that the changes that are contemplated in this bill should be advanced to the individual counties so that they can make their own recommendations and follow through on whatever programs they wish to and in the manner they wish to. I believe they have certain obligations equally as well as the state, and should be given the opportunity to carry them out in a manner they see fit."

Senator Ushijima then rose to state as follows:

"Mr. President, might I point out one thing, in closing. I think the basic question here is more a constitutional question. It's not a question of social justice or social costs or anything else. The power to tax is reserved with the state, and unless we give that power, I don't think the counties have the right to make this kind of assessment through fees and licenses. That's all, PERIOD."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 987-80 was adopted and H.B. No. 2589-80, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Abercrombie, Carpenter, Cayetano, Chong and Kawasaki). Excused, 2 (Campbell and Carroll).

House Bill No. 2629-80:

On motion by Senator Young, seconded by Senator Cayetano and carried, H.B. No. 2629-80, 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, none. Excused, 3 (Campbell, Anderson and Carroll).

House Bill No. 2472-80:

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, H.B. No. 2472-80, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Campbell, Anderson and Carroll).

Stand. Com. Rep. No. 1019-80 (H.B. No. 2181-80):

On motion by Senator Cayetano, seconded by Senator Kawasaki and carried, Stand. Com. Rep. No. 1019-80 was adopted and H.B. No. 2181-80, 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, none. Excused, 3 (Campbell, Anderson and Carroll).

House Bill No. 2066-80:

By unanimous consent, action on H.B. No. 2066-80, entitled: "A BILL FOR AN ACT RELATING TO THE WATER CARRIER LAW", was deferred until Tuesday, April 15, 1980.

House Bill No. 1964-80:

On motion by Senator Toyofuku, seconded by Senator Yamasaki and carried, H.B. No. 1964-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEE COMPENSATION LAW", having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Campbell, Anderson and Carroll).

At 12:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:57 o'clock p.m.

#### RE-REFERRAL OF A RESOLUTION

The President made the following re-referral of a resolution that was offered on Tuesday, April 8, 1980:

Senate Resolution	Referred to:
No. 269	Committee on Health

At this time, Senator Carpenter, Chairman

of the Health Committee, requested a waiver of the 48-hour notice of a Public Hearing on the following resolution:

S.R. No. 269, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT OF A HAWAII STATE VETERANS HOME",

and the President granted the waiver.

At 1:00 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Yee and carried, the Senate stood in recess until 4:00 o'clock p.m., this afternoon.

#### AFTERNOON SESSION

The Senate reconvened at 4:00 o'clock p.m., with all Senators present, with the exception of Senators Abercrombie, Campbell, Cayetano, Cobb, Kawasaki, O'Connor and Young who were excused.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 286 to 288) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 286), submitting for consideration and confirmation to the Stadium Authority, the nominations of Edwin K. Hayashi, Herman P. Clark and Edmund Toma, terms to expire December 31, 1983, was referred to the Committee on Ways and Means.

A message from the Governor (Gov. Msg. No. 287), submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nomination of William F. Mielcke, term to expire December 31, 1982, was referred to the Committee on Higher Education.

A message from the Governor (Gov. Msg. No. 288), submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nomination of Constance B. Smales, term to expire December 31, 1983, was referred to the Committee on Higher Education.

#### CONFERENCE COMMITTEE REPORTS

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. 159, H.D. 1, presented a report (Conf. Com. Rep. No. 5-80) recommending that H.B. No. 159, 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, the 48-hour notice was given on H.B. No. 159, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY."

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. 1986-80, presented a report (Conf. Com. Rep. No. 6-80) recommending that H.B. No. 1986-80, 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, the 48-hour notice was given on H.B. No. 1986-80, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT."

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. 2253-80, S.D. 1, presented a report (Conf. Com. Rep. No. 7-80) recommending that S.B. No. 2253-80, 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, the 48-hour notice was given on S.B. No. 2253-80, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE."

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. 1516, S.D. 1, presented a report (Conf. Com. Rep. No. 8-80) recommending that S.B. No. 1516, 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, the 48-hour notice was given on S.B. No. 1516, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING."

At this time, the Chair announced that there is a corrected page 4 to S.B. No. 1516, S.D. 1, H.D. 1, C.D. 1, on the desk of each member. The Chair indicated for the record the typographical error on line 17, page 4, the word "gross" is corrected to read "general."

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2869-80, S.D. 3, presented a report (Conf. Com. Rep. No. 9-80) recommending that S.B. No. 2869-80, S.D. 3, 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, the 48-hour notice was given on S.B. No. 2860-80, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT EXPENSES."

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1944-80, S.D. 1, presented a report (Conf. Com. Rep. No. 10-80) recommending that S.B. No. 1944-80, S.D. 1, H.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, the 48-hour notice was given on S.B. No. 1944-80, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2071-80, S.D. 2, presented a report (Conf. Com. Rep. No. 11-80) recommending that S.B. No. 2071-80, S.D. 2, 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, the 48-hour notice was given on S.B. No. 2071-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT."

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2120-80, presented a report (Conf. Com. Rep. No. 12-80) recommending that S.B. No. 2120-80, 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, the 48-hour notice was given on S.B. No. 2120-80, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS."

Senator O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2156-80, presented a report (Conf. Com. Rep. No. 13-80) recommending that S.B. No. 2156-80, 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, the 48-hour notice was given on S.B. No. 2156-80, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT."

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. 2202-80, S.D. 2, presented a report (Conf. Com. Rep. No. 14-80) recommending that S.B. No. 2202-80, S.D. 2, 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, the 48-hour notice was given on S.B. No. 2202-80, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF RADIATION THERAPY TECHNOLOGISTS."

#### REFERRAL OF A HOUSE BILL

The President made the following referral of a House Bill that was received on Thursday, March 13, 1980:

House Bill	Referred to:
No. 3006-80, H.D. 1	Committee on Human Resources

At 4:20 o'clock p.m., on motion by Senator Mizuguchi, seconded by Senator Anderson and carried, the Senate stood in recess for the purpose of receiving Conference Committee Reports on bills for Final Reading.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 15, 1980.